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THE STATE OF THE Church and Clergy OF ENGLAND,

IN THEIR

COUNCILS, SYNODS, CONVOCATIONS, CONVENTIONS,

AND OTHER

Publick Assemblies;

Historically Deduced

From the *Conversion* of the *SAXONS*,
To the PRESENT TIMES.

WITH

A Large *APPENDIX* of *Original Writs*, and Other *Instruments*.

By WILLIAM WAKE, D. D. Dean of *Exeter*, and Chaplain in Ordinary to Her MAJESTY.

Occasion'd by a BOOK, Intituled, *The Rights, Powers, and Privileges of an English Convocation*, &c.

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COUNCILS, & CONSTITUTIONS
OF THE
CHURCH and STATE
IN
ENGLAND
AND
IRELAND.

TO

The Moſt Reverend Fathers in GOD

The LORDS Archbiſhops:

TO

The Right Reverend

The Biſhops:

AND TO

The Reverend Clergy

Within their reſpective PROVINCES

OF

CANTERBURY and *YORK*;

The following STATE

Of the *Church* and *Clergy* Of *ENGLAND*,

In Vindication as well of

Their Eccleſiaſtical Rights and Liberties,

AS OF

The Royal Supremacy,

Is Humbly offer'd by

Their Dutiful Son,

And Faithful Brother,

William Wake.

TO

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And Faithful Debtor,

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CHAP. X.

The Other General Question, concerning the *Right* of the *Convocation* to *Treat* of *Canons* and *Constitutions* without the *Assent* or *License* of the *Prince*, Proposed, and Stated. My Opinion *Confirm'd:* Dr. *A's Exceptions* against it *Examined* and *Answered.*

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THE

THE PREFACE.

THERE is ſomething in the Nature of *Controverſial Writing* ſo Corruptive of Morality, ſo apt to deſtroy ſome of the Nobleſt Graces of a Chriſtian Life, that I look upon the Caſe to be much the ſame in That, as it is in Other Wars, and that nothing leſs than an abſolute Neceſſity ought to engage a Good Man in Either. What Temptations it miniſters to Pride and Paſſion; to Malice and Uncharitableneſs; to Falſeneſs and Inſincerity; and what Occaſions it too often affords to Thoſe who do not come with a large Portion of Calmneſs and Integrity to the Management of it, for the moſt indecent Miſcarriages, in Some, or All of theſe Particulars, I ſhall not need to ſay: I would to God our Own Times had not given us too many Inſtances of it; to the Scandal of our Religion, as well as to the juſt Cenſure of Thoſe who have allow'd themſelves ſuch Liberties as nothing can Excuſe; and 'tis to be hoped, when they ſhall ſeriouſly reflect upon what they have done, They will be Themſelves the moſt forward of any to Condemn.

But of all the kinds of Controverſies, as there are uſually none more unreaſonable, ſo neither are there any which a Man would leſs deſire to be engaged in, than thoſe which ariſe among ſuch as are Members of the ſame Church, as well as of the ſame Civil Society; and have thereby the ſtricteſt Obligations lying upon them to Love and Unity with One Another. In ſuch Diſputes as theſe, every good Man would deſire the Office of a Peace-maker, rather than of a Litigant: And account it a greater Honour, as well as Happineſs, upon any Reaſonable Terms, to put an End to a Debate, than to obtain a Victory, which, whatever other Circumſtances it might have to recommend it, would ſtill want This, (without which all the reſt would be of little Value) that the Breach continues; the Brother is not gain'd; and ſo Religion ſuffers, tho' the Particular Matter in Diſpute ſhould be never ſo clearly or ſolidly proved and determined.

What Melancholy Thoughts theſe Reflections have ſometimes occaſioned to my ſelf, in the Proſecution of the following Work; what Reſtraints they have kept me under, thoſe who are truly Charitable and Unprejudiced, and who alone are proper Judges in ſuch a Caſe, will eaſily apprehend; and I hope the following Treatiſe its ſelf will ſhew. Often have I been tempted with St. *Clement* to cry out, Εἰ δι' ἐμὲ στάσις, ἢ ἔρις, ἢ σχίσματα, ἐκχωρῶ ἄπειμι: If the Contention be upon my Account; If by throwing me into the Sea, the Storms which have been ſo unhappily raiſed among us may be appeaſed, let me be given up; (a) μόνον τὸ ποίμνιον τῦ χριστῦ εἰρηνευέτω, μετὰ τῶν καθεσταμένων πρεσβυτέρων; Only let the Flock of Chriſt be in Peace, with the El-

(a) Clem. Epiſt. ad Cor.

ders who are ſet over it. And now that I am come to the End of my Laborious Undertaking, and do flatter my ſelf that I have produced ſome Things upon this Occaſion, which were not ſo well known, at leaſt not ſufficiently attended to before; yet ten thouſand times rather would I not only ſuppreſs, but deſtroy All that I have done, than ſend it abroad into the World, could I but thereby procure the Peace of the Church, tho' with ſome Prejudice to the Truth, and with much more Detriment to my own Private Intereſt or Reputation. But as this is a Happineſs not to be expected; ſo neither without an apparent Injury to the Cauſe which I have undertaken, as well as to my own Innocence in the Defence of it, can I any longer forbear the Publication of what I have again written for the Support of Both. Hitherto the neceſſary Enquiries which were to be made, the Extent of my Subject, and the Importunity of my other Affairs, (which I could neither without giving up a great part of my Time to them diſcharge, nor yet with a good Conſcience neglect) have kept me from appearing in my own juſt Vindication. And this Advantage I may hope to have gotten by it, that many may perhaps be diſpoſed more impartially to read and conſider what is preſented to them now, than they would have been, had it come much ſooner into their Hands. But to delay it any longer, would be to ſeem to deſert a Good Cauſe; at leaſt to put off the Defence of it ſo long, as to prompt ſome to believe it could not be maintain'd; and even the moſt favourable to think, that either it ſhould have been ſooner aſſerted, or not have been at all revived.

To prevent any ſuch Surmiſes on the one hand, ſuch Complaints on the other, I now freely publiſh what I have farther to offer, with relation to the preſent Controverſie: And may God ſo give his Bleſſing to it, as he knows me to have proceeded not only with a ſtrict Integrity, but with all due Regard to the Honour and Intereſt of the Church of *England*; and particularly of our Biſhops and Clergy in it: Whoſe *Rights*, *Powers*, and *Privileges*, as I am ſure no one can have a more zealous Concern for than my ſelf; ſo I am verily perſwaded (and I think I am not deceived) I have here done more to aſſert and ſecure them, than Dr. *A.* after all his loud Pretences, has endeavoured; or, without forſaking the Principles which he has laid down, I dare boldly ſay, will ever be Able to Do.

When the *Letter to a Convocation-Man*, the Piece which began this unhappy Controverſie, firſt came Abroad, the Notions of it appear'd to me ſo very ſingular, ſo different from what I had been accuſtomed to, that I could not but think it a pardonable Curioſity to enquire into the Truth and Reaſonableneſs of Them. What I thus began for my own private Satisfaction, I was ſoon determined to purſue by ſome, whom my own Inclinations diſpoſed, as well as my Duty obliged me, to Obey. The Subject was not only Difficult, but New: My Time was very ſhort; my Buſineſs ſufficient for my whole Strength; and in the midſt of my Work, a ſevere Diſtemper fell upon me, and for ſeveral Days took me off intirely from all the Thoughts of it. Under theſe Diſadvantages I publiſh'd my firſt Book in *Anſwer* to that *Letter*: A Treatiſe, of which, if I may be permitted to ſpeak my own Thoughts, the worſt that can juſtly be ſaid, is this; That its *Principles* were generally true, and agreeable

to

to the conſtant Senſe and Doctrine of the Church of *England*, tho' its Matter was but Common, and its Hiſtorical Facts not always Exact. And yet, as to the laſt of theſe, the Miſtakes were neither very many, nor very great; and in the moſt of them I was miſled by ſome of our Beſt Hiſtorians; Whoſe Guidance I ſuppoſed I might ſecurely have follow'd, and from whoſe Authority I hoped I ſhould if not always have reported things aright, yet always have found a ſufficient Apology for my involuntary Errors.

To this Book, begun and finiſhed in about Three Months time, after Three Years Labour and Examination, an Anſwer came out under the ſpecious Title of *The Rights, Powers, and Privileges of an Engliſh Convocation Stated and Vindicated, &c.* The Diſtance of Time; the Bulk of the Book its ſelf; and the Number of its Quotations; the familiar References which it every where made to our Manuſcript Records, as well as to our Printed Hiſtorians; raiſed in me, at the firſt View, a more than ordinary Expectation from it: And prompted me to conclude, that in it I ſhould certainly meet with ſomewhat to inſtruct, as well as much to correct me; and have my own Wiſh thus far accompliſh'd, as to ſee this Subject fully Exhauſted by Another hand, which I had freely acknowledged, as I had good Reaſon to do, I wanted both Leiſure and Materials to finiſh.

In this Opinion I was the more confirm'd, upon my firſt Peruſal of the Preface to it. I ſaw a Spirit of Wrath and Uncharitableneſs, accompanied with ſuch an Aſſurance of the then unknown Author's Abilities for ſuch an Undertaking, as I had hardly ever met with in the like degree before. I perceived that he deſired, in the direct Reverſe of what I had profeſs'd, to be look'd upon to have written with Care and Deliberation; to have fully ſearch'd into his Subject, and to have been no leſs plentifully ſtored with Materials of all kinds for the perfect Clearing of it. And tho' I do not think a Man of Pride and Arrogance, Full of Himſelf, and a Deſpiſer of all Others, to be generally the beſt qualified to know either *Himſelf*, or the *Truth*; yet I hoped I ſhould here find ſomewhat to Clear the One, and thereby to Attone for, if not to Juſtifie, the Other.

With this Expectation I came to the Reading of this *Book*; let me add, and with a full Reſolution too, howſoever I ſhould be treated, to judge with all the Indifference I could of the Performance; and either freely to acknowledge the Truth, if I ſhould be convinced that I had been miſtaken; or elſe as freely to vindicate both my Self and It, if it ſhould appear, that after all I was in the Right. *(a)* For as I account an Obſtinacy in Error, be the Subject what it will, to be little leſs than Heretical, I am ſure to be very Criminal, on the One hand; ſo do I eſteem it to be no leſs a Meanneſs of Spirit on the Other, to deſert the Truth, or to be afraid to own it; tho' never ſo much clamour'd againſt by Ignorant, or Deſigning Perſons; for the ſake of which Eaſe, Intereſt, Reputation, Friends, and even Life its ſelf, in many Caſes, ought to be deſpiſed.

(a) Ὃ γὰρ μόνον μὴ ἑπεσθαι τοῖς ἀδίκως τὶ πράξασιν, ἢ δογματίσασιν ὀρθῶς λόγῳ ὑπαγορεύειν, ἀλλ' ἐν παντὶ τρόπῳ, καὶ περὶ τῆς ἰδιωτικῆς ψυχῆς τὸν φιλαλήθη, καὶ θανάτου ἀπειλῆται, τὰ δίκαια λέγειν τε καὶ πράττειν αἱρεῖσθαι δεῖ. Just. Mart. Apolog I.

What the Reſult of my Examination of this Book was, the following Treatiſe will abundantly ſhew. I found in it enough to com-

mend the Wit, tho' not the Spirit, of Him who wrote it. Life and Vigour, Quick Thoughts, expreſſed in a brisk turn of Words, run through the moſt part of it. One thing indeed I deſired, (and even that too, for ought I know, was not the leaſt Evidence of the Artifice of its Author) that a General Darkneſs and Obſcurity was ſpread over the whole Performance; ſo that it was not eaſie, even upon a careful Reading, to determine either what his Principles were, or by what Arguments or Authorities he ſupported thoſe Principles.

To ſettle the Former of theſe, his *Principles*, I more than once went through the whole Book, and reduced every part of it to the beſt Order and Method that I could: And by comparing the ſame things, treated of (as they commonly are) again and again in the ſeveral parts of it; and that, for the moſt part, with the very ſame Proofs and Authorities; I endeavour'd, with all poſſible Care, to diſcover what they were, and to bring them to the beſt State that I was able. If in this I have ſometimes been miſtaken, I ought the leſs to be blamed, not only upon the account of the Difficulty of the Task, but becauſe, to ſay the Truth, I believe that ſometimes the Author himſelf did not well know his own Meaning; I am ſure, did not deſign that any body elſe ſhould know it. And for the Latter, I ſet my ſelf to enquire with all Diligence, from our Regiſters and Records, how the *Matters of Fact* had ſtood, that ſo I might be enabled with the greater Certainty to judge of that part of his Work alſo.

In this troubleſome Employ, ſeveral Months paſs'd before I could reſolve what I had to do: Whether, upon the whole, I was to own my Miſtakes, and yield to the Truth of what this Writer had advanced; Or whether I ſhould proceed to Juſtifie my Principles, and to anſwer what he had offer'd in Contradiction to them. The Latter of Theſe was what I finally reſolved upon; and I reſolved upon it with this Perſwaſion, which neither Prejudice, nor Indignation at the Rudeneſs or Confidence of my Adverſary, but the meer Juſtice I owe to Truth, obliges me to declare; that in all my Life I never met with ſo many or ſuch groſs Miſtakes, (for I am unwilling to call them by any harder Name) of Matters of Fact, as well as Errors in all kind of Principles, as I found in this *Book*; ſcarce a Leaf of which will bear a Rigorous Scrutiny, and but few that will ſtand the moſt Favourable Examination. But ſo it muſt needs be, *where an* Author *writes in the dark out of Other Mens Collections*; and appeals to *Regiſters* and *Records*, not only without ever ſeeing of them, but from ſuch ſhort Hints, which tho' the firſt Tranſcriber may poſſibly have underſtood, yet a raw Compiler, who knows nothing at all of the Matter, can hardly be ſuppoſed capable of making any wiſe or pertinent Uſe of them. This is an Excuſe which Dr. *A.* I confeſs has no Right to, becauſe he pretends to have been himſelf the Gatherer, as well as Digeſter, of the Materials of his Book: But I am well aſſured that this was truly the Caſe; and 'tis the moſt favourable Apology I know how to make for a great many of his Errors.

Having thus determined to proceed in my Own juſt Defence, the next thing was to reſolve after what Manner I ſhould proceed in it. And here I needed not any long Deliberation: The Controverſial

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way was not only the leaſt Inſtructive, but of all others the leaſt Agreeable to my own Nature and Diſpoſition. I determined therefore to purſue my Subject in an Hiſtorical manner; and to meddle no farther with my angry Adverſary, than as he ſhould neceſſarily fall in my way; and for the Remainder of his Book, to leave it to the World to judge as they pleaſed of it.

Accordingly having in my *firſt Chapter* ſhewn what the ſeveral *Kinds* of *Publick Aſſemblies* of the *Clergy* heretofore were, and in part ſtill are; and in the *Second* offer'd a large Variety of Arguments to prove the *real difference* both in *Law*, and *Fact*, between the *Provincial Convocations*, and the *Parliamentary Convention* of the Clergy; (a Point of ſuch Moment in this Controverſie, that Dr. *A.* himſelf confeſſes the whole Diſpute in a manner to turn upon it; and the want of diſtinguiſhing whereof as a very learned Perſon truly obſerved, has been the Occaſion of moſt of thoſe Difficulties and Prejudices which many good Men have labour'd under with relation to this Matter) and by both theſe clearly ſettled the *Subject* of the *Queſtions* under debate: I proceed, in the *Third Chapter*, to *ſtate my own Opinion in the former* of *Them*, concerning the *Right* of the *Convocation* to *Meet*, *Sit*, and *Act*, ALWAYS and ONLY in *Time* of *Parliament*; the ſum of which is briefly this, That our *Biſhops* and *Clergy* have a *Right* to be *Aſſembled*, in *Convocation*, at *Any*, and *All Times*, whenever the *Affairs* of the *Church* require their *Conſultation*, or any *Benefit* may be likely to accrue to *Religion* thereby; but have no *Obligation* to *Attend* at all upon the *Parliament*, much leſs to be forced to continue their *Attendance* during every *Seſſion*, at the *Pleaſure* of that *Great Council*, when there is either Nothing for them at all to Do; or nothing to Countervail the Trouble and Charge of ſuch an *Attendance*.

Biſhop *Stillingfleet*, Duties and Rights of Paroch. Clergy, *p.* 254, 255.

In oppoſition to this *Opinion*, which I ſtill conceive to be for the Honour and Liberty of the *Church* and its *Aſſemblies*; Dr. *A.* has advanced another, and I think a very dangerous Hypotheſis; (*a*) That the *Biſhops* and *Clergy* may *not be Aſſembled* in *Convocation*, but only at ſuch times as the *Parliament* is *Sitting*; and that then it is their duty, not only to be formally *Called*, but to *Meet* and *Sit* too: In his own Words, They are obliged to *Attend* the *Parliament*; and the *Parliament* has a *Right* to be *Attended* by Them. So that, in ſhort then; whether there be any thing for them to Do or No, yet during the *Seſſion* of every Parliament they muſt *Meet*, and *Attend*; but at any other *Seaſon* they may not be ſo much as Aſſembled, tho' there ſhould be never ſo *Great*, or ſo *Preſſing* an *Occaſion* for their coming together.

(*a*) Rights, &c. p. 49, 67, 68, 75, 216, 355, &c.

The Arguments which he brings in proof of this Aſſertion are, in general, Three: The *firſt* taken from a pretended *Right* of the *Convocation*, as a proper *Provincial Council*, to Meet once every year, by vertue of the antient Canons; and particularly of that of the Fourth *Latern* Council, which he chiefly founds his Claim upon. To this I have given a ſhort, but ſufficient Reply, in my IV*th Chapter*; and indeed, I cannot but think it a little ſtrange, that a Divine of our Reformed Church ſhould, in aſſerting the *Rights* and *Liberties* of an *Engliſh Convocation*, build upon the Authority of ſo late, and ſo exploded an Aſſembly as that. A Council of which our *Popiſh Hiſtorians* ſpeak with very little reſpect; Whoſe Canons are ſtill diſputed, and deny'd by the beſt Writers on all hands to be of any Authority;

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to be ſure were never received in our Church, and therefore ſhould not have been alledged as of any moment in the preſent Caſe.

With what Deſign, or for what End, this Writer where he treats of this matter, forſaking his preſent ſubject, diverts to ſhew, that *Preſbyters* had from the beginning an equal *Right* of *Place*, and *Authority* of *Voice*, in the *Councils* of the *Church*, with their *Biſhops*; confounding thereby both the Power and Dignity of the *Epiſcopate* and *Prieſthood*, I cannot tell. (a) This was not wont to be accounted the *Church of England Doctrine*, nor can it tend to any thing leſs than to ſhake the very Foundation of our Conſtitution, and to furniſh the *Presbyterian* with a new Argument againſt it. But be the Deſign what it will; having this part of my Book in hand, it was a Service I thought due both to our *Church*, and her *Biſhops*, to ſhew the Falſeneſs of ſuch a Principle; and to anſwer, as I have done, what had been offer'd in Proof of it.

(a) *Omnia per ſingulas Ætates communia Eccleſiæ Negotia per* Solos Epiſcopos *&* nonnullos *ſubinde* Presbyteros, Epiſcoporum ſuorum loca tenentes, *in Conciliis congregatos tranſacta ſunt.* Dr. *Beverege* Codex. Can. Vind. Proœm. num. iv.

His next, and chiefeſt Argument, to prove the neceſſary *Meeting* of our *Convocations* ONLY and ALWAYS in *time* of *Parliament*, is taken from the *Nature*, and *Form* of our *Conſtitution*; by vertue whereof Dr. *A.* pretends that theſe *Church Aſſemblies* always have been, and ought to be, *Attendants* upon that *Great Council*: That thus they were wont, from the very times of the *Saxons*, to meet with it; and thus have continued to Aſſemble together to this laſt Age.

In anſwer to this Aſſertion, which chiefly depends upon *Matter* of *Fact*, I have diligently traced the *Hiſtory* of theſe *Aſſemblies*, in their ſeveral Periods, from the time of the *Saxons* to our own days. I have ſhewn that neither in the 400 years next before the *Conqueſt*, nor the 250 years after it, to the 23*d* of K. *Edward* the I*ſt*, were the *Lower Clergy* wont, either in *Convocation*, or otherwiſe, to be Convened, as any *proper*, or *neceſſary Members* of the *Great Councils* of the *Realm*: That only the *Biſhops* and *Prelates* firſt; afterwards ſuch of the Clergy as either held ſome *Lands* of the Crown, or as the *Prince* thought fit by his ſpecial Summons to call to it, came to *Parliament*: But none elſe, Such only excepted, whoſe *Places* or *Employs* required their preſence there.

When King *Edward* the I*ſt* ſettled our *Parliament* upon that form which has continued ever ſince, the *Lower Clergy* were ſummon'd to it by the ſame Writs with their *Biſhops*, and from thenceforth became a part of the *Eſtate* of the *Clergy* there. But neither in that, nor in any of the following Reigns, to the time of King *Henry* the viii*th*, did the two *Convocations Attend* upon the *Parliament*, nor was it accounted their *Duty*, or as Dr. *A.* (I know not why) calls it, their *Right* and *Privilege*, ſo to Do. This I have particularly ſhewn in my V*th*, VI*th*, VII*th*, and VIII*th Chapters*; and have thereby effectually proved, in contradiction to his *Second Argument*, that neither have the *Convocations* an *Obligation*, by vertue of our *Conſtitution*, to *Attend* upon the *Parliament*, nor the *Parliament* any *Right* to be *Attended* by *Them*.

Having thus fully examined this Pretence, (the faireſt and moſt plauſible that could have been urged in favour of ſuch an Hypotheſis) there remain'd but one Argument more to be conſider'd for the finiſhing of this firſt Point, that of Custom. An Argument of great

great weight in Matters of this Nature, and which therefore deſerved a particular Conſideration. Accordingly I have in my IX*th* Chapter fully diſcuſs'd this Point. I have enquired, firſt; whether, ſuppoſing it to have been the *Cuſtom* for our *Convocations* to *Meet*, *Sit*, and *Act*, with *every Parliament*, ſince the time of King *Henry* the viii*th*, (for in the foregoing Reigns there is no room for any ſuch ſuppoſition) that *Cuſtom* ſhall be ſufficient to *limit* both the *King's Prerogative*, and the *Metropolitan's Power*; and to deſtroy the Liberties of the Clergy themſelves too; ſo as to make it both *Neceſſary* for them, at ſuch Times, to *Meet*, *Sit*, and *Act*; and to render it *Unlawful* for them either to *Aſſemble*, or *Do any thing*, at any Other Times: And having, I think, pretty plainly proved that *Cuſtom*, had there been any ſuch, would not have had any *Legal Force* in this Caſe; I have, ſecondly, enquired how this matter has ſtood in Fact; Whether the *Convocations*, for a hundred and ſeventy years paſt, have conſtantly *Met*, *Sate*, and *Acted*, with every *Parliament*, as Dr. *A.* affirms, without ever preſuming to *Meet*, or *Do* any *Buſineſs*, but only in *Time* of *Parliament*.

In this Method have I purſued the firſt, and main point, in debate: As for the *Other*, which concerns the *Power* of the *Biſhops* and *Clergy*, when met in *Convocation*, to *Make Canons* or *Conſtitutions Provincial* or *Synodal* without any *Licenſe* from the *Prince* ſo to do, it depends upon the Interpretation of the *Act* of the 25 *H.* 8. *c.* 19. which was made in Reſtraint of their Power in that particular; and the *Practice* of our *Convocations* ſince the paſſing of that *Statute*. This therefore I have diſcuſs'd with relation both to *Law* and *Fact*. I have ſhewn what I take the plain Meaning of the One to be; and how, as far as I can judge, the Other has ſtood. I have impartially weigh'd what Dr. *A.* has urged, in both Reſpects; and as well anſwered his Arguments, as offer'd ſuch Reaſons as I conceive to be deciſive in favour of what I had formerly Aſſerted. This is the Subject of my X*th* and Laſt *Chapter*, and Concludes the whole Book.

To pay what is due even to an Adverſary; It muſt be allow'd that Dr. *A.* has done all that a Man of forward Parts, and a hearty Zeal could do, to defend the Cauſe which he had Eſpouſed. He has choſen the moſt plauſible Topics of Argumentation; and he has given Them all the Advantage that either a ſpritely Wit, or a good Aſſurance could afford them. But he wanted one thing, He had not *Truth* on his ſide: And *Error* tho' it may be palliated, and by an Artificial Menager, ſuch as Dr. *A.* without Controverſy is, be diſguiſed ſo as to deceive ſometimes even a wary Reader, yet it will not bear a ſtrict Examination. And accordingly I have here ſhewn him, notwithſtanding all his other Endowments, (in which, if he pleaſes, he ſhall have my free Conſent to ſtand above Me) to have deluded the World with a meer Romance; and from the One End of his Diſcourſe to the Other to have deliver'd a Hiſtory, not of what was really Done, but of what it was his Intereſt to make it believe had been done.

But beſides theſe two Great *Points* upon which our Controverſy began, Dr. *A.* has thought fit to touch upon ſome Others of a leſſer moment; in the moſt of which I have no leſs diſſented from him than in the principal matters in debate; nor, I ſuppoſe, any leſs ſhewn him to have been miſtaken in the One, than in the Other.

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1. The *Places* in which the *Parliamentary Clergy*, and the *Houſe* of *Commons*, were antiently wont to *Sit*, was a piece of Curioſity which He thought fit to oblige his *Reader* withal. He has delivered his Opinion freely in Both, and is very ſevere upon me for having honeſtly own'd my Ignorance in this particular. Yet, after all, it is certain that He is utterly miſtaken in the latter of theſe; and I believe no leſs in the wrong for condemning my Conjecture (it was all I pretended to) as to the former.

2. The Hiſtory of the *Præmunientes*, its Riſe, Efficacy, Execution, and Continuance, is another point of a more than ordinary moment in ſuch a Diſpute as this, and has been no leſs triumphantly menaged by Him. My Ignorance is here again made the Subject of his ſcorn and contempt. Yet in the whole account which he has given of it, he has ſhewn himſelf to have been utterly in the dark; and in one main Circumſtance, that which concerns the *Continuance* of its *Execution*, has own'd his Error, which otherwiſe I ſhould have more fully confuted.

3. The *Parliamentary Privileges* of the Clergy which once they enjoy'd, but which he thinks they at preſent have *no right to*; *nor, to ſay the Truth, ought to have any*, was another *Bye-Point* of no ſmall importance in a Book written expreſly in defence of the *Parliamentary Rights* and *Liberties* of the Clergy. But in theſe alſo, as I conceive, he has not only been miſtaken in his Opinions, but Unkind in his Conceſſions; and too eaſily given up ſome *Privileges*, which we may ſtill at leaſt keep on foot a Claim to.

4. I have already taken notice of another of Dr. *A*'s Poſitions, concerning the Ancient *Authoritative Members* of *Provincial*, and indeed of all other *Church Councils*; That meer *Presbyters* had, by virtue of their Character, an Equal Right of Voice and Place with their Biſhops in Them. This he earneſtly contends for; aſſerts it poſitively, and purſues it heartily. He quarrels with one of our moſt Eminent Canoniſts, for being of another Opinion: And yet, after all, is here again no leſs Erroneous in his Aſſertion, than Injurious to our Conſtitution; and has not ſo much as the Colour of any Argument that will bear an Examination, to ſupport his Pretence.

5. The *Form* of our *Great Councils* in the *Saxon* Times, and of the *German Colloquia* upon which he ſuppoſes Them to have been framed; and what Intereſt the *Lower Clergy* had in Both; was a Point of the utmoſt Concernment to have been truly ſtated, in order to a right underſtanding of the Polity of thoſe Ages both in Church and State. Accordingly he inſiſts with all ſeeming Exactneſs upon it; and Dr. *W.* is again arraign'd, according to Cuſtom, for his Ignorance of theſe Matters. Yet in his whole Account of Both theſe he is ſo wretchedly deceived, that one would wonder how he could poſſibly fall into ſuch Errors himſelf; or hope to perſwade any one, who underſtood the Hiſtory of thoſe Times, to give any Credit to his Inventions.

6. The Notion of *mix'd Councils*, of *Clergy* and *Laity*, in which the chiefeſt Affairs of the Church were tranſacted during the *Saxon* Times, if not for ſome *Reigns* after the *Conqueſt*, is another of his New and Unaccountable Pretences. How little ſuch an Aſſertion is either for the Honout, or Intereſt of the Church, I ſhall leave it

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to any true Friend of the Eccleſiaſtical Authority to judge. It is enough that I have ſhewn that in this too He is utterly miſtaken; and that in thoſe Times, the proper *Conciliary Affairs* of the *Church* were tranſacted in proper *Church Synods*, not in *mix'd Councils*; by the *Biſhops* and *Prelates* alone, not by a Conjunction of the *Laity* with Them.

7. About what time the *Lower Clergy* began to be *ſummon'd* to *Parliament*, is another Point in which Dr. *A.* thought fit to be at ſome Pains to inform us. How much of his Book is ſpent upon this One Subject; with what Rudeneſs and Scorn he has treated one Learned Writer, now a Reverend Biſhop of our Church, (but whether *written out of Reputation into Preferment*, I ſhall leave it to him to determine) and how freely he has upon this Occaſion, tho' not preciſely as to this Particular, pronounced againſt another eminent Defender of our *Engliſh* Monarchy, the Induſtrious Dr. *Brady*, I ſhall not need to ſay. Yet at laſt he is here too in the ſame Condition that the (*a*) *Strikers* out of *new Paths* commonly are, all over Miſtake; and the Old Opinion before eſtabliſh'd, when All is ſaid againſt it that can be, will ſtill appear to be the Truth.

(*a*) Rights, &c. Pref. p. xxvi.

8. How the Method which from thenceforth obtain'd of Summoning the *Deans* and *Archdeacons* in *Perſon*, the *Chapters* by *One*, and the *Dioceſan Clergy* by *two Proctors*, both to *Parliament* and *Convocation*, was firſt ſetled, and in which of the two it was firſt practiſed, was a Nicety in which, when I before wrote, I durſt not adventure to determine any thing. For this, Dr. *A.* ſeverely corrects me: He inſults over my Ingenuity; and then pronounces as poſitively in the Caſe, as if he had been of Council to King *Edward* the Firſt in framing the *Præmunientes Clauſe*, and dictating a Form for all ſucceeding Ages to follow. But I have now ſhewn, that tho' he had his Choice to take which ſide he would, and Time ſufficient to examine into ſuch a Matter, yet his wonted Fate over-ruled him; He determined wrong, and only ſhew'd his own Ignorance, by his eager Zeal to expoſe mine.

9. The *End* for which our *Provincial Convocations* were *firſt introduc'd*, and *Generally Summon'd*, I had truly affirm'd to be for the *Supply* of the *Prince's Needs:* That they might therein obtain the like *Aids* of their *Clergy*, which they received from the *Laity* in *Parliament*. It is hardly to be expreſs'd with what an impetuous Fury this Author falls upon me for this Aſſertion: With what a blind Rage he lays about him; as if I had ſubverted the *Foundation* of *Chriſtianity*, and deſerved my ſelf that *Fire* which he ſo often calls for; and, I believe, hoped he had effectually kindled for my *Book*. Yet after all, what I affirm'd is moſt demonſtratively true, and I have now proved it ſo to be; I boldly affirm it, I have proved it beyond the Power of all his Sophiſtry (in which I nevertheleſs freely own him to be a Maſter) evermore to diſguiſe it.

10. The Hiſtory of the Parliament, 25*th Edward* the Firſt, in which the great Diſputes aroſe between the King and the Clergy, with the other Circumſtances which depend upon it, is another Point particularly laboured by Dr. *A.* and for Miſrepreſenting of which, I am call'd to a more ſevere account than ordinary by him. But his Fortune is ſtill the ſame: He is miſtaken himſelf in almoſt every

Particular for which he has thought fit to Cenſure me; and I have now by Contemporary Writers (ſuch as he appeal'd to, but thought they could not have been had) proved him ſo to be.

11. The *Provincial Summons* of the *Clergy* to *Parliament*, begun by King *Edward* the Second, and continued for ſome time by his Son King *Edward* the Third, and then entirely laid aſide by him, and never reſumed by any of his Succeſſors, was another part of our Hiſtory, which ought in ſuch a Diſcourſe as this to have been fully and clearly delivered. I would willingly ſuppoſe that Dr. *A.* underſtood not either what the *Nature* of this *Summons* was; for what *End* it was *Uſed*; or *how long* it *Continued*. This I am ſure, that he has given a very wrong Account of it; tho' ſuch a one as muſt be confeſs'd to anſwer his Purpoſe a great deal better than the True one would have done.

12. The Dependance of the *Province* of *York* upon this of *Canterbury*; and that not only in Spiritual, but Secular, Affairs; is a Matter of ſuch great Moment, that One would have thought a Man ſhould have taken Care to be very well aſſured of it, before he had adventured with too much Confidence to Aſſert it. How far Dr. *A.* has carried this Subjection, I have had frequent Occaſion, in the Courſe of my following Hiſtory, to obſerve. But on what weak, what miſtaken Grounds, he has built, in this, as well as in too many other of his Notions, I have, in Juſtice to the Rights of that injured *Province*, as well as in Acknowledgment of the Generous Aſſiſtance I have received from thence in the Proſecution of my preſent Work, ſufficiently ſhewn.

13. In what Capacity our *Provincial Convocations* were Obliged by our *Conſtitution* to *Attend* upon the *Parliament of England*, Dr. *A.* found it neceſſary to acquaint us. But how to expreſs himſelf, or what Account to give of it, he could not tell. Sometimes he was willing to have it thought, that the *Clergy* in *Convocation* were *One* of the *Three Eſtates* of the *Parliament*. But becauſe that looked too big, and might have been liable to the Exception of Some to whom he particularly deſigned to recommend both Himſelf, and his Performance, he rather choſe to moderate the Boldneſs of his Aſſertion; (tho' by ſo doing, he made nothing but *Jargon* and Confuſion of his Point) and then they were not an *Eſtate of Parliament*, but an *Eſtate of the Realm Aſſembling jointly with the Parliament*. It is after the ſame odd manner that he plays with another Phraſe, and tells us in what Senſe the *Two Convocations* are a *Member* of the *Parliament*. But in all this, his Principles are as Erroneous as his Proofs have been defective: And how little there is in Them to Warrant any of theſe dangerous Aſſertions, I have in the following Diſcourſe abundantly ſhewn.

14. *Ingratitude* towards Cardinal *Woolſey*, to *whoſe Munificence*, he tells the World, *I owe my Comfortable Summer Retirement*, was another Charge very proper for an Angry Writer to load an Innocent Adverſary withal. But in the whole Management of this Calumny he has not only proceeded without any thing to ſupport his Allegation, but ſhewn himſelf ſo ſtrangely Ignorant of the Hiſtory of a Society of which he was for many Years a Member, that were I a great deal more his Enemy, than really I am, I could not have wiſh'd him to have done any thing more effectually to ſhame himſelf,

himſelf, than what he has written upon this Occaſion to Defame me.

15. And now I have mention'd that great *Cardinal*, I muſt not forget another Charge, in which Dr. *A.* has been pleaſed to fall with his accuſtomed Scorn and Severity upon me. The Queſtion is concerning the *Ground* of the *Clergies Præmunire*, 22 *Henr.* viii. One great Cauſe of which, I agree with him, was for complying ſo far as they did with the *Cardinal* in the Exerciſe of his *Legantine Authority*. But when he reſtrains it to *that* alone, he as groſly miſtakes himſelf, as he pretends me to have done: And I ſhall leave it to any Impartial Perſon, when he conſiders the Evidences I have produced for my Aſſertion, to judge between us, which of us gave the trueſt Account of that Tranſaction.

Theſe are ſome of thoſe *Bye-Points* which ſeemed neceſſary to be Clear'd by me in the Proſecution of the following Hiſtory. Many of them are of the utmoſt Conſequence to be well underſtood; and None of them were ſo difficult to be examined, but that by a reaſonable Diligence it might have been diſcover'd on which ſide the Truth lay. Yet in all theſe (not to ſay any thing of many more which will occur of the like kind) Dr. *A.* has not only adventured poſitively to determine, and always on the wrong ſide; but in the moſt of them has inſulted over my Ignorance, tho' all the while it appears in the end, that it was for his Own Miſtakes.

When I firſt reſolved upon this New Undertaking, I deſigned to have added ſome other *Chapters* to it, and in Them to have Examined all the Exceptions of any Moment, which Dr. *A.* had any where advanced againſt me. But as what remains may well enough be omitted, without the leaſt Prejudice to the *Points* under Debate, ſo I doubt not but the Reader will eaſily excuſe my Omiſſion of them; and I hope Dr. *A.* himſelf will have no Cauſe to Complain of it. That which is the moſt conſiderable, may, I ſuppoſe, be reduced to theſe two Charges; the One with relation to my Self, the Other to my Book; * That *I wrote againſt my Conſcience*; * And that, to Set up an *Unreaſonable Authority* in the *Prince*, I have gone upon ſuch *Notions* as naturally tend to the *Overthrow* of our *Conſtitution* both in *Church* and *State*.

As to the former of theſe; That *I wrote againſt my Conſcience*; That *as little as I knew of theſe Matters, yet I knew enough to have kept me from engaging on that ſide of the Queſtion I did, had not ſome very powerful Motive come in to determine me*, with a great deal more to the ſame purpoſe; I ſhall content my ſelf to ſay thus much, That this was more than he could poſſibly know to be *True*, and *Chriſtian Charity* ſhould have prompted him to hope it was (as indeed it was) utterly *Falſe*. To God; to my Superiors, from whom this *Powerful Motive*, had there been any ſuch, muſt have proceeded; and who are therefore but little leſs concern'd than my ſelf in the Scandal of this Imputation; To my Manner of Life; And (I ſpeak as a Fool, but this Author has compell'd me) to my particular Conduct, with relation to thoſe *Powerful Motives* of which he ſo feelingly writes, I Appeal for my Juſtification in this Particular: That I enter'd upon this Debate, not only with a *full Conviction* of the *Truth* of what I wrote for, but with a *firm Perſwaſion* of the *Seaſonableneſs* of my *Aſſerting of it*. Other Infirmities enough there were, which Dr. *A.* might

Rights, &c. Pref. p. xi, xii. *Ibid.* Book, p. 170, &c. Addit. Pref. p. xiv, &c.

might have charged me withal; which I neither could have juſtly diſown'd, nor would I have deny'd. But for the Villany of *Writing againſt my Conſcience*; and which is yet a higher Aggravation of it, of *Sacrificing the Rights and Liberties of the Church*; my own *Reaſon*; and even my *Salvation* its ſelf, to the little *Profits*, or *Honours*, of the *Preſent Seaſon*; 'tis ſo *uncharitable*, as well as *falſe* and *groundleſs* a *Slander*, as ought not to have found an Entertainment in the Heart of a Good Man, much leſs to have been ſo often, and confidently, Alledged by a *Miniſter of Chriſt*: And would almoſt prompt one to fear, what yet I hardly dare mention, and do hope I ſhould be miſtaken in; That *it could not have been ſo readily Imputed by Any One to Another, who was not capable of being Guilty of it Himſelf.*

(a) Rights, &c. Pref. p. iv, vii, viii. Book *ib.* p. 148, 150, 152, 153, 202, 203, &c.

To his Other Objection, (a) That I have *ſet up* an *Unwarrantable Power* in the *Chriſtian Prince*; and particularly have given ſuch a *Sovereign Authority* to *Our Own*, as naturally tends to *Overthrow* our *Conſtitution* both in *Church* and *State*; it will be time enough for me to return a more particular Anſwer, when he ſhall pleaſe to ſhew that I have indeed advanced any other Notions than what (b) I have proved, and am ready, if need be, more fully to prove, our *Church of England Divines*, ever ſince the *Reformation*, to have conſtantly maintain'd before me. Let him look into the Writings of our Reverend Biſhops, *Jewell*, *Bridges*, *Bilſon*, *Whitgift*, *Bancroft*, *Andrews*, *Uſher*, *Bramhall*, *Davenant*, *Taylour*, *Sanderſon*; Or if he had rather I ſhould refer him to thoſe of his own Order, let him ſee what our *Nowell*, *Sutcliffe*, *Feild*, *Maſon*, *Heylin*, *Falkner*, and many Others have written in defence of the *Royal Supremacy* and *Authority* of our *Kings*. If he can, after this, juſtly charge me with any *New Doctrines*; If he can truly ſhew that I have gone upon any Principles which Theſe have not maintain'd and defended before me; let him call as loudly as he can, not only upon the *Parliament* for (c) *FIRE*; and upon the *Convocation* for (d) *Cenſures*; but upon *Heaven* too (if he thinks ſuch Addreſſes will find an Admittance there) for all that *Vengeance* which he appears ſo heartily to *wiſh might fall upon me.* If he cannot, let him ſay with what *Conſcience* he inveighs againſt me for Aſſerting no other Authority either in the *Chriſtian Prince*, or in our *Engliſh Sovereign*, than what our *Laws* allow; our *Convocations* have defined; our Greateſt *Writers* aſſerted; our *Univerſities* have declared to belong to them, and We our ſelves have more than once been obliged to teach and to maintain.

(b) Appeal, &c.

(c) Rights, &c. Pref. p. viii. Book p. 152, 165.

(d) Rights, &c. p. 247, 357, 364, 457.

In the mean time, as it is my *Principle*, and has been my ſolemnly avow'd Opinion, that the *Conſtitution* of our *Government* is an *eſſentially limited Monarchy*, in which the *Laws* and *Cuſtoms* of the *Realm* are the ſtated Meaſure both of the *Prince's Prerogative*, and of the *Subjects Rights*; ſo I am perſwaded that no *King*, or *Queen*, of *England*, can juſtly claim or exerciſe any other *Sovereignty* either in *Church*, or *State*, than what thoſe *Laws* and *Cuſtoms* do allow of. This was my Opinion when I wrote before; This is my ſetled Notion ſtill. I am not aware, after all (e) Dr. *A.* has done to enlighten me, that I have advanced any *Prineiple* contrary to this Opinion. If unwarily I ſhould have done ſo, I do here ſolemnly revoke it; and whenſoever I ſhall be particularly convinced, which

(e) As for his pretended Inſtances, ſee them fully anſwer'd by Dr. *Kennet*, *Eccleſ. Synods*, p. 70, &c.

as

as yet I am not, wherein I have done it, I will be as ready to make a particular Renunciation of it.

Were I now minded to Recriminate, and ſhew in how many Inſtances this pretended *Church-Advocate* has ſet up ſuch Notions, as, being fairly purſued, muſt tend to the Deſtruction not only of our *Synodical Rights* and *Liberties*, but of our very *Epiſcopal Conſtitution* its ſelf, I ſhould not need to look far from them. The *Doctrine* of *Attendance*, which he is ſo fond of, and builds the greateſt part of his *Book* upon, is its ſelf a *Principle* of *Slavery*, recommended under the Name of *Right* and *Liberty:* And equally injurious to the Clergy on either ſide; both as it *Obliges* them to a *Conſtant Attendance* when ever the *Parliament meets*, and as long as it ſhall continue to *ſit*; and deprives them of all *Power* to *Aſſemble*, or *Act*, at any other times, when that Great Council is not held. And how far that *Presbyterian Notion* maintain'd by him, That meer *Presbyters* have by *Primitive Practiſe* and *Inſtitution*, an *Equal Right* of *Place* and *Voice* with *Biſhops*, in the *Councils* of the *Church*, may be improved to *confound* the *Powers* and *Authorities* of Both, I ſhall leave it to every real Friend of our *Eccleſiaſtical Polity* to conſider.

Many other *Principles* there are ſcatter'd up and down in his *Book*, which I might here bring together, were I diſpoſed to take the like Method with him, which he has done to prejudice his Reader againſt me. But this is a way which as I do not need, ſo neither am I at all deſirous to make uſe of it. My Buſineſs is not to *raiſe Prejudices* againſt *Any*, but if it may be to *Convince* and *Perſwade All*. And the worſt I wiſh even Dr. *A.* himſelf, is but this; That God would endue him with a better *Diſpoſition* to *receive* the *Truth*, and with a more *Chriſtian Temper* in the *Defence* of it. As for Thoſe who without any other Deſign, but a meer Zeal for the *Rights* of the *Church*, and perhaps out of an over-great Dependance upon ſome whom they ſuppoſed to have gone upon the ſame Principle, have been too eaſily engaged into an Approbation of what they had not ſufficiently either Examined, or Underſtood; I would only beſeech them impartially to weigh what has been now offer'd on both ſides; and then let them freely take that Part which they ſhall find to be the beſt ſupported with Truth, and to make moſt for the real Honour and Liberty of the *Church of England:* A *Church*, to whoſe *Doctrine* and *Government*, I have always inviolably adhered; and from whoſe *Rights*, *Powers*, or *Privileges*, no Motives or Conſiderations ſhall ever induce me willingly to detract.

It was a Fancy of Dr. *A.* (but like moſt of his other Notions, falſe and groundleſs) that when I publiſh'd my firſt Book, I thought my ſelf ſecured either by the *Subject*, or the *Dedication* of it, againſt any *Reply* to it. Had theſe Conſiderations had any ſuch Powerful Influence on other the like Occaſions, the Suggeſtion might have been made with the greater Shew of Truth, and therefore with the more Excuſe, ſuppoſing it to have been, as here it was, utterly Falſe. But when not only the *Rights* of *Princes* have been as boldly *oppoſed* by ſome, as they have been ſolidly *maintain'd* by Others, but even *Princes* themſelves have had their *Anſwerers*, who have neither regarded their *Perſons*, nor reverenced their *Authority*; why a *Private Writer*, of a very moderate Degree, ſhould have expected ſuch an Immunity as *Crowned Heads* have not been able to obtain,

I can-

I cannot imagine: Sure I am, I neither Wrote nor Printed with any ſuch Proſpect or Preſumption.

To prevent any future Miſtake of this kind, I do now, not in any way of Boaſting, or Challenge, but out of a ſincere Deſire that the Truth may be diſcover'd, freely invite every *Reader* in General, and Dr. *A.* himſelf in Particular, to examine what I here publiſh to the uttermoſt. If he finds my *Principles* to be erroneous; my *Proofs* defective; my *Facts* miſtaken; or my whole *Scheme* ill-laid; let him, on God's Name, Correct me whereinſoever I am in the Wrong. If he do's it, according to the *Apoſtles* Rules, Of *ſpeaking the Truth in Love*; and *doing all Things in Charity*; He ſhall have not only my Approbation, but my Thanks too. But if this he cannot do; if he be not able ſo far to overcome an unhappy Diſpoſition, improved by an unbounded Liberty of Writing after another manner, as not to mix a Spirit of *Pride* and *Contempt*; of *Bitterneſs* and *Detraction*; of *unjuſt Suſpicion*, and of that *kind* of *Wit* which of all others the *leaſt commends* the *Parts*, as well as the *leaſt becomes* the *Character* of a *Scholar*, a *Chriſtian*, and a *Miniſter* of the *Goſpel*; let him take his own way, ἔξεστι καλαζομενίοις ἀχημονεῖν. Whatever he do's, as I ſhall, for my part, ſtill continue my Endeavours to improve my Knowledge in theſe Matters, and be ready to correct my own Errors, if I ſhall have the good Fortune to be better inform'd; ſo am I no leſs deſirous that theſe Matters ſhould be thoroughly ſearch'd into by All Others. For as I reſolve not to be wanting to my Own juſt Defence, by whomſoever I am attacqued, whilſt I am perſwaded that I do aſſert the Truth; ſo neither will I be obſtinate in retracting my Miſtakes, as ſoon as I ſhall be convinced, by whatever Means it be, that I have been guilty of Any. Of this I have given a ſmall Earneſt in the Corrections which I have already made of my own Work; and I will continue to give a farther Teſtimony of the ſame Sincerity, if I ſhall hereafter meet with the like juſt Occaſion ſo to do.

The following Book having not only been almoſt intirely written, but a great part of it printed off before the Death of my late Royal Maſter, of Glorious Memory, I cannot but be ſenſible that many Expreſſions may occur in it, which are not ſo ſuitable to the preſent Times. For theſe the Reader will pleaſe to make a due Allowance; and conſider what it was proper for me to ſay then, not how I might more fitly have expreſs'd my ſelf now.

To give the greater Authority to ſome of the main Parts of my Hiſtory, and at the ſame time enable Others to judge the more ſurely of them, I have, at the End of my Book, added a large *Appendix* of Inſtruments and Records, very few of which were ever *Publiſh'd* before. Of theſe, many were Copied by other hands; and in ſome which I tranſcribed my ſelf, I found the *Regiſters* oftentimes Defective. I have printed them as exactly as I could; and in ſome of the Sheets which I corrected my ſelf, have added my own *Conjectures* in the Margin; which being generally no more but *Conjectures*, and made in haſt, as I was overlooking the Proofs, the *Reader* is deſired to take, or reject them, as he ſhall think them probable or not: For I ought not to impoſe that upon Another, with which I was not always thoroughly ſatisfied my ſelf.

Amongſt

Amongſt theſe Inſtruments I once deſigned to have placed the *Statute* of the 25*th* of *Henr.* viii. *chap.* 19. as I took it from the Record; and to have exactly follow'd both the Words, and the Punctuation, as I found it there. But I have had ſo many Occaſions to Copy it in my Book, that I thought it would be needleſs to Repeat it again in the Appendix.

And now it remains only for me to acknowlege by what Helps I adventured upon this long and difficult Work, and to whom I am chiefly indebted for Them. (*a*) Dr. *A.* has thought fit to ſet a general Mark of Contumely upon All ſuch, eſpecially of our own Profeſſion, as ſhould have either the Courage, or Good-Nature, to be Aſſiſtant to me in it. But the Perſons to whom I have been obliged, are above the Reach of his Cenſure; and are too well known, both for their Integrity, and Good Affections to the *Church* of *England*, to be in danger of ſuffering by any Character that he is able to fix upon them.

(*a*) Addit &c. Pref. p. ix, x, xi.

To our moſt Reverend *Metropolitans* I muſt, in the firſt place, crave leave to pay my moſt thankful Acknowledgments, for their ſingular Encouragement and Aſſiſtance in this Undertaking. Not only the *Regiſters* of the *See* of *Canterbury*, and the *Manuſcripts* of His Grace's *Library* at *Lambeth* lay open, at all times, to my own Inſpection; but thoſe of his *Metropolitical Church* of *Canterbury* were, by his Favour, carefully Examined for me. As for Thoſe of the Other Province, They were, by my Lord of *York*'s particular Permiſſion and Encouragement, ſo diligently ſearch'd by *two* of the worthy *Dignitaries* of his Church, that I could ſcarce have profited more, had I had the Opportunity, which Dr. *A.* haſtily gave himſelf, of collecting them with my Own hand.

To the Reverend the *Biſhops* of *Worceſter*, *Eli*, *Sarum*, *Norwich*, *Chicheſter*, and *Carliſle*, I owe the Accounts which I had from the *Regiſters* of their reſpective Sees, and Churches. Several of their Lordſhips were ſo kind as to examine them for me Themſelves; The reſt cauſed them to be carefully looked into, whenſoever I either needed, or deſired, to profit by them.

What Help I had from the *Regiſters* of *Wincheſter* and *Durham*, I owe to the Favour of the Reverend and Honourable *Deans* of thoſe Churches, who took care to have them examined for me. Thoſe of *Lincoln*, the Reverend *Præcentor* and *Chancellour* of that Church, from time to time conſulted, as I had need of them. So did one of the Pious and Reverend *Canons* of the Church of *Litchfield*, thoſe of that Place. The reſt I obtain'd by the Favour and Pains of ſeveral other Learned and Diligent Perſons, whom tho' I do not particularly mention, yet I ought not to conceal my great Obligations Them.

The *Rolls* of *Parliament*, with ſome other very conſiderable *MSS*, I had the Uſe of by the Favour of the Reverend Mr. *Stillingfleet*. They were part of his worthy Fathers, the late moſt Learned Biſhop of *Worceſter*'s Collection: A Perſon of whom how ſlightly ſoever Dr. *A.* has thought fit to ſpeak, yet will he always be Reverenced as One of the chiefeſt Ornaments and Defenders of our *Church*, its *Doctrine*, and *Diſcipline*, by All who knew Him, and do not utterly forget Themſelves.

Some

Some other Manuſcripts were freely communicated to me (as they were alſo to Dr. *A.*) by the Reverend the *Lord Biſhop* of *Norwich*: Particularly the two Regiſters of *Canterbury* and *Hereford*, ſo often mention'd, and I think to ſo good Purpoſe, in the following Book.

It may poſſibly be expected, that while I am making theſe Acknowledgments to Others, I ſhould not wholly forget Dr. *A.* himſelf; who tells the World, not only that He had ſent a very proper Information to Me, but that I did thereupon make ſome farther Enquiries than I had done before. But the Truth is, the Perſon whom He inſtructed with this Favour, deceived both Him and Me: And tho' I have made the beſt Enquiry I could about it, among our few Common Friends, yet am I ſtill at a Loſs to know either by what hands the Intimation He ſpeaks of was ſent, or indeed that any ſuch Intimation was ever ſent to Me at all.

What other Manuſcripts I have uſed, and where they may be found, I have particularly noted in the *Catalogue* of Them, ſubjoin'd to this *Preface*. By theſe Helps, and the Advice of ſome Learned Perſons, whom I took the Liberty of Conſulting withal, when any Difficulties occurred to Me, as I thought my ſelf qualified to handle this Subject in a more full and ample manner than had ever been hitherto done, ſo did I the rather chooſe to do it in an Hiſtorical way, that I might thereby avoid the very *Shew of Controverſie* as much as poſſibly I could: And where I could not help engaging with my Angry Adverſary, I have yet endeavour'd to oppoſe him with the leaſt Offence that I was able; and do hope that I have (generally) ſo watch'd my ſelf, as not to return upon him any part of thoſe Injuries, which he has thought fit, with ſuch an induſtrious, unrelenting, Scorn and Malice, to caſt upon me. For, indeed, I ſhould be very ſorry to be Guilty of That my Self, which I take to be ſo highly Blameable in Him. But if after all, I ſhould chance to have been any where ſurprized into any Reflections contrary to this Rule, (which yet I hope I have not) I muſt beſpeak at once both the Pity and Excuſe of my Reader: Who may from thence diſcern how unfortunate a thing it is to be Obliged to Converſe with ſome Perſons; from the Contagion of whoſe Examples, tho' a Man watch himſelf never ſo carefully, yet he cannot be Always, or Abſolutely, ſecure.

As for the *Matters* of *Fact* which I have Reported, I doubt not but that they will appear to have been generally very exact. I know whom I have to deal with; and had I no Concern otherwiſe for Truth, yet I ſhould not have been willing, by departing from it, to give ſo Vigilant and Mercileſs an Adverſary any Advantage againſt me. Not that I ſuppoſe but that in running through ſo large a Series of Hiſtory, where ſuch an infinite Number of Things and Circumſtances are brought to light, which before were either not at all, or but very little underſtood, ſeveral Miſtakes may have been Committed, for which I muſt expect no Quarter from Thoſe whoſe Concern it is, at any rate, to run down my Performance. I have written under a Continual Diſtraction from Other Affairs which were not to be Neglected. Many Things I have been forced to take upon the Report of Others; and in Thoſe which I have Examined my ſelf, I may juſtly fear I have ſometimes been miſtaken.

Such

Such Errors as theſe, tho' I have uſed my utmoſt Care to prevent Them, yet I dare not pretend to be altogether free from Them. Our moſt accurate Hiſtorians have labour'd under the like Misfortunes: And till Writers ceaſe to be Men, theſe Inſtances of Human Frailty will more or leſs appear in their Beſt Performances. This I can with great Sincerity profeſs, and having ſaid it I ſhall have done; *I have not willingly Miſtaken, much leſs have I Miſrepreſented, any Matter of Fact: I have not knowingly Concealed any thing that made againſt Me: I have Aſſerted nothing but what I verily believe to be the Truth: And I have defended it with nothing but what after a diligent Examination I take to be True.* Under this Aſſurance I cheerfully commit my Self, and my Cauſe, to the Judgment of all Wiſe, and Charitable, and Indifferent Perſons. For the reſt, and particularly for Dr. *A.* they have their Liberty; let them *Think*; let them *Speak*; let them *Write* as they pleaſe of Me.

The Manuſcript Regiſters, Hiſtories, and Records, referr'd to in the following Book.

THE Parliament Rolls from Edw. the IId. to Henry the VIIth.
Jura Cleri, &c. Extracted out of thoſe Rolls, in Biblioth. Lambeth.
The Journals of the Houſe of Lords, from K. Henry VIII. to K. James II.
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I ſhall not need to mention the Editions of our Printed Hiſtorians, &c. Only I muſt obſerve, that throughout the Whole I refer to the Iſt Edition, and ſeparate Addenda *of Dr. A's Book; being the only Editions I have of it.*

THE

THE STATE OF THE Church and Clergy OF ENGLAND.

CHAP. I.

Of the ſeveral kinds of the Aſſemblies *of the* Clergy *of* England: *And particularly, Of* 1. *Their* Parliamentary Convention. 2. *Their* Provincial Convocation. 3. *Their* Dioceſan Synods. *And,* 4. *Their* Provincial Councils. *And how all theſe differ from One Another.*

THE Deſign of the preſent Undertaking being to give an Account of the *Rights*, *Powers*, and *Priviledges* of an *Engliſh Convocation*; Two things there are that will be needful to be *Stated* by me; without a right Underſtanding whereof, it will be impoſſible to bring this Matter to any Certain and Rational Concluſion:

Firſt, What that *Engliſh Convocation*, of which we are now Diſcourſing, is? And,

Secondly, What thoſe *Rights*, *Powers*, and *Priviledges* are, which we either affirm, or deny, to belong to it?

Sect. 1.

For the better clearing of the *former* of *theſe*, I muſt obſerve, that tho' the Word CONVOCATION be, in its ſelf, of a general ſignification, and may indifferently be applied to any *Aſſembly* which is *Summon'd*, or *Called together after an orderly Manner*; yet Cuſtom (which in theſe Matters is wont to prevail) has determined its Senſe to an Eccleſiaſtical Uſe, and made it if not *only*, yet *principally* to refer to the *Aſſemblies* of the *Clergy*; of which ſome Account therefore, muſt in the firſt place be given by me.

Dioceſan Synods.

That the *Biſhop* of every *Dioceſs* had here, as in all other Chriſtian Countries, a Power to *Convene* the *Clergy* of his *Dioceſs*, and in a *Common Synod* or *Council* with them tranſact ſuch Affairs as ſpecially related to the *Order* and *Government* of the *Churches* under his *Juriſdiction*, is not to be queſtion'd. Theſe *Aſſemblies of the Clergy* were as *Old* almoſt as the firſt Settlement of *Chriſtianity* amongſt us: And, amidſt all our other Revolutions, continued to be *Held* to the very time of King *Henry* the VIII. Something of this kind there is ſtill continued in the *Church* of *York*; whether in any other, I cannot tell.

Provincial Councils.

What the *Biſhop* of every *Dioceſs* did within his *own Diſtrict*, the *Archbiſhop* of each *Province*, after that *Greater Diviſion* was made among us, did within his *proper Province*. They *called* together firſt the *Biſhops*, afterwards the *Prelates* of their *Province*; and, by degrees, added to theſe ſuch of their *Inferiour Clergy* too, as they thought needful, for *Counſel* and *Advice*, and with their leave, ſometimes even for *Voice and Suffrage*.

In theſe two *Aſſemblies* of the *Clergy* (the *Dioceſan Synods*, and the *Provincial Councils*) only the *Spiritual Affairs* of the *Church* were wont, for a long time, to be tranſacted. So that in this Reſpect therefore there was no difference between the *Biſhops* and *Clergy* of our *own*, and of all *other Chriſtian Churches*. Our *Metropolitans*, and their *Suffragans*, acted by the ſame *Rules* here that they did in all *other Countries*: They held theſe *Aſſemblies* by the *ſame Power*; *Convened* the *ſame Perſons*; and did the *ſame Things* in them.

National Councils.

When the *Papal Authority* had prevailed here, as in moſt *other Kingdoms* and *Countries* of *Europe*, by the *leave* of our *Kings*, and at the *Command* of their *Legats* ſent from *Rome*, another and yet larger ſort of *Councils*, were introduced among us, of the *Biſhops*, and *Prelates* of the *whole Realm*. Theſe were properly *National Church-Councils*, and were wont to be held for ſome ſpecial deſigns, which either the *Pope*, the *King*, or *Both*, had to promote by them.

Sect. 2. Of the State Aſſemblies of the Clergy.

But beſides theſe *Synods* common to *Us* with all other *Chriſtian Churches*; and which were in their *Nature* and *End*, as well as *Conſtitution*, properly and purely *Eccleſiaſtical*; Two other *Aſſemblies* there were of the *Clergy* of this *Realm*, peculiar to our *own State* and *Country*; in which the *Clergy* were Convened not for the *Spiritual Affairs* of the *Church*, but for the *Good* and *Benefit* of the *Realm*, and to *Act* as *Members* of the *one* as well as of the *other*.

Now the Occaſion of theſe, was this: When the *Faith* of *Chriſt* was thoroughly planted here, and the *Piety* of our *Anceſtors* had liberally endow'd the *Biſhops and Clergy* of the *Church* with *Temporal Lands* and *Poſſeſſions*; not only the Opinion which they had of their *Prudence* and *Piety* prompted them to take the *moſt Eminent* of them into their *Publick Councils*, but the *Intereſt* which they had by that means in the *State*, made it expedient ſo to do; and to commit the direction and management of their greateſt *Offices* and *Affairs* to them. Hence our *Biſhops* firſt, and then ſome of our other *Prelates*, were very early brought into the *great Councils* of the *Realm*; and there, together with the *Laity*, conſulted and acted in them.

Thus were the *greater Clergy* firſt brought into our *State-Councils*, and made a conſtant, ſtabliſh'd part of them. But, in proceſs of time, our Princes began to have a farther *Occaſion* for them: For being encreaſed in *Number*, and with that in their *Wealth* too; not only our *Kings*, but the *People*, began to think it reaſonable that they ſhould bear a part in the *publick Burdens*, as well as *enjoy* their ſhare of the *Publick Treaſure*. Hence our *Saxon Anceſtors*, under whom the *Church* was the moſt free, yet ſubjected their *Lands* to the *threefold Neceſſity* of *Caſtles*, *Bridges*, and Expeditions. *William* the *Conquerour* changed their Tenure, and laid the *Burden* of a *further Service* upon them. And the following Princes, in their *Parliaments*, *Taxed* a great part of their *Temporal Poſſeſſions*, after the ſame manner, and at the ſame time, that they did *thoſe* of the *Laity*.

Sect. 3.

But ſtill this reach'd but to a ſmall Number of the *Clergy*, and to a part only of the *Revenues* of thoſe whom it did affect: The *Body* of which was yet, in great meaſure, exempt from theſe *Charges*; and was therefore by ſome other way to be brought under the ſame Obligation. In order hereunto ſeveral Meaſures were taken, till at laſt they ſettled into that *Method*, which finally obtained, and ſet aſide the neceſſity of any other way. Firſt, the *Pope* laid a *Tax* upon the *Church*, for the Uſe of the *King*; and, both their Powers uniting, the *Clergy* were forc'd to *ſubmit* to it. Next, the *Biſhops* were prevailed with, upon ſome extraordinary Occaſions, to oblige their *Clergy* to grant a *Subſidy* to the *King*, in the *Way* of a *Benevolence*: And for this, Letters of Security were granted back by the King to them, to enſure them that what they had done, ſhould not be drawn into *Example*, or *Conſequence*, againſt them. And theſe *Conceſſions* were ſometimes made by the *Biſhops* in the *Name* of their *Clergy*; but the common way was, that every *Biſhop* held a *Meeting* of the *Clergy* of his *Dioceſs*: There they agreed what they would do; and empowered firſt their *Biſhops*, afterwards their *Arch-deacons*, and finally *Proctors* of their own, choſen for that *End*, to make the Conceſſion for them.

Thus

Thus ſtood this matter, till about the time of King *Edward* the Firſt, who not willing to continue at ſuch a precarious Rate with his *Clergy*, took another Method; and after ſeveral other Experiments, fix'd at laſt upon an *Eſtabliſhment*, which has in ſome ſort been continued ever ſince to this very day. The *Method* he reſolved upon was this: Having *Summon'd* his *Parliament*, and iſſued out his *Writs*, as uſual, to the *Biſhops* and *Prelates* to come to it; he inſerted a *New Clauſe* into the *Biſhops Writs*, which from the firſt Word of it is called the *Præmunientes Clauſe*, by which he required them to Cite ſuch of their *Inferiour Clergy* to *come* along with them to *Parliament* as he there ſpecified, and thought ſufficient to *Act* for, that is, in Truth, to *Grant* him *Aids* in the *Name* of, the *whole Body* of the *Clergy*.

Sect. 4. The Parliamentary Convention.

Here therefore began a *New Aſſembly*, for I cannot properly call it any thing elſe, of the *Clergy* of the *Realm*: A *National Collection* ſummon'd to *Repreſent* the *whole Body* in *Parliament*; and to *Act* as the *Eſtate* of the *Clergy* there. In this Capacity they were from thenceforth commonly Cited to that *great Council*; and conſider'd as one of the *firſt*, and *chiefeſt Eſtates* of the *Realm* in *Parliament*.

I ſhall not need to ſay how unwilling the *Clergy* were to be drawn into a part of theſe *Great Councils*, or what good reaſon they had for ſuch their *unwillingneſs*. A late *Author* has referr'd this to their *Love* of their *Priviledges*, and an over-tenacious adherence to their *Spiritual Rights*, which *exempted* them from the *Obligation*, as they thought, of being *ſummon'd* by any *Lay-Power*. But this was at moſt but the pretence: The true cauſe was, that by coming with the *Laity* to *Parliament*, they foreſaw they ſhould alſo be *Tax'd* with them there; and be forced to bear as *great*, perhaps a *greater proportion*, of thoſe *burdens*, than the *Laity* themſelves would do.

It was for fear of this, that they firſt applied to the *Papal Authority* to cover them from theſe Impoſitions. When that would not do, they recur'd to other Methods. Sometimes they quarrell'd with the *manner* of their *Summons*: At others, they came but in *ſmall Numbers* to *Parliament*, and then pretended they could do nothing in the abſence of the reſt of their Brethren. Sometimes they brought ſuch *limited Powers* with them, as reſtrained them in a manner, from *Acting* to any purpoſe there: At others they had *double*, or *treble Letters* of *Proxy*; ſome more *limited*, to ſhew above-board, others more *large* to proceed upon in caſe of an *extraordinary Exigence*; and to avoid ſuch Inconveniences as an abſolute Refuſal to do what was required of them, might be likely to bring upon the *Clergy*. But the moſt *common* and *reaſonable Excuſe* was, that the *Perſons* call'd by the King to *Parliament*, were but a *ſmall part* of the *Body* of the *Clergy*; and therefore inſtead of *Granting* what was demanded of them there, they pray'd that they might meet together in a larger proportion in their *own Provincial Aſſemblies*, and there in a *fuller Body* agree upon what they ſhould do.

In this the *King* was contented to indulge them: So that he carry'd his *Point*, and had his *Aid*, he was willing to leave them to their own *Way*, in the *granting* of it. And the *Clergy*, who hoped by theſe means in time to recover their Liberty, by breaking off from their *Parliamentary Attendance* altogether, the more readily complied with the *King's deſires* in the *one*, that ſo they might be the more eaſily *Excuſed* from the *other*.

Sect. 5. The *Convocation*.

Theſe *Provincial Aſſemblies* of our *Biſhops* and *Clergy*, Convened for theſe *Ends* of *Supplying* the *King's Needs*, either by *confirming* what had before been *conditionally granted* in *Parliament*, or by *granting* that here, which they had refuſed to do there, are what we properly call **Convocations**; and which at firſt differ'd from their *Provincial Councils*, not only in the *Members* of which they were *Compoſed*, and in the *manner* of their *Call* to them; but eſpecially, in the *end* and *purpoſe* for which they were *Summon'd*, and the *Buſineſs* that was done by them; the *one* being held for *State*, the other for *Church*, *Affairs*. In the one they were called to act as the *Miniſters* of *Chriſt* in things pertaining to the *Doctrine* and *Worſhip* of the *Church*: In the other to *Treat* as *Members* of the *Commonwealth*; and for the *good* of the *Church*, as it was *incorporated* with the *State*; and thereby expoſed to all the *Evils* and *Dangers* which ſhould any time fall upon it.

At firſt theſe *Convocations* were called by our *Metropolitans*, at the *deſire* or *inſtance* of the King, without any particular Writ or Commiſſion to that pur-

poſe. But when the Method began to be once ſettled, ſo that the *Clergy* would not grant any thing out of their *Spiritualties* to the *King* in *Parliament*, but only in *Convocation*; then the *King* thought it needful to fix upon a more certain Way, whereby to ſecure their meeting in *theſe Aſſemblies* for this End: And ſo by his *Writs* to the *Archbiſhops*, he as much required their meeting in *Convocation*, as by thoſe to the *Biſhops* he had required their coming to *Parliament* before.

Sect. 6. Thus were theſe *State-Conventions* of our *Clergy* firſt ſettled, and their *Aſſemblies* fix'd for *Civil Matters* as well as *Eccleſiaſtical*. And their *Provincial-Convocations* were at the firſt as diſtinct from their *Provincial-Councils*, as their *National-Aſſemblies* in *Parliament*, from their *National-Aſſembly* in a *Legantine*, or *Church-Synod*. But in proceſs of time a *Confuſion* enſued: And as the meeting of the *Clergy* in *Convocation*, and doing that there from the time of K. *Edward* II. for which K. *Edward* I. had called them to *Parliament*, ſoon leſſen'd their *Appearance*, and loſt their *Intereſt* there: (The *King* and the *Clergy* being in a manner agreed, the *one* not to *come* to *Parliament*, the other not to concern himſelf whether they *came* or no, ſo long as they did his Buſineſs elſewhere:) So their *frequency* of *Aſſembling* in *Convocation*, by degrees, very much *leſſen'd*, tho' it never totally *broke*, their *Meeting* and *Acting* in *Provincial-Councils*; and put them upon tranſacting the Buſineſs of *both*, in *either*. The firſt beginning of this was Owing to the Exigences of the *King's Affairs*; who, when the *Clergy* were met in *Council* for the *proper Buſineſs* of the *Church*, began early to ſend his *Commiſſioners* to them, and deſire an *Aid* of them; and which rather than be obliged preſently to come together again for that end in *Convocation*, they were oftentimes content to grant in *Council* to him.

But our *Archbiſhops* kept up the *diſtinction* yet longer, on the *other* ſide; and either tranſacted no *proper Conciliary Affairs* in *Convocation*; or, if they had any ſuch to *tranſact* there, they iſſued out *Conciliarly Letters* together with their *Convocation-Mandates*, and cauſed their *Clergy* to meet under a *double Capacity*, by a *double Call*, for the *double Work* that was to be done by them when they came together. But even this too, in time, was omitted; and the *Archbiſhop* thought it enough, when they were Aſſembled in *Convocation*, either by his *Authority* to *require*, or by his *Conſent* to permit them to *Act* in a *Conciliary* manner alſo. By this *permiſſion* or *command* of his, he made them a *Council* as well as a *Convocation*; and that as effectually as by his *Letters* of *Summons*, he had been wont to do it before.

Thus the Caſe ſtood, when the *Act* of *Submiſſion* in the 25*th* of K. *Henry* VIII. was paſſed. Since which the *Clergy* being reſtrained from making any *Canons* or *Conſtitutions*, in their *Convocations*, without the *King's Licence*; the *Power*, as to this particular, which was before lodged in the hands of the *Metropolitan*, is now put into the *hands* of the *Prince*: Who having ſummon'd them as a *Convocation* for *State-purpoſes* (as his *Writ* ſhews) has it now in his *own Breaſt*, whether he will let them Act at all as a *Church-Synod*, or no. They are a *Convocation* by his *Writ* of *Summons*; but a *Council*, properly ſpeaking, they are not, nor can they *Legally Act* as ſuch, till they have obtain'd the *King's Licence* ſo to do.

Having ſaid thus much, in general, with relation to the ſeveral kinds of *Aſſemblies* of the *Clergy* of our *Church* and *Realm*; I will now go on more particularly to Enquire into the *Nature*, *Rights*, and *Powers*, of the Chiefeſt of them, and that in this Order:

Firſt, I will Conſider what may be neceſſary to be known, with Relation to the two *State-Aſſemblies* of the Clergy:
1. The *Parliamentary Convention*, and
2. The *Provincial Convocation*.

Secondly, Of the two more common *Eccleſiaſtical Aſſemblies*:
3. The *Dioceſan Synod*, and
4. The *Provincial Council*.

1. Of the *Parliamentary Convention* of the Clergy.

Sect. 7. I ſhall not need to ſay, that when the King deſigns to hold his *Parliament*, he is in Order thereunto, to iſſue out his *Writs* ſome convenient time before, for the Summoning of ſuch of the Members of it, as are obliged to pay a Perſonal Attendance there; and for the Election of thoſe, who are to repreſent the reſt of the Kingdom in it. In purſuance of this Method of calling his *Parliament*,

liament, the King ſends a diſtinct *Writ* to every *Biſhop* of *England*, (the Biſhop of the *Iſle* of *Man* only excepted) in which having firſt declared the Cauſe of his holding of it, and appointed the *time* and *place* of its Aſſembling; he requires that laying aſide all other Affairs, every ſuch Biſhop ſhould take care to be perſonally preſent at the *time* and *place* prefix'd, *Nobiſcum & cum cæteris Prælatis, &c.* [1] To *Treat and Adviſe together with himſelf, and with the reſt of the Prelates, Great Men, and Nobles, upon the Affairs, which are there to be conſulted about.*

And thus far the Writ concerns the *Biſhop* alone; and is in ſubſtance the ſame with that of every other *Peer*, who is ſummon'd, in like manner, to *Parliament*. But the *Biſhop* is not only concern'd to come to *Parliament* himſelf, but is required to premoniſh his *Clergy* to come along with him. And therefore to his own Summons, a farther Clauſe is added, to Empower and Command him to Summon them: [2] *That he ſhould premoniſh the (Prior or) Dean and Chapter of his Cathedral Church, the Archdeacons, and all the Clergy of his Dioceſs; that they the ſaid (Prior or) Dean, and Archdeacons, in their proper Perſons; the Chapter by one, and the Clergy by two fitting Proxies, ſufficiently Empowered by the ſaid Chapter and Clergy; ſhould by all means be preſent at the Parliament with him, (to Do) and Conſent to thoſe things, which by the bleſſing of God ſhall by their common Advice, happen to be Ordained, in the matters aforeſaid: And that this he ſhould by no means omit.*

Such is the Command which every *Archbiſhop* and *Biſhop* receives from the King, with relation to this matter: I cannot tell whether I ought not to obſerve; [3] that in the Dioceſſes of *Coventry* and *Litchfield*, and of *Bath* and *Wells*, the *Priors* and *Covents* of *Coventry* and *Bath*, as well as the *Deans* and *Chapters* of *Litchfield* and *Wells*, being required heretofore to come to *Parliament*, they were *both* put into the *Premunitory Clauſe*; and Summon'd after the ſame manner that the *Deans* and *Chapters* of the other Dioceſſes were. But I muſt not omit, that in caſe a *Biſhop* were abroad in any foreign Parts, ſo that the King's Writ could not be directed to him, nor executed by him; it was wont [4] to be ſent to his *Vicar-General*, to act in his ſtead; and by him, the *Clergy* of every ſuch *Dioceſs* were *premoniſhed*, after the ſame manner that they ſhould have been by the Biſhop himſelf, if he had been at home.

Nor was there any leſs care uſed in the *Vacancy* of a *See*, than in the *Abſence* of the *Biſhop*; The Writ [5] being directed to the *Dean* and *Chapter*, as *Guardians* of the *Spiritualties*, in the one caſe, as it was to the *Vicar-General* in the other. So that ſtill the *Clergy* of the *Dioceſs* were ſure to be Summon'd to *Parliament*; and required to attend the King in it.

The *King's Writ* being thus directed to, and received by the *Biſhop*, it was communicated by him, in this manner, to his *Dioceſs*: Copies of the *Writ* were made out, and directed to the *Prior*, or *Dean*, of the *Chapter*, and to the *Archdeacons* of the *Dioceſs*; and a Mandate added to this Effect: *That he did by Vertue of the receited Writ, premoniſh them, and by them the Chapter, and Clergy, that they themſelves in Perſon, and their Chapter and Clergy by their Proctors, ſhould take care to be preſent at the day, and place, mentioned in the King's Writ, for the Ends and Purpoſes therein required of them.*

To ſecure their Obedience, in this reſpect, both to their *own Mandate*, and to the *King's Writ*; the *Biſhops* ſometimes were wont to Command their *Clergy*, that they ſhould ſome convenient time before the *Seſſion* of *Parliament*, account to them what they had done in purſuance of both. And then the return [6] which was made was commonly after this manner: They recited in their *Certificate* the whole *Mandate* as ſent to them by their Biſhop, with the *King's Writ* included; and added that *they would pay a due Obedience, as it befitted them, to his ſaid Mandate*: which was a kind of Diſcharge to the *Biſhop* for his having duly *Executed* the King's Commands, according to the Tenor of the *Writ* directed to him.

The *Clergy* having thus made their *Return* to the *Biſhop*; the *Biſhop* did in like manner *certify* the *King* of what he had done, in Obedience to his Command. Of this I have met with an *Inſtrument* as low as [7] *King Henry* the Eighth's time; which may ſerve to ſhew at once both the ancient Practice, and the occaſional continuance of it, in this Particular.

Being thus Summon'd both by the *King*, and their *Biſhop*, to come to *Parliament*; the next thing to be done was, to meet together for the choice of their *Proctors* that were to be ſent thither. For this the *Dean*, or *Prior*, held his *Chapter*, and the *Archdeacon* his *Synod*; in which the *Proctors* being choſen; they were ſent up

[1] *Quibuſdam aliis & urgentibus Negotiis, &c.* — *Nobiſcum ac cum Prælatis, Magnatibus, & Proceribus prædictis, ſuper dictis Negotiis, tractaturi, veſtrúmq; Conſilium impenſuri.* *Brev. Parliam.*

[2] See the *Premunitory clauſe* in the ſame Writ.

[3] See *Prynnes* Regiſter, p. 7, 8. Part. I.

[4] *Prynn.* Reg. p. 9. *ib. Electo Menevenſi, vel ejus Vices gerenti ipſo agente in Partibus tranſmarinis.*

[5] See *Summonit. 24. Edw. I. Cuſtodi Archiepiſcopatus Ebor. ſede Vacante.* *Sic. 27. Edw. I. Cuſtodibus Epiſcopatus Lincoln ſede Vacante: & Capitulo Eccleſiæ B. Petri Ebor. Cuſtod. Spir. ejuſdem Dioc. ſede Vacante — &c. Pryn.* p. 11.

[6] *Ven. in Chriſto Patri, &c. — Mandatum Veſtrum nuper ſuſcepimus in hæc verba — Hujuſmodi igitur Mandato Veſtro in omnibus parebimus, ut convenit. A°. 1295* *Regiſtr. Henr. Prior. Cant.* fol. 67.

[7] *Append. ad An. 1539.*

Sect. 8.

up to the *Parliament* at the time appointed with *procuratorial Letters*, from the *Chapter* and *Clergy*, to Empower them to act in their Names, and on their behalf, in it.

These Letters were directed, for the most part, to the *King*; tho' sometimes they were only prefaced with a General Address to *All Persons whom it might Concern*: But still the substance of them was, "To *Make*, *Ordain* and *Appoint*, the "Persons who were sent by them, their *Proctors*, to *appear on their behalf in Parliament*; *there to Treat with the* Prelates, *and* Great Men, *of the* Realm, *of the "things to be debated in it, for the good of the King and Kingdom*; *and to consent to what should be agreed to, on their behalf*; *and to engage themselves "to abide by what their Proctors should do, under the Caution* (many times) *of "all their Goods.*

Of these procuratorial Letters (if we may give Credit to that [1] *formulary* of calling the *Clergy* of *England* to *Parliament*, enter'd in the *Register* of Archbishop *Arundel*, almost 300 years ago) there were usually two Copies seal'd to every *Proxie*; one of which he was himself to keep, the other was to be delivered to the Clerk of the Parliament, to be Enrolled by him. And sometimes besides these *Ordinary Proxies*, which were wont to be more restrained, they had [2] *one* or *two* of a *larger Power*, which were secretly committed to them, and not without great need to be either shewn, or used, by them.

Having thus received their Commissions to attend upon the King in Parliament, it is not to be doubted, but that accordingly in the time of King *Edward* I. they did do it. How long they continued to meet and act there, is a Question which I shall not undertake to determine. The Conjecture of our learned [3] *Heylin* (a Person well versed in these matters) is what at present seems to me the most probable; that about the time of King *Henry* VI. they began to leave off being made use of in any business; till at length by degrees they were not enquired after, nor did come at all to it. To this we may presume the *Clergy* themselves gave encouragement; who always look'd upon their *Parliamentary Attendance* as a Burden and a Grievance, and were therefore glad, to get free from it; tho' in this they are thought by some of our modern *Church States-men*, to have been out in their *Politicks*.

But tho' the *Lower Clergy* therefore seem not to have come to *Parliament* for above 200 years past, yet the *King* has nevertheless still continued to *keep* up his *Right* to their Attendance; and the *Bishops* have upon Occasion continued to pay Obedience to his *Writ*, by their *Execution* of it. The *premunitory* Clause is still the same, (excepting where the Reformation made by King *Henry* VIII. has alter'd it as to the *Priors* of the *Cathedral Churches* now all turn'd into *Deans*) that it has been for Three hundred years past: And that *Clause* has continued to be, more or less, Executed, down to the very *last Century*. A late *Author* [4] has furnished us with Instances to shew, that not only the *Bishops* sent their *Mandates* to their *Deans* and *Archdeacons*, but that they Obeyed them too; by chusing their *Proctors*, and Empowering them to Act for them, to the end of King *Henry* the *Seventh's* Reign. From the Records of the Church of *York* [5] it appears that they continued to do the same to the latter end of King *Henry* the *Eighth*. In those of the Church of *Norwich* [6] we have the like Evidence, for the time of *Queen Elizabeth*. And in [7] *Litchfield*, an instance of the *Bishops* Executing this *Clause* at the latter end of King *James* the *First's* time. In the Church of [8] *Lincoln* we find this Clause to have been Executed yet later, by the Authority of Archbishop *Laud*, *Anno* 1640. Whether any notice since that hath been taken of it, I cannot tell: But as the Authority upon which these Persons Acted is the same now that it ever was, so it cannot be doubted, but that every *Bishop* to whom such a *Writ* is directed, may legally proceed after the same manner in it; tho' a long desuetude, added to the great Change which has been made in the *Reason* of the thing it self, seems to have rendred it not only *needless*, but *inexpedient*, so to do.

While the *Proctors* of the *Clergy* were not only chosen for the Parliament, but were required to Attend upon it, and Act in it; they were sometimes wont upon their return, to account to the *Clergy* what they had done in pursuance of that power which they had granted to them. [9] To this end the *Clergy* were again Assembled, at the end of the *Parliament*, *to hear*, *receive*, *and put in effectual Execution*, what had been ordained and done, by the *Prelates*, *Archdeacons*, and their *own Proctors*. But the backwardness of the *Clergy*, in *granting Aids* to the King in *Parliament*, which in

[1] Registr. *Arundel* par. 1. fol. ultimo.

[2] Memorand. *Jo. Dalderby Ep. Linc.* fol. 229. 247. 267. &c. *Lib. Act. Capit. Linc. Secundus.* fol. 5.

[3] *Tracts*, fol. p 703, 704.

[4] Rights, *&c.* Append. num. xi.

[5] *Acta Capit. Ebor. ab Anno* 1504.---- *Anno* 1536. 1539.

[6] Regist. Brev. Epist. &c. temp. *Jo. Parkhurst An.* 1572.

[7] Regist. Capit. Litch. *Anno* 1620.

[8] *Lincoln.* lib. Act. Capit. not. xx. fol. 204. ad *An.* 1640. See Dr. *A's.* since Addit. the writing of this.

[9] See Regist. *Hen.* Prior. Cant. fol. 63. Tho' the meeting that refers to was of a singular nature, and not a compleat Parliament. Vid. infr. ad *Ann.* 1294. Append.

in a little time brought the *giving* of *Subſidies* wholly within the Power of their own *Provincial Convocations*, ſoon put an end to *this Practice*; of which, therefore, not many *Inſtances*, I conceive, remain upon Record to us.

And thus have we ſeen how by the *Biſhops Writs* alone, the *Clergy* of the *Realm* were generally call'd to *Parliament*. There is yet one part of it remaining to be accounted for, I mean the *Regular Prelates*; the number of which that were Perſonally called to *Parliament*, as it was not very great, ſo it may ſuffice to ſay, that they were commonly Summon'd thither by ſeveral Writs ſpecially *directed* to each of them; after the ſame manner (excepting the *Premunitory Clauſe*) that the *Biſhops* were wont to be.

Sect. 10.

But tho' this therefore were the Method firſt ſettled by King *Edward* the *Firſt*, and which has ſtill continued to be the ſtated manner of *Summoning* the *Clergy* to *Parliament*; yet a time there was, in which this alone was found not to have been ſufficient, to oblige them to a due Attendance upon the Service of the *King*, and the Affairs of the *Kingdom*, in it. And therefore to ſtrengthen theſe ſeveral Summons made by the *Premunitory Clauſes* in the *Biſhops Writs*, a farther Care was taken, to iſſue out two *Provincial Parliamentary Writs* to the two *Archbiſhops*; requiring them to add their *Mandates* to the *Clergy* of their *Provinces*, not to fail to do, what the *King* had, by his *other Summons*, required of them. The Sum of theſe *Writs* was this: [1] "That the King having reſolved at ſuch a "certain time to hold his *Parliament*, upon the Account of divers great Affairs, "which eſpecially touched himſelf, and the ſtate of his *Kingdom*; and therein to "Confer, and Treat with the *Archbiſhops* and the other *Prelates* and great Men, "and Nobles of his Kingdom; had thereupon ſent his Writs to the ſeveral *Bi-*"*ſhops* of his *Province*, and commanded them that (*at the Day and Place appointed*) "*they ſhould not fail to be perſonally preſent*, to Treat with the other *Prelates* and "*great Men*, upon the ſaid Affairs, and to give their Advice with relation there-"unto: And that farther he had commanded them, to *premoniſh* the *Deans*, "*Priors*, and *Chapters* of their *Cathedral Churches*, the *Arch-Deacons*, and all the "*Clergy* of their *Dioceſſes*; That their ſaid *Priors*, *Deans*, and *Arch-Deacons*, in "their own Perſons; their *Chapters* by *One*, and their *Clergy* by *Two Proxies*, "ſufficiently empowered by their reſpective *Chapters* and *Clergy*, ſhould, to-"gether with their *Biſhops*, attend at his *Parliament*; to do, and conſent to what "ſhould there be Ordained, with relation to the Affairs before-mentioned. Which Recital being thus made, it then follow'd to the *Archbiſhop* to this effect: "That the *King* being unwilling that his Affairs, to be Treated on in the ſaid "*Parliament*, ſhould be hindred by reaſon of the Abſence of the ſaid *Deans*, "*Priors*, and *Arch-Deacons*, did therefore command and intreat him, That he "ſhould cauſe the *Deans* and *Priors* of the *Cathedral Churches*, and the *Arch-Dea-*"*cons* of his whole *Province*, to come in their *proper Perſons*; and the *Chapters* "of the *Cathedral Churches* by *One*, and the *Clergy* of every *Dioceſe* by two "*Proctors* a-piece, to the *Place*, and at the *Time* appointed; *to treat of, and con-*"*ſent to, what ſhould there be ordered in the Premiſes.*

[1] Regiſt. *Reynolds.* Arch. fol. 299. 308, *&c.* Regiſtr. *Stratford. Ep. Wint.* fol. 29. Regiſtr. *Henr.* Prior. *Cant.* fol. 236. *&c.*

This was the *Form* of thoſe *Writs* which were ſometimes ſent to the two *Archbiſhops*, [2] or to their *Prior* and *Chapters*, if the *Archbiſhopricks* themſelves were Vacant; to ſecure the Attendance of the *Clergy* at the *Parliament*: The *Archbiſhops* having received them, did iſſue out their *Mandates* [2] to the ſeveral *Bi-*ſhops of their Provinces accordingly; requiring them peremptorily, to Cite thoſe of their Dioceſſes, whom it concern'd, to obey the *King's Orders*; and to certifie them of the Execution of this their *Mandate*, and return to them at the Day and Place appointed, the Names of thoſe whom they had Cited to come to the *Parliament* in purſuance thereof.

[2] Regiſtr. *Reynolds* Arch. *Cant.* fol. 326. b.

When theſe kind of Summons to *Parliament* firſt began, and how long they continued, I ſhall not pretend exactly to define: The moſt early which I have met with, was that directed to Archbiſhop *Winchelſea*, in the *Fifth* of *Edward* the *Second*; (probably the very firſt of this nature) as the laſt was that of the *Fourteenth* of *Edward* the *Third*; after which, if Mr. *Prynn* [4] has been exact in his ſearch, there are no more upon *Record*; and therefore we may conclude, That about that time, the King began to omit them; being little concern'd whether the *Clergy* came duly or not to *Parliament*, ſo long as they both *came* to, and did his Buſineſs, according to his deſire, in their *Convocations*.

[3] Regiſtr. Epiſt. *Rob. Langley* Prior. *Norvic.* fol. xiii. a. Append. ad Ann.

[4] *Pryn.* Reg. part. 1. num. 74

The *Prelates* and *Clergy* being thus, by One, or Both theſe ways, called, to the *Parliament*,

Parliament, were obliged with great Exactneſs to attend upon it; and that at the *Day* on which the *King* had appointed it to begin. Inſomuch that the Biſhop of *Worceſter* [1] being detained by ſome neceſſary Buſineſs of his Church, which he feared might hinder him from coming to the beginning of it, he was forced to ſend his Excuſe in a very Dutiful manner to the *King*, by a ſpecial Meſſenger, Mr. *Nicholas de Bore*; "who was Empower'd to give his Majeſty a more full "account of his Concerns, and to beſeech him to bear with a ſhort delay; the "Biſhop engaging himſelf to conſent to whatſoever ſhould be ordained in that "Aſſembly, before his Arrival.

[1] Regiſt. *Cobham.* fol. 71. b. In Append. ad *Ann.* 1321.

If any Biſhop or Prelate were under ſuch Circumſtances that they could not come in Perſon to the Parliament at all, in that caſe they were wont to appear and act by *Proctors* deputed in their ſtead. Theſe were Empowered by *Procuratorial Letters*, directed ſometimes to the King himſelf, ſometimes only prefaced in general; but ſtill the ſubſtance of them was, [2] "To Commiſſion the "Proxies who were conſtituted thereby, *joyntly and ſeparately to appear on their "behalf before the* King *in his* Parliament; *and to treat with* him, *and the* Nobles "*and* Great Men, *and* Prelates *of the* Realm; *and to* Conſent *in their Names to what "ſhould be ordain'd, by the* King, *his* Nobles *and* Council; *and to* alledge *upon all "Occaſions the* Cauſe *of their* Abſence, *and make* Excuſe *for it*.

[2] See before Sect. 8.

How the *Lower Clergy* (being thus aſſembled) acted in *Parliament*, and in what *Affairs* their *Conſent* was thought to have been neceſſary, it is not eaſy to Determine. If in a matter ſo Obſcure, I may be allow'd to offer my preſent Thoughts, I conceive that the *Biſhops* and *Clergy*, like the *Lords* and *Commons*, *deliberated* of ſuch Matters in which they were properly concern'd, in a ſeparate *Aſſembly*, by *themſelves*; which having done, they left it to their *Archbiſhops* and *Biſhops* to deliver their *Senſe*, and to *give* or *refuſe* their *Aſſent*, for them, in *Parliament*. For, to the beſt of my Obſervation, I cannot find that they were wont to appear Perſonally there like the *Lay-Commons*, to tranſact their *own Affairs*; and in many caſes 'tis evident, that they referr'd it to their *Biſhops* to *Petition*, and Act for them.

As for the things to which they were called to Conſent, they were chiefly, if not only, thoſe which concern'd their *own*, or the *Churches* legal and proper *Rights*. In other matters, their *Conſent* was ſo little expected, that their expreſs *Diſſent*, was not thought ſufficient to put a ſtop to them. Of this, we have a famous inſtance in the Third of *Richard* the *Second*, in which, when it was reſolved to enlarge the *Powers* of the *Juſtices* of *Peace*, and the *Prelates* and *Clergy* made expreſs *Proteſtations* againſt it, that it had not, nor ſhould ever paſs with their Conſent;—Anſwer was made for the King, that the King would not forbear for their *Proteſtations* to make his Juſtices as he was wont, and by his Coronation-Oath was obliged to do. And even in matters of a more near relation to the *Church*, yet if the *Intereſt* and *Liberties* of the *State* were no leſs concern'd, the *King* and his *Parliament* did what they thought needful to the ſupport of it, notwithſtanding their *Remonſtrances* againſt it; as in the Caſes of *Mortmain*, *Proviſions*, *Eccleſiaſtical Courts* and *Cauſes*, *Tythes*, &c. might eaſily be made appear.

Rot. Parl. 3. Rich. II. Num. 38.

And thus have I given ſuch an Account as was needful to clear the nature of this firſt ſort of the *Aſſembly* of the *Clergy*; and which, by this time, I ſuppoſe, will not be thought to have been improperly called by me, their *Parliamentary Convention*: It being indeed a proper *part* of the *Parliament* of *England*; and making up one of the *firſt* and *chiefeſt Eſtates* of it. I ſhall only ſtop ſo long, as to offer a few neceſſary Obſervations upon what has been Diſcourſed, as to this matter, and ſo go on to the other kind of *Convocation*, which I am in the next place to conſider.

Firſt Then, From what has been ſaid, it is plain, that this *Aſſembly* was a *Convention* of a *civil Nature*, tho' compoſed of *Eccleſiaſtical Perſons*. For beſides that the other two *Eſtates*, the *Nobility* and *Commons*, are meerly Lay; this *Meeting*, as I before ſaid, was clearly a part of the *High Court* of *Parliament*, which ſurely is far from being an *Eccleſiaſtical Council*. Nor is it any Exception againſt this, that poſſibly *Eccleſiaſtical Affairs* may ſometimes be found to have been tranſacted in it; and with which the *Other Eſtates* have not medled. For tho' ſince the time of King *Edward* the *Firſt*, (that is ſince the time that our *Parliament* was ſettled into that form under which we are now conſidering of it) this has but rarely happen'd; yet would that only prove that the *Archbiſhops* and

Biſhops,

Bishops, took the Opportunity of their being called together to the *Parliament*, to transact some Affairs among themselves, in a *Conciliary manner*; and in that acted not by vertue of the *Kings Writ*, but at the *Archbishop's command*, or by a *voluntary consent* among themselves, in what they did. But considering this *Assembly* as called by the *King's Writ*, and meeting upon his Business with the other *Estates* of the *Realm* in *Parliament*; and acting in their *Parliamentary Capacity* there; tho' (as the two *Houses* now do) they might, and I conceive they did, separately meet and debate by themselves, yet was it still as a part of that great *Council*; and so their *Assembly* must even then be look'd upon as a *Civil*, and not as an *Ecclesiastical*, *Assembly*.

Sect. 13.

Secondly, As this Convention was in its Nature and End, a meer Civil Assembly, so was it, in the next place, a *National Convention*. It was called from all *Parts* of the *Realm*; and that in order to represent the *Whole Clergy* of the *Realm*, and to *Act* on their *behalf* there. And accordingly it appears, that while the *Premunitory Summons* was not only issued out by the *Prince*, but was actually *Obey'd* by the *Clergy*, they came from *both Provinces* alike to the *Parliament*, in the same manner that the *Bishops*, who were Assembled by the same *Writs*, continue at this day to do.

So also Rights, &c. p. 226, 228.

As therefore the High Court of Parliament is in its *Frame* and *Constitution*, a *National Assembly*; so must the Clergy which were Summon'd to it be look'd upon as designed to Represent the *whole Body* of the *Clergy* of *England*; and not those of *One Part*, or *Province only*, as, in their other *Convocations*, we shall hereafter see that they did.

Sect. 14.

Thirdly, From what has been said, it evidently appears, that as the *Parliament* is, in general, the *Great Council* of the *King* and *Kingdom*; so this *Assembly* of the *Clergy*, thus called, must be accounted to have been the same; a *part* of the *Council* of the *King* and *Realm*, as the *Lords* and *Commons* are.

Hence we see that the whole *Direction* of it, is seated Originally in the *King*, and entrusted to his Management. 'Tis he who *Summons* it, who appoints both the *place* and *time* of its *Assembling*; and when he sees fit, either *Prorogues* it to a farther season, or wholly *Dissolves* it. Whenever he pleases he *comes*, and *sits* in it: He requires all the *three Estates* to *Attend* upon *him*; *commands* their *Resolutions* to be laid before him; and by his *supreme Authority* either *Confirms* them into *Laws*, or utterly *disannulls* them, as he sees cause to *approve*, or not, of their *Deliberations*.

In this *Council*, neither the *Clergy*, nor either of the other *Estates* can conclude of any thing by themselves. They may *debate asunder*, may *transmit* their *Resolutions* to one another; but *every part* must consent before any thing can be done to *bind* the *whole Kingdom*, or be so much as presented to the *King* for his *Royal Assent* in *Parliament*.

And from all which the Conclusion is plain and certain, that this *Parliamentary Convention*, was only a part of a much greater Body; which could Establish nothing by it self, but was to *Treat* and *Consent*, together with the *other Estates* of the *Realm*, in *Parliament*, and to Act in Conjunction with them; and, at last, to be ruled by the *Royal Authority* which called them together, and without which all their *Debates* were of no *Force*. Let us now see, what the Nature of that *Other Assembly* of the *Clergy* is; which, to distinguish it from this I have hitherto been speaking of, I before called

2. *The Provincial* CONVOCATION.

Sect. 15.

That the *Realm* of *England*, with relation to its *Ecclesiastical Politie*, is divided into two *Provinces*, under the Power and Conduct of two *Metropolitans*, the *Archbishops* of *Canterbury* and *York*, every one knows, who knows any thing at all of the *Estate* either of our *Church* or *Kingdom*. Now the Assembly of the *Prelates* and *Clergy* of either of these *Provinces*, under their respective *Archbishop*, for the dispatch of such Affairs as the *King requires* them to *meet* about, and *proposes* to them being *Assembled*, and which relate to the *Church* as it is a Part and Member of the State; is what I call our *Provincial Convocation*, and what since the disuse of the other before-mentioned, and of our *Provincial Synods*, hereafter to be Considered, is, in General, denoted by the Word CONVOCATION.

How theſe *Convocations* have been *Aſſembled*; of what *Perſons* they have *Conſiſted*; after what *manner* they have *Acted*; and how their preſent *Conſtitution*, does in all theſe particulars differ from what it was before that *Submiſſion of the Clergy* Anno 25*to* of *Henry* the *Eighth*, of which I ſhall hereafter ſpeak, are points not only in themſelves very fit to be Conſidered, in ſuch a *Diſcourſe* as this; but are withal ſo neceſſary for the true *ſtating* of the *Queſtions* under debate, that I ſhall not think it at all beſide my purpoſe, to inſiſt particularly upon them.

Sect. 16. It is not to be doubted, but that our *Archbiſhops* had heretofore a ſufficient *Power* of their own, to *Summon* the *Clergy* of their *Provinces*, at ſuch times as either the *Canons* of the *Church* directed, or the *Neceſſities* of the *King's Affairs*, required them ſo to do. This, we are ſure, they did do, and our *Princes* readily allow'd of it: But eſpecially from the time of which I am now diſcourſing, and from which I have dated the Eſtabliſhment of the other *Convocation*, the Reign of K. *Edward* the *Firſt*, the *power* of the *Metropolitan* to *Aſſemble* his *Provincial Clergy*, was ſo well ſettled, that ſhould the *Prince* have oppoſed it, he would not only have been thought therein to have invaded the *Liberties* of the *Church*, but would probably have been *treated* by them as one that did ſo.

Indeed ſo proper a part was this accounted of the *Archbiſhop's Prerogative*, that even the *King* himſelf could no otherwiſe *call* one of theſe *Convocations*, than by making uſe of his *Authority* in the doing of it. And tho' when the King Commanded the *Archbiſhop* to hold a *Convocation*, he was, for the moſt part, regularly Obey'd in it; yet, ſhould a Diſpute have riſen, and the *Metropolitan* have refuſed to *Summon* his *Clergy* in Obedience to his *Writ*, ſuch was the *power* of the *Church* in thoſe days, that we may confidently Conclude they would not have dared to come together, without his Leave, or againſt his Will.

Sect. 17. An eminent Inſtance of this we meet with in the time of King *Richard* the *Second*, [1] when the *Commons* having granted to the King, *Two Fifteenths* upon this Condition, that the *Clergy* ſhould, in their *Convocation*, give two *Tenths*; the *Archbiſhop* in open *Parliament* proteſted againſt ſuch an Impoſition; and declared that he would never more treat with his *Clergy* about granting any *Subſidy* to the *King*, or call a *Convocation* to any ſuch purpoſe, till that Condition in the *Grant* of the *Commons*, were rejected, and razed out of it.

[1] Regiſtr. *Courtney* Arch. *Cant.* fol. 81, 82.

The King comply'd with the deſire of the *Clergy*, and cauſed that whole Clauſe to be razed out of the *Grant* of the *Commons*; and the *Clergy* thereupon agreed to a *Tenth*; the one half abſolute, the other under ſome certain Limitations. This was done the 19*th* of *December* 1384. Upon the 15*th* of *January* following the *King* wanting a farther Supply, iſſued out a new *Writ* to the *Archbiſhop* [2] for another *Convocation* to be held before the *Mid-Lent* following. The *Archbiſhop* being Grieved at this, wrote with great Inſtance not only to the *King*, to withdraw his *Writ*, but to the *Chancellor* and *Treaſurer*, to the Biſhop of *Landaffe* the *King's Confeſſor*, and the other *Court-Biſhops*, to perſwade him ſo to do: [3] Concluding, that he would rather be ruined himſelf, then expoſe the *Clergy* to ſuch *Exactions*; *And I believe*, ſays he, *that the Clergy cannot be called together, unleſs I write to them to that purpoſe.*

[2] Regiſtr. *Courtney*. Ib. fol. 82.

[3] Ib. fol. 83. *a. Credimus quod Clerus Convocari non valeat, niſi ſcripſimus pro eodem.*

'Tis true either his Courage fail'd him in this particular, or he was prevailed with to change his Reſolution: For the *Convocation* met, tho' the *King* got nothing by it. But however this ſhews what the *Archbiſhop's* Opinion was; and we need not doubt but that he well underſtood a matter in which his *Metropolitical Authority* was ſo highly concern'd.

As for the *Clergy*, they were ſo far of the ſame Opinion, that *Archbiſhop Reynolds* having once inſerted the *King's Writ*, at length, into his own *Mandate*; tho' he call'd them together by his *Eccleſiaſtical Authority*, yet being met, they enter'd their Remonſtrance againſt [4] this, as well as againſt ſome other particulars; affirming that it was an *Injury to their Eccleſiaſtical Liberty, and tended to the ſubverſion of it, to have the King at all to meddle with their Aſſembling*: And Cited no leſs than a *Provincial Ordinance*, made before in the time of *Archbiſhop Winchelſea*, to the ſame purpoſe; *That no* Convocation *ſhould be held in time coming, upon the pretence of any ſuch commands.*

[4] *Rationes Cleri Prov. Cant. contra formam Citationis, &c. Anno* 1314.

It

It is therefore certain, That these *Convocations*, tho' not strictly in their own nature *Ecclesiastical Assemblies*, yet have always been convened by an *Ecclesiastical Authority*; nor is there, I believe, so much as a single instance to be given of their having been call'd by any other. And tho' the *King* has been always in possession of a *Right*, to require the *Archbishop* to summon his *Provincial Clergy*, whenever he has thought it for his service so to do; yet the very Term in which he was wont to require this of him, plainly shew by what Authority the *Convocation* was accounted to meet; it *Willed and command you*, says he, *to call together the Bishops of your Province, to appear before you, in such a Place, and at such a Time as you shall think fit.* So the *Old Writs* generally ran; and the *Archbishop* thereupon required the Bishop of *London*, by his own *Ecclesiastical Authority*, to *Summon* them accordingly to *Convocation*, &c.[1] And Lastly, to confirm all, the Bishop of *London* having received the *Archbishop's Mandate*, to this purpose, took no other notice of the *King's Writ*, than barely to recite it, as it lay in the *Archbishop's Mandate*; and so went on: "By Virtue and Authority of the most Reverend Father (the Archbishop's Mandate) peremptorily we Cite each Bishop of the Province to appear, at the time and place appointed therein for their Assembling."[2]

Sect. 18.

[1] *In fide & dilectione quibus nobis tenemini Rogando mandamus, quatenus -- suffraganeos vestros*, &c. *Convocari faciatis.* So the Convoc. Writs ran.

[2] *Quocirca Fraternitati vestræ committimus & mandamus, quatenus omnes & singulos dictæ Ecclesiæ nostræ Cant. Suffraganeos, &c. citetis. Et postea, literi peremptorie & præmunitori Volumus, & Mandamus, &c.*

And accordingly all the other *Instruments* which relate to the *Calling* of these *Convocations*, agree in this particular; and shew, that even when the *King* required such a *Convocation* to be held, yet it was by the *Archbishop's Authority* that it was *called*, and *held*: For the Bishop of *London*, having, in Obedience to his *Primate's* Command, issued out his *Mandate* to every *Bishop* of the *Province* to come himself, and to bring his *Clergy* along with him to the *Convocation*; each *Bishop* in his *Diocese*, sent to his *Dean* and *Chapter*, and *Archdeacon*, or *Archdeacons*, thereupon; And required them to put the *Archbishop's* Orders in Execution; and then certified the *Archbishop* of what he had done in this manner; "That by the *Authority and Force of his* Letters which he there recited, *or rather of his most reverend* Command, *he had* "*summoned his* Clergy, *and would come himself, as he was required.*" And the Bishop of *London* return'd his *Certificate* at the meeting of the *Synod* in these Terms: "That by Authority of "*the* Archbishop's Letters, *he had summon'd the Bishops of the* "Province, *to the Day, Business, and Place expressed in the said* "Letters; *And by the same Authority had commanded and enjoined* "*them*, &c. and all this without taking the least notice of the *King's Writ*, or of any thing done by him, by vertue thereof.

[3] *Quarum quidem literarum Reverendissimarum — Vigore juris & autoritate, Vos — peremptorie Citamus, &c*

[4] *Vobis igitur — Mandamus quatenus dictum mandatum — legitime Exequamini.* Form. Execut. Mandati.

[5] *Reverendissimo*, &c — *Mandati vestri — autoritate & vigore, Priorem Ecclesiæ nostræ Cathedralis, &c. — Citari et præmuniri fecimus, &c.* Forma Certificatorii.

[6] *Quarum* autoritate literarum *omnes & singulos, &c. — peremptorie Citavimus, ad diem & locum in* dictis vestris literis *expressat. mandando* eadem Autoritate *& injungendo eisdem — facturi, visuri, audituri & recepturi, quod tenor vestrarum literarum exigit, & requirit. Et sic Mandatum vestrum Reverendissimum, quantum in nobis fuerit, sumus diligenter — Executi.* Certificator. Episc. Lond.

Sect. 19. Hence in all the *Acts* of these *Convocations*, when met, it appears that they were *called*, and *carried on*, as the *Archbishop's Convocations*; And so they were stiled too, and that by the King himself, in all those Instruments in which he had any occasion to speak of them. And to put it beyond all question, that these *Convocations* were wont to be held, not by the *King's Writ*, but the *Archbishop's Mandate*; whenever he pleased, he not only *prorogued* them from time to time, but, by his *own Power*, *dissolved* them too; and that tho' *call'd* and *held* by him at the *King's command*.

Sect. 20. Such is the *Authority*, by which these *provincial Convocations* were wont to be *Assembled* heretofore; and by the very same *Authority* it is, that they continue to be held now. Nor has the *Statute* of the 25th of *Henry* the 8th, had any other influence on the *state* of these *Assemblies*, as to this matter, than only this; That whereas before, the *Archbishop* might, whenever he pleased, without any other Direction, by his *own proper Motion*, have *summon'd* his *Clergy* to his *Synod*; now he may not do it, but by the *King's Writ* to warrant him therein: But as for the *power* of *calling* of them, that is still left to him as it was before; the *Mandates* run in the same Form; and by his *Summons* it is, and by no other, that our *Convocations* do assemble at this day.

Sect. 21. Having thus seen what the *Power* is, by which these *Convocations* are *called*;

let us, in the nextplace, enquire into the *Method* of *calling* of them. I have already obſerved, that ſince the Act of the 25th of *Henry* the 8th, the firſt ſtep toward the aſſembling of one of theſe *Convocations*, muſt proceed from the *King*; without whoſe Writ the Hands of the *Metropolitan* are now tied up, ſo that he is no longer at liberty (as he once ſeems to have been) to call the *Biſhops* and *Clergy* of his *Province* to him at his *own Will*. I muſt now add, that when the *King* does by his *Writ*, require the *Metropolitan* to *Aſſemble* his *Convocation*, he is, by the ſame Law, oblig'd to do it: The intention of which being to transfer the whole *power* of *Aſſembling* the *Convocation*, which was before divided between the *Prince* and the *Primate*, to the *King alone*; It muſt therefore be underſtood, not only to reſtrain the *Archbiſhop* from ſummoning of it without the *King*'s *leave*, but to *oblige* him to *do* it, at his *Command*. Nor indeed is this any more then what the *King* was in poſſeſſion of long before: The *Clergy* in *their ſubmiſſion* confeſs it, and our Hiſtory clearly delivers it to us. For, notwithſtanding the ſtruggle of the *Clergy* againſt our *Princes* medling at all in this Matter, which I before mentioned, and of which I ſhall give a more full Account hereafter; yet certain it is, that both Archbiſhop *Peckham* and *Winchelſea* had ſummon'd theſe ſort of *Convocations* at the command of King *Edward* the *Firſt*; and that all the following *Archbiſhops*, from Archbiſhop *Reynolds* downward, did continue in like manner ſo to do. [1] As for Archbiſhop *Peckham*, he not only inſerted the King's Letter at large into his *Mandate*, *Anno* 1282 (which ſo much offended the *Clergy* in the Caſe of *Walter Reynolds*) but profeſſed himſelf in Obeying the King in that Matter, to do no more than what he thought he was in Duty bound to do. [2] And which ought to be more conſider'd in a Man of his Character; he not only thus *ſummoned* his *Clergy* at the *King*'s *command*, but for the more ſpeedy and ſure Aſſembling of them, he broke through the Formality of executing his Summons by the Biſhop of *London*, to whom that Office belong'd; and left it to the King to ſend his *Letters* by his *own Meſſengers* to them, [3] and to add his own *Royal command* in this Caſe to the others *Eccleſiaſtical Authority*.

[1] Regiſtr. *Peckham.* fol. lxxxii.

[2] *Quia igitur Regiæ Majeſtati tenemur quatenus ſecundum deum poſſimus Obedire —Vobis— Mandamus, &c.*

[3] Vid. Epiſt. *Jo. Peckham in* Append. *ad* Ann. 1282.

'Tis true, Archbiſhop *Winchelſea* was more ſtiff, both in oppoſing that King, and in Exalting the *Eccleſiaſtical Authority*; but yet [4] Inſtances we have ſtill remaining upon Record to ſhew, how far even he comply'd with his Demands in this Particular: And tho' under a weak Prince, and a new Archbiſhop, a ſtand was made, and ſome endeavours uſed by the Clergy to free themſelves from all pretence of Convening at the *King*'s *command*; yet in a little time, they ſetled again upon the Old Bottom: Inſomuch that from King *Edward* the *Third*'s time downward, I have not met with any one *Archbiſhop* who refuſed to call his *Clergy* together, whenever the *King* inſiſted upon it, and by his *Writ* required his ſo doing.

[4] An. 1297. Reg. *Winchel.* fol. 225, 226. An. 1298 Regiſt. lb. fol. 242.

Sect. 22. How the *King's Writ* to the *Archbiſhop* in this caſe was penn'd, I have in part before obſerv'd. The uſual Form was this; Having firſt declared the Reaſons, for which he thought ſuch an *Aſſembly* was neceſſary to be held; in the next place, "*To deſire and command the Archbiſhop, That conſidering the preſſing* "*Needs and Occaſions before-mentioned; he would cauſe his Suffragans*, &c. *to be cal-* "*led together in the uſual manner, to appear before him, in the place there mentioned, or* "*any other which he ſhould judge to be more expedient; and that with all convenient ſpeed.* To which oftentimes was added, an Engagement to him to preſs his *Clergy*, "*by the beſt Arguments he could uſe, to a liberal ſupply of his Needs, and to certifie* "*into the Exchequer, the quantity, and Circumſtances of what ſhould be granted by* "*them.*

This was the ſubſtance of the *King*'s *Writ* to the *Archbiſhop*: Indeed as to the Circumſtance of *Time*, that began, by degrees, to be more limited. For *Firſt*, the *King preſcribed* a certain *Term*, within which he ſhould cauſe his *Convocation* to be *Aſſembled*: Afterwards he appointed the very *day* to him. But in this, the *Archbiſhops* heretofore took their own Liberty, and fixed upon *another day*, or ſome *longer time* than what had been preſcribed to them. Howbeit, by degrees, even in this too, the *King*'s *Authority* prevailed; and the *Royal Writ*, not only aſſigned the very *day* for the *Clergy* to *meet* upon, but was punctually obeyed in it.

When therefore the *Statute* of the 25th of *Henry* the 8th, put the *calling* of the *Convocation* under the direction of the *King*'s *Writ*; it reſtrain'd indeed the *Metropolitan* from convening it by his *own power*, without the *Prince's Authority* and

and *Allowance*, as he had ſometimes been wont to do before; but it made no other change in the *manner* of *aſſembling* it: The whole proceſs of which continues in the ſame *Method*, and almoſt in the very ſame *Words*, that before were uſed; And what that Form was, I now proceed to conſider.

Sect. 23. In the Province of *York*, the *Archbiſhop* having received the King's *Writ*, immediately ſends out his *Mandates* to his *Suffragan Biſhops*, to come to his *Convocation*, at the Time and Place appointed by it; and to ſummon their reſpective *Clergy* to do likewiſe. But in the Province of *Canterbury*, a more ſolemn method is uſed: The *Archbiſhop* ſends his *Mandate* to the Biſhop of *London*, (or in his abſence, to his *Vicar-general*) reciting the *King's Writ*; and *commanding* him thereupon in his *Name*, and by his *Authority*, to require all the ſeveral *Biſhops* of his Province, to appear before him at the *Time* and *Place* which he thereby appoints; and to ſummon their *Clergy*, who are to come to his *Convocation*, to be ready in like manner to appear before him.

The Biſhop of *London*; (or in the Vacancy of that See) the Biſhop of [1] *Winchester*; or in caſe of a Vacancy in both, which has ſometimes happen'd, the Biſhop of [2] *Lincoln*; having received this *Mandate* from the *Archbiſhop*, forthwith diſpatches a Copy of it to the *Biſhop*, or *Vicar-general* of every *Dioceſe* within the Province of *Canterbury*. And then adds, *Quarum*, &c. "*That by* "*the Vigor and Authority of the moſt Reverend Letters before re-cited, he does by* "*the Tenor of theſe Preſents, cite the Reverend Father, (to whom he ſends them)* "*and by him, All and ſingular the Perſons ſpecified in the ſaid moſt Reverend Let-* "*ters, as far as concerns himſelf, his City and Dioceſe; to appear at the Day and* "*Place before-mentioned, to do and receive, as the ſaid moſt Reverend Letters de-* "*note. And further enjoins him, by the Authority aforeſaid, at the Day and Place* "*appointed, to certifie the moſt Reverend Father, or his Commiſſaries, of what he* "*has done in this matter, by his Letters Patents, containing diſtinctly and openly,* "*the Names of the Perſons that have been cited by him thereupon.*

[1] Regiſtr. Arundel. fol. lxv. a. *Henr. Wint.* Epiſc. *Qui tanquam ſacroſanctæ noſtræ Cant. Eccleſiæ ſubdecanus, Eccleſia Lond. Vacante, quæ ipſius Eccleſiæ noſtræ Cant. Decanatus decoratur honore, noſtra, & ipſius Eccleſiæ noſtræ*

Mandata, ex debito veſtri Officii recipere, & ixequi tenemini cum effectu. [2] Regiſt. Arundel Arch. Cant—. *Henr.* Epiſc. *Lincoln. Qui tanquam ſacroſanctæ noſtræ Cant. Eccleſiæ Cancellarius, vacantibus London & Winton Eccleſiis, quæ ipſius Eccleſiæ noſtræ Cant. Decanatus, & ſub-decanatus decorantur munio & Honore* — fol. lxii. vol. 1.

Sect. 24. The *Biſhop* of every *Dioceſe*, having received this *Mandate* from the *Biſhop* of *London*, in Obedience thereunto, preſently takes care to have it Obey'd, either by Executing it himſelf, or by ſending a Copy of it to his *Official*; and then "*Committing it to him, and requiring of him, to Execute it, according to* "*the whole Force, Form, and Effect of it, with all convenient ſpeed: And to certifie* "*him within a certain time*, which he thereby limits, *of what he has done, or cau-* "*ſed to be done in the Premiſes.* This the *Official*, or his *Commiſſary-General* does; and ſo the Perſons are all duly *Cited* to, and Choſen, for this *Convocation*.

Sect. 25. Who they were that, of old, were wont to be *ſummon'd* to theſe *Aſſemblies*, the Forms of the *Writs* by which they were called, will not ſuffer us to doubt: In which the *Archbiſhop* requires the Biſhop of *London* to Cite, firſt, the *Biſhops* of every *Dioceſe* within his *Province*; "*and by them the* Deans or "Priors *of their* Cathedral Churches, *and the ſeveral* Chapters *of the ſame*; *the* "Archdeacons, Abbots *and* Priors, *having Convents under them*; *and other* Pre-"lates *of* Churches, Exempt, *and not* Exempt, *together with the* Clergy *of their* "Dioceſſes: *And that the ſaid* Biſhops *or* Vicars *general*, *the* Deans, Abbots, "Priors, Archdeacons, *with the other* Prelates *of* Churches Exempt *and not* Ex-"empt, *ſhould appear in their* proper Perſons; *Each* Chapter *by* One, *and the* "Clergy *of each* Dioceſe *by Two ſufficient* Proctors, *to act for them.* Theſe were the Antient *Members* of our *Convocations*, from the time that they were called by the *King's Writ*: And the ſame ſtill continue ſo to be; only with this difference, that there being now no *Priors* of *Cathedral Churches*, the *Deans* only are mentioned; and the *Regular Clergy*, which before made a conſiderable part of theſe *Aſſemblies*, ſince the *diſſolution* of their *Religious Houſes*, are totally omitted.

Sect. 26. The *day* of the *Convocation* being come, the *Archbiſhop* was with great ſtate and ſolemnity attended to, and received at, the Place where it was to be held. This, in the Province of *Canterbury*, has commonly been St. *Paul*'s *Cathedral*, *London*; where *Maſs* being ſaid, and a *Sermon* preach'd, the *Convocation* was commonly begun in the *Chappel* of the *Virgin Mary*, at the Head of the *Quire*

of

of that *Church*, and from thence adjourn'd to the *Chapter-House*, and continued there.

And here, first of all, the Bishop of *London* was wont to exhibit his Certificate to the *Archbishop* himself, of the *Execution* of his *Mandate*, in *Citing* all Persons concern'd to appear before him in *Convocation*: Which being Read, the *Archbishop* usually appointed some *Commissioners* to receive the *Certificates* of the *other Bishops*; and to examin the *procuratorial Letters* of the *Chapters* and *Clergy*, and assign'd a time for the doing of it.

Sect. 27. How these *Proxies* differ'd from those which were sent up to the *Parliamentary Convocation*; the several *Forms*, still remaining of them, sufficiently shew. I shall only observe, That as *those* were commonly directed to the *King*; so *these* were, in like manner, to the *Archbishop*: As *those* empower'd their *Proctors* to *act* with the *Bishops*, *Great Men*, and *Lords* in *Parliament*; so *these* empower'd them to *treat* with the *Prelates* and *Clergy* in *Convocation*, and to *consent* to such things as should be concluded by them. And, as in the other *Convention*, if any who was required to come in *Person* to it, could not appear there, he *deputed* some one in his stead, to alledge the cause of his *absence*, and to *act* on his behalf; so in this *Convocation*, if any *Prelate*, *Dean*, or *Archdeacon*, came not himself, he sent up his *Proctor* to *act* for him: and desired, in this Case, the *Archbishop*, as in the other, the *King*, to allow of him.

Sect. 28. These Preliminaries being over, if any Persons concern'd to come to the *Convocation*, neither appear'd at it themselves, nor deputed any others to *Act* in their stead, the *Archbishop* pronounced them *Contumacious*; and Decreed that the *Convocation* should proceed in its Business, notwithstanding their absenting of themselves from it.

And now the *Archbishop*, as *President* of his *Convocation*, usually declared to them for what Reasons he had call'd them; and required them to debate maturely concerning them: And then, for the most part, the *King* sent his *Commissioners* to them, to lay before them the *Necessities* of the *Government*, and to Exhort them to a ready and liberal *supply* of them.

To deliberate of these things, the [1] whole *Convocation*, at first, both *met*, and *debated together*. If any greater difficulties arose, the *Archbishop* directed them, to go aside into several *Committees*, and consider with themselves what was fit to be done, and to report their *Opinions* to him. Thus in the *Convocation* of 1296, [2] They divided into IV Bodies, and consulted; the *Bishops* by themselves; the *Deans*, and *Archdeacons* by themselves; the *Religious Clergy*, *Abbots*, *Priors*, and other *Prelates* by themselves; and the *Proctors* of the *Clergy* by themselves. Afterwards, they divided into III *Parts*: And this continued to be the more common Method for some time. But still they were only occasionally dismissed by the *Archbishop* to some part of the *Church*, to *advise* together, and *agree* what they would do, upon some more difficult Matters, and so they came together again.

How they managed their Debates upon these Occasions, tho' we are not particularly inform'd, yet may we reasonably Conjecture; They agreed upon some proper Person to be, for that time, the *Chairman* of their *Committee*, [4] and by him were both directed in their Consultation, and made Report to the *Archbishop*, and *Bishops*, of their Resolutions. Of this, the *Acts* of our Ancient *Convocations* give us several clear Intimations; in which the *Dean* of the *Arches*, or some other of the *Archbishops Officials*, is commonly found reporting the Conclusions of the *Clergy* to the *Archbishop*, without any manner of *Choice* mention'd, or *Title* extraordinary given him upon that Account. Sometimes two Persons together [5] have been employ'd to this purpose; and sometimes, in the procels of the same *Convocation*, [6] two distinct *Prolocutors* have been appointed to discharge this *Office* for them.

[1] Registr. Islip. Arch. Cant. fol. 117. b. *Arch. cum Confratribus in Domum Capitularem D. Pauli divertit; Abbatibus, Prioribus, Decanis, & aliis, una cum procuratoribus Cleri, in dicta domo Capitulari remanentibus.* ——ib. *Tota insimul Synodo, &c.* —— *Sic* Regist. *Sudbury.* fol. lix. *Courtney* lxxiii. *&c.*

[2] Vid. Chron. Dunstap. Mf. Cotton. *in* Hist. Convoc. fol. 84. 85.

[3] Registr. *Wittlesey* in *Convoc.* Ann. 1369. fol. xxii. b. *&c.*

[4] *Vid.* Regist. *Arundel* Arch. Cant. *in* Convocat. 1402. fol. lix. *&c.* 1406 ib. fol. lxv. *&c.* 1408. fol. lxxi. &c. Regist. *Chichley*, an. 1438. fol. cv. &c.

[5] Convoc. Ann. 1411. Reg. *Arundel.* A. C. fol. xxiii. Die lun. vii. Decemb. Ven. *viri Magistri* Henricus Ware *Curiæ Cant. Officialis*; *&* Philippus Morgan. *Ex parte Cleri, cujus gerebant Organa vocis, exposuerunt*, &c.

[6] *Sic Convoc.* 1438. in. *Prima Sess.* Thomas Bekynton: In. *Secunda* Jo. Lyndefield. *(Tho. prædict. adhuc vivente.* Ib. fol. cxii.) Registr. *Chichley.* fol. civ. cix. &c.

Whilst

Whilſt the [1] *Regular Clergy* continued to deliberate by themſelves, they alſo had their *Chairman*, as well as the *Seculars*, to moderate in their *Committees*, and to make report of their Reſolutions. But for any certain Perſon ſolemnly choſen to manage the Debates either of the one, or of the other, as a diſtinct part, or body, of the Convocation, we meet with no inſtance of it, till Archbiſhop *Chicheleys* time, that is, till near the middle of the *Fifteenth Century*. In effect, the firſt *Convocation*, in which I have yet obſerv'd any *Prolocutor* of the *Lower Clergy* to have been choſen, at the beginning of their Seſſion, is in that of 1425; in which the *Acts* of the *Synod* [2] tell us, "That the *Archbiſhop having declared the* "*cauſe of the* Convocation *the Second day of its Aſſembling*; *the* Deans, Archdeacons, "*and* Proctors *of the* Chapters *and* Clergy, *at the command of the moſt Reve-* "*rend Father, withdrew into the* Lower-houſe, *under the* Chapter-houſe, *to Treat* "*of the ſaid Cauſes, and to chuſe out from among themſelves, one* Referendary, *or* "Prolocutor, *who, in all their ſtead, might deliver their Sence, and carry back the An-* "*ſwer that ſhould be made to them.* And the famous *Lyndewood*, was the Perſon who, upon this Occaſion, was choſen by them.

But tho', in this *Convocation*, they, at the *Archbiſhop's* Command, choſe a *Prolocutor*, yet did not this make it a conſtant Cuſtom for them from thenceforth ſo to do. In the very next *Convocation*, [3] *Lyndewood* in the name of the *Clergy*, intimated indeed to the Archbiſhop what their Opinion was: but there is no Account that any *choice* was made of him, for any ſuch purpoſe as before; nor is the *Title* of *Referendary*, or *Prolocutor*, here given to him, as it was in that other *Convocation*. In ſeveral *Convocations* after, either no notice is taken of any ſuch *Perſon* at all; or none of any that was choſen, by the Archbiſhop's direction, to be a conſtant *Prolocutor* to them. And that none was ſo appointed, we have this Argument to aſſure us, that in the *Convocation* of 1438, Mr. *Thomas Beckinton* [4] is mentioned as their *Prolocutor*, in their firſt *Seſſion*; and in the next *Seſſion* of the ſame *Convocation*, both the Office, and Character, is aſcribed to another Perſon, Mr. *Jo. Lindeſield*, *Bekynton* being ſtill alive, and a Member of their Houſe. Which therefore, as I conceive, does evidently ſhew that they had only made choice of *Bekynton*, as they had been wont to do of others, to be their *Chairman* for that Occaſion: And that now, he being *abſent*; or, for ſome other reaſons, which at this diſtance we cannot Judge of, they agreed upon the other, for the ſame purpoſe, and after the ſame manner.

Thus ſtood this matter during the whole time of *Archbiſhop Chichley*; and ſo it continued in that of his Succeſſor, *John Stafford*; as far as I can judge by the only *Convocation*, of which I have met with any *Acts*, during his Preſidency, [5] *Anno* 1444. and in which, tho' Mr. *William Byconill*, *Official* of the *Archbiſhop's Court*, be ſtiled *Prolocutor* of the *Clergy*, and *Officiated* as ſuch; yet there is no intimation given of his *Election* to that *Office*, or any *Command* recorded of the *Archbiſhop* to any ſuch purpoſe.

But what was hitherto a matter of *private choice*, rather then of *publick notice*, now became a ſtanding *Act* of the *Convocation*. The *Proctors* of the *Clergy*, which before had only gone aſide *Occaſionally* to conſult among themſelves in ſome matters of a more than ordinary Importance; and, for the reſt, tranſacted their Affairs together with the *Biſhops* and *Prelates*; and even in Archbiſhop *Chichley's* time, paſs'd ſome whole *Convocations*, without ever ſeparating, or going aſide at all, now began to act in a Body by themſelves; tho' ſtill ſubject to the direction of the *Archbiſhop* and *Biſhops*, and ready upon all Occaſions to attend upon them, and make report of their proceedings to them. For this they had been wont to agree upon ſome of their *own Members* to moderate their debates, and to tranſact their Affairs with the *Archbiſhop* and *Biſhops* in their *Names*; and the *Archbiſhop* and his *Brethren*, inſtead of oppoſing, had ſeem'd rather to give countenance to it. And now under the next Archbiſhop, the *Cuſtom* began to be ſolemnly introduced, which has ever ſince continued: Who not only commanded them to go to their own *Houſe*, and *chuſe* their *Prolocutor*, but having ſo done to return and *preſent* him to him. This they firſt did, as far as I have obſerv'd, in the *Convocation* [6] of 1452. when Mr. *John Stokeys*, *Official* of the *Archbiſhop's Court*, was both *choſen* and *preſented* by them to this *Office*; and ſo continued to be Elected, and admitted to the ſame Employ in their following *Convocations*, for *Eleven years* together.

[1] *Anno* 1438. Prædict. *Prælati Religioſi*, &c. per *Abbatem Glouceſtriæ Prolocutorem ipſorum* Religioſorum. ib. fol. cv.

[2] Convocat. Anno 1425. fol. xl. b. Regiſt. *Chicheley* A. C.

[3] Convocat. Anno. 1426. ib. fol. lxv.

[4] See before Convoc. An. 1438.

[5] Vid. in Regiſt. *Arundel.* Arch. *Cant.* Par. 2. fol. 29. 30.

[6] Vid. Act. Convoc. 1452. Regiſtr. *Kemp.* fol. 219. &c.

How

How this, at firſt, was done, we may in ſome meaſure learn from what is recorded of it in the Acts of our *Convocations*. In the *Convocation* of 1460, the *Rules* of *chuſing* and *preſenting* the *Prolocutor* [7] were either not yet perfectly *Setled*, or not yet *ſufficiently underſtood*: For it is there ſaid that the *Archbiſhop* having commanded the *Clergy* of the *Lower-houſe*, in the *Third Seſſion*, to go to their *Houſe* and chuſe their *Prolocutor*; in the next *Seſſion*, they came up to the *Upper-houſe*, and conferr'd with the *Archbiſhop*, of, and concerning, certain *Articles* touching the *Election* of a *Prolocutor*. In concluſion of which the *Archbiſhop* commanded all thoſe of the *Lower-houſe*, that they ſhould repair thither and *chuſe* a *Prolocutor*. This they did, and choſe Mr. *John Stokeys*, *Official* of the *Court* of *Arches*, and preſented him to the *Archbiſhop*, *Biſhops*, and *Prelates*. He would have diſabled himſelf for the *Office*; but at the command of the moſt Reverend Father, he accepted of it.

[7] Regiſtr. *Bourgchier*. fol. 13.

In 1463, the moſt Reverend the *Archbiſhop* [8] commanded the *Deans* of the *Cathedral Churches*, the *Archdeacons* and *Proctors* of the *Clergy*, to go to the *Lower-houſe*, under the *Chapter-houſe*, the *place aſſigned to them*, and that where they were wont to ſit, to *chuſe a Prolocutor*: And Mr. *John Stokeys* was again choſen by them and preſented to the moſt Reverend Father, and his Brethren, by *William Say*, *Dean* of *Pauls*; which *Preſentation* the *Archbiſhop admitted* of.

[8] Act. Convocat. ib. fol. 18. *a*.

In Archbiſhop *Morton's Convocation* 1486, the moſt Reverend Father [9] *pro Tribunali ſedens*, ſent away the *Clergy* to *chuſe* themſelves a *Prolocutor*; which being done, and the Perſon choſen *preſented* before the moſt Reverend Father, and his Brethren, he was *admitted*, and *accepted* of, by the *Archbiſhop*.

[9] Regiſtr. *Morton*. Arch. *Cant*. fol. 34.

How this *Election* and *Admiſſion* has been tranſacted, ſince the time of King *Henry* the *Eight*, the Formulary of Archbiſhop *Parker*, and the *Acts* of thoſe *Convocations* which yet remain to us, ſufficiently ſhew. The *Archbiſhop* ſtill *requires*, as he was from the beginning wont to do, the *Clergy* of the *Lower-houſe* to retire to their place, and agree upon ſome pious, learned, and truſty Perſon, for that Employ, and ſolemnly to preſent him the next *Seſſion*, to *himſelf*, with the *Biſhops* in the *Upper-houſe*. Which having done, the *Archbiſhop admits* him to, and accepts of him for that Office.

Sect. 32.

Who they are that now conſtitute theſe *Two houſes* of *Convocation* (ſince the diſſolution of the *Religious Houſes*) is eaſily reſolved; the *Archbiſhop* and *Biſhops* alone remaining in the *one*; and the *Deans*, *Archdeacons*, and *Proctors* of the *Chapters* and *Clergy*, continuing to conſtitute the other. As for their State immediately before, the Original Subſcriptions of the *Convocation* of 1536, in the *Cotton Library*, [10] clearly repreſent it to us; in which the *Two Houſes* ſeparately ſubſcribe; thoſe of the *Upper-houſe* by themſelves, and thoſe of the *Lower* in like manner. And from whence it appears that at that time, the one conſiſted of the *Biſhops*, *Abbots*, and *Priors*; the other of the *ſame kind of Members*, of which it is now compoſed.

[10] Cleopatr. E. v.

And this ſeems to have been the Conſtitution of theſe *Two Houſes* for above a hundred years before: For in the *Convocation* of *Archbiſhop Arundel*, [11] *Anno* 1408, the INFERIOR CLERGY being divided apart from the *greater Prelates*, and ſitting in the *Schools* of *Divinity* under the *Convocation-houſe*, according to the appointment of my Lord the Archbiſhop, after their uſual manner; the *Archbiſhop* of *Canterbury*, with the *Biſhops*, *Abbots*, and *Priors*, in the other houſe, went on to the buſineſs then under conſideration.

[11] Regiſtr. *Arundel*, A. C. fol. 72. b. 1 Par.

The ſame was the Diviſion in his Succeſſor Archbiſhop *Chichley's* time, as appears by the *Acts* of the *Convocation* [12] of 1419. When the moſt Reverend Father, having declared the Cauſes of the *Convocation*, "Appointed the *Deans*, "*Archdeacons*, and *Proctors* of the *Clergy*, that they ſhould repair to their uſual "houſe, and there treat, and communicate, of, and concerning, the matter afore-"ſaid; to the end, that having deliberated of, and upon, the Premiſes, they "might by the Authority of the *Council* finally conclude, and unanimouſly or-"der concerning them. Upon which they forthwith retired from the *Chapter-*"*houſe*, to the *place* aſſigned them; the moſt *Reverend Father*, with his *Bre-*"*thren* the *Biſhops*, the *Abbots* and *Priors* of his *Province*, remaining, and treat-"ing together.

[12] Regiſtr. *Chichley*. 1. Pa. fol. 18. b.

It were an eaſy matter to bring ſeveral other the like Authorities in proof of this; but I ſuppoſe theſe are ſufficient. I will only obſerve, That tho' the *Abbots* and *Priors* continued ordinarily to ſit, and deliberate together with the

the *Biſhops*, in the *Upper-houſe* after it, became cuſtomary for the other *Clergy* to debate a part from them; yet ſtill upon any particular emergency, they divided too; and the *Religious* (as well as the other *Clergy*) went together to *Conſult* and *Treat* of what they had to agree upon. [1] Of this I ſhall offer but one Inſtance (and that later, in time, than thoſe I before mentioned to ſhew their ſitting together:) in the *Convocation* of the ſame *Archbiſhop Chichley* *Anno* 1438: In which a debate ariſing concerning the promotion of *Graduates* in the *Univerſities* of *Oxford* and *Cambridge*; they concluded that certain *Statutes* being reform'd, which were ſet down in a *Cedule* preſented by the *Abbot* of *Glouceſter, the Prolocutor of the Religious*, they would agree to the *Conſtitution* made, with relation to that affair, in the *Convocation* of 1421.

[1] Regiſt. *Chichley* ibid. fol. 105. a.

Sect. 33. Having thus conſidered how the Convocation has been wont to meet, and prepare its ſelf for Action; it will now be time to enquire how it has been wont to go on, and to *Treat* and *Conclude* of thoſe Affairs for which it was Aſſembled. It cannot be deny'd but that before the time of King *Henry* the *Eighth*, the *Convocation* was in full liberty of *debating* and *determining* any thing that fell under its proper Cogniſance, without any *reſtraint*, or *limitation* to hinder it in that reſpect. How far the Statute of the 25*th* of that *King*, c. 19. has *limited* them in their *power* of *making*, as well as of *promulging*, and *executing*, *Canons* and *Conſtitutions*, I ſhall hereafter particularly conſider. In the mean time, we will enquire what the *State* of the *Convocation* was, in this reſpect, before the paſſing of that Act: And that will enable us the better to Judge, both of its *Powers*, and *Priviledges*, at *this day*.

Sect. 34. That the Archbiſhop was wont, as *Preſident* of the *Synod*, to declare to the *Prelates* and *Clergy*, the Reaſons of his Aſſembling of Them, and wherein he deſired their Advice and Aſſiſtance; I have before obſerved, and all the *Acts* of our *Convocations*, of which great numbers ſtill remain to us, concur to ſhew it. Nor is it leſs evident from the ſame *Acts*, that of the things, ſo propoſed to them, by the *Preſident* of the *Convocation*, both the *Prelates* and *Clergy* were obliged, in the firſt place, to *Treat* and to *Conclude*. They repreſent the *Archbiſhop* as Acting in a very *Authoritative manner* in this reſpect; and directing them not only in the matters of which they ſhould Debate, but oftentimes after what manner they ſhould proceed in the debating of them. It would be too long to multiply the ſeveral Inſtances in this place, which occur to prove this to us; and I ſhall have a more proper Occaſion hereafter to take a particular notice of them. I ſhall only add here, that excepting in the Conditions which accompanied their *Grants* of *Subſidies*, (and in which they oftentimes took occaſion to repreſent ſuch *Grievances* as they deſired ſome *Remedy* of from the *Government*) it will be hard to find any Inſtances wherein the *Clergy* in *Convocation*, have, of themſelves, debated of any thing without either the *general Leave*, or the *particular Direction*, of the *Archbiſhop*, as *Preſident* of the *Synod*, ſo to do; or a *previous Petition* preſented to him, for his *Conſent* to them, to proceed in ſuch matters as they were willing to *Conſult* about.

Sect. 35. The *Subject* of their *Debates* being thus fix'd, the next thing will be to enquire how they proceeded to *Debate* upon it. Now this anciently they did All *together*, in *One Common* Body: If the matter were of a more difficult Nature, but eſpecially if it concern'd the *Property* of the *Clergy*; (as in *Grants* of *Subſidies*, which I muſt ſtill beg leave to ſay was the great Buſineſs theſe *Convocations* met about;) the Archbiſhop, in that caſe, uſually required the ſeveral Orders of the *Convocation*, to *Conſult* by themſelves, and to *Agree* on what they thought fit to do. But ſtill the Reſolution was finally made by the *whole Synod together*; which for that reaſon generally began and ended every *Seſſion* in a *common Body*, however they might afterwards divide into diſtinct Companies, for the better Treating and Debating of their Affairs.

Sect. 36. The *Convocation* being come to an Agreement in any matters, the *Archbiſhop*, as *Preſident* of it, was wont finally to give his Aſſent to it; and ſo it became an *Act* of the *Convocation*; or rather to ſpeak more conformably to the *Words* of their *Records*, an *Ordinance of the Archbiſhop and Convocation*. Hence we find the Authority by which their Conſtitutions were made, thus expreſs'd in the publick *Acts* of their *Aſſemblies*: [1] *The Archbiſhop with the conſent of the Prelates and Clergy, hath Eſtabliſhed and Ordained: The Archbiſhop with the Con-*

[1] Regiſt. *Chichley*. 1. par. fol. 5. *Dom. de Conſenſu Prælatorum & Cleri quandam Ordinationem fecit.* —— *Eodem die, Dom. de Conſenſu Prælatorum & Cleri, ac de Decreto Conſilii ſui Provincialis.*

ſent

[1] Regiſtr. *Arundel.* 2 par. fol. 29. Mr. *W. Byconil*— prelocutor, ſupplicabat Domino ex parte Cleri— ut Feſtum S. *Edwardi*, de Fratrum ſuorum Conſenſu, ſub duplici feſto roboretur: Quod de conſenſu fratrum ſuorum, & totius Cleri in dict. Convoc. Statuit & Ordinavit.

[2] Ib. fol. 12, 13. Cum in noſtro Provinciali Concilio,— de Conſilio & Aſſenſu Veſtris (Ep. Lond.) & aliorum venerabilium Confratrum & Suffraganeorum noſtrorum, ad inſtantem Petitionem totius Cleri noſtræ Cant. Provinciæ, certas Conſtitutiones Provinciales——Ediderimus, &c.

ſent of the Prelates and Clergy, and by the Decree of his Provincial-Council, hath, &c. And in another *Synod* (for in this reſpect the caſe was the ſame both in *Council*, and *Convocation*) the *Prolocutor* [1] *made ſupplication to the Archbiſhop on the behalf of the Clergy, that by the Conſent of his Brethren, the Feaſt of St.* Edward *might be Eſtabliſhed as a double Feaſt; and the Archbiſhop thereupon, by the Conſent of his Brethren, and the whole Clergy in the ſaid Convocation, Eſtabliſhed and Ordain'd.*---- And in the *Inſtruments* themſelves, their *Ordinances* ran after this manner: [2] *Whereas in our Provincial Council lately held at* Oxford, *by the Conſent of our venerable Brethren, and Suffragans, and at the inſtant Requeſt of the whole Clergy of our Province of* Canterbury, *we have ſet forth certain Provincial Conſtitutions,* &c.

Sect. 37. And even in the Concern of *Subſidies*, in which they may be accounted to have been the moſt Maſters of themſelves, yet evident it is that the *Archbiſhop* heretofore had a *ſingular power* over his *Clergy*, inſomuch that in one *Parliament* we find them *Conſenting to a Grant*, with this *Clauſe*, [3] as *far as in the abſence of the* Archbiſhop *they could do it.* [4] In another *refuſing* to *grant* any *thing*, for the *ſame Reaſon*: And in the *Convocation* of *Northampton*, [5] *Anno* 1380, the *Archbiſhop* having laid before them the *King's Neceſſities*, proteſted, at the ſame time, that he would not *impoſe upon, nor conſtrain the Clergy of his Province, to grant any certain Subſidy at that time.* I do not ſuppoſe, that the *Archbiſhop* had any power to *preſcribe* to the *Clergy*, *what* they ſhould *give*, or to *oblige* them, whether they would or no, to *grant* what he *propoſed* to them. Nor do I produce this laſt inſtance to infer any ſuch falſe *Concluſion.* All that I affirm is, that as his concurrence was requiſite to make their *Acts*, in any Caſes, *Valid*; ſo even in matters of *Subſidy*, ſuch was the deference which they paid to him, that they neither gave any thing to the *King*, againſt his *Will*, and but ſeldom oppoſed what he inſiſted upon to be granted by them.

[3] Brev. Reg. Clauſ. 9. E. 2. m. 17. See Prynn. Regiſt. Vol. 1. p. 154. Ad ſubſidium nobis faciendum, quatenus Vobis abſentibus, cui ſubſunt, & in quorundam aliorum abſentiâ potuerunt, unanimiter Conſenſerunt. Sc. Prælati & Clerus——

[4] Ib. Prynn. Regiſtr. p 234. E. Clauſ. 4. Ed. 3. m. 3. dors.—— Prælati reſponderunt, quod propter abſentiam veſtram (Arch. Cant) Eorum reſponſum tunc facere nequiverunt. Conf. Regiſt. *H. Eccles. Cant.* fol. 298. b.

[5] Regiſt. *Sudbury* Arch. Cant. fol. 72. Expoſuit itaq; Archiepiſcopus neceſſitates Regias, ſed ſimul proteſtabatur, quod non imponeret, nec artaret Clerum ſuæ provinciæ, ad aliquod certum Subſidium Concedendum.

[6] Regiſtr. *Wittleſey* Arch. *Cant.* fol. 17, &c.

Thus in the *Convocation* [6] of 1369, the *Archbiſhop* propoſed to the *Clergy* the granting of a very large Supply, a *Triennial Tenth* to the King, and commanded the *Religious* to go apart to one ſide of the *Church*; the *Clergy* to another; and to conſult about the *Grant* which he had mentioned to them; and report their Reſolution to him in the *Chapter-houſe* the next day. This they did, and mutually agreed to give *Two Tenths*; the one, abſolutely; the other, upon certain Conditions; but would by no means conſent to give any more. Having made their Report, the *Archbiſhop* ſtill inſiſted upon his firſt Propoſal, and earneſtly preſſed them to comply with it; and then directed them to go aſide once more, and think better of what he had deſired for the *King* of them. Upon this ſecond Diviſion, the *Proctors* of the *Clergy* ſtuck to their *firſt Grant*; but the *Religious* ſo far comply'd, as to retrench the Conditions upon which they had before given the *Second Tenth*; but for a *Third*, they both excuſed themſelves from complying with it.

Upon this the King ſent his *Commiſſioners* again to the *Synod*, to declare the urgency of his Affairs, and ſhew them how that the *Two Tenths* propoſed by them, would not anſwer his Occaſions: And therefore exhorted them, that as the *Biſhops* had Conſented to a *Triennial Tenth*, ſo they would do likewiſe. When the *Clergy* heard this, they excuſed their Proceeding, by alledging that they knew not what the *Prelates* had done; whoſe Example they now preſently followed; and after all their ſtiffneſs, yielded to what was demanded of them.

Sect. 38. As for the manner of *paſſing* ſuch *Grants*, the *Forms* in which they proceeded were uſually theſe: The *Clergy* of the *Lower-houſe drew up*, and *preſented* their Grant to the *Prelates*: If they *approved* of it; then their part was to *Conſent*: Which having done, the *Archbiſhop*, laſt of all, *Accepted* of it, and *Confirmed* it.

Among

Among the other *Subſidies* which paſs'd in *Convocation*, One, not uncommon heretofore, was a *Charitable Benevolence*, or *Subſidy* to the *Archbiſhop* himſelf; in the Paſſing of which, the Phraſe was ſomewhat alter'd, from what was uſed upon the other Occaſions. I ſhall need only to offer one Inſtance for all, of this, in the *Convocation* of 1486, in which the *Clergy* granted to the *King* a great *Subſidy* of twenty thouſand Pounds, and two *Subſidies* [1] to the *Archbiſhop*; to "which when the *Biſhops*, and other *Prelates* had expreſly yielded their *Conſent*, "and *Aſſent*; and unanimouſly granted, as much as in them lay, the ſaid *Sub-* "*ſidies*; the *Archbiſhop* finally gave his *Conſent* alſo to the *One*, and *thankfully* "*Accepted* of the *Others*.

[1] Regiſt. *Morton.* Arch Cant fol. xliv. a.

Thus were the Acts of this *Convocation* paſs'd; and being thus *ratifi'd* by the *Archbiſhop*, they became thereby *compleat* and *perfect*; and neither needed, nor looked for, any other, or farther Authority. In the buſineſs of *Subſidies*, the matter is *clear*, beyond all *Exception*: For the *Archbiſhop* having certified to the *King*, the *Grants* of the *Clergy*, he preſently iſſued out his *Writs* for the *Collection* of them; which was all that he either did in this caſe, or thought he had any need to do; plainly thereby acknowledging their *Authority*, and that their Acts were Valid by their own Power, and needed not any *Ratification from without*, to give force to them. And for their *Eccleſiaſtical Canons*, and *Conſtitutions* (to take in them alſo on this Occaſion) the *Civil Power* medled not at all with them; unleſs they had chanced to go beyond their Bounds: but the *Clergy* having agreed to them, and the *Archbiſhop ratified* them; they were forthwith Publiſhed as his *Provincial Ordinances*; and all ſuch within his *Province*, to whom it belong'd, were bound to take notice of them, and yield Obedience to them. Sect. 39.

Indeed, if in any thing they had *Exceeded* their *proper Bounds*, and determined in ſuch Caſes as did not belong to them, to the *Prejudice* of the *King*, his *Crown*, or *Dignity*; in that Caſe their *Conſtitutions* were not only accounted void of all Force by the *Laity*, but they were ſometimes required themſelves to *repeal* them. So *Peckham* did his *Conſtitutions*, made in his *Provincial Council*, *Anno* 1279. Which, in the next *Parliament*, he himſelf revoked [2]. Sect. 40.

[2] See Dr. *Brady* V. ii. App. n. 45.

The *Convocation* having done what it was *ſummon'd* for; the *Archbiſhop*, who, during its *Seſſion*, had by himſelf, or his *Commiſſioners*, *prorogued* it according to his own pleaſure; now, by the ſame Authority, was wont to *diſſolve* it; and that without any *Writ* or *Licence* from the *King* ſo to do. And this he did, not only in the *Synods* which he called at his own proper Motion, but in the *Convocations* ſummon'd by him, in Obedience to the *King*'s *Writ*. But in this, his Authority has ſince been abridged, ſo that now, as he cannot *Aſſemble* a *Convocation* but by the the *King*'s *pleaſure*, ſo neither having *Aſſembled* it, can he *Diſſolve* it without his *Permiſſion*: Nay, and even the *Prorogations*, and *Continuances* of the *Seſſions*, are oftentimes made by *Writ* from the *King*; tho' in theſe, the *Archbiſhop* ſtill continues to enjoy, if not all, yet, at leaſt, a *good Part* of his *Ancient Prerogative*. Sect. 41.

But, tho' in this reſpect therefore his Power is much leſſen'd; yet in the other Parts, which relate to the *Government* of his *Clergy* in *Convocation*, he has the ſame *Authority* he ever had. By vertue of this, he has ſtill the ſole Power of *giving leave to any Members of the Synod to be either altogether abſent*; or, to *retire before the* Synod *is ended*. By the ſame Power he *pronounces thoſe, who neglect their Attendance, without his permiſſion, Contumacious*; and proceeds by *Eccleſiaſtical Cenſures againſt them*. Of all which, we have a clear Evidence in the *Convocation* [3] of 1605; in which, three Members of the *Lower Houſe* retiring from the *Synod*, without the *Archbiſhop*'s *Licence* in that part, firſt ſought and obtain'd, were *ſuſpended* from the *Celebration* of *Divine Service*, and from all manner of *Exerciſe* of their *Eccleſiaſtical Juriſdiction*, *Active* or *Paſſive*; and in their ſeveral *Churches*, were publickly *proclaim'd* ſo to be. Sect. 42.

[3] Regiſt. *Bancroft.* Arch. Cant. fol. cxxxviii. cxxxix.

And here then let us ſtop, and from the Account which I have hitherto been giving of this *ſecond ſort* of *Convocation*, let us conſider what the nature of it is, and how widely it differs from that which I before deſcrib'd. And

1. It may be obſerv'd, That this *Convocation* is a *perfect* and *entire Aſſembly* of it ſelf; whereas the other was but a part of a greater Body; one of the *Three Eſtates* of the *Realm* in *Parliament*. Now this the very *Writs* themſelves, by which theſe two *Convocations* are *aſſembled*, plainly ſhew: In the one of which, Sect. 43.

the *Clergy* are ſummon'd to appear before the *King* in *Parliament*, to (*do, and*) *conſent to ſuch things, as by the Common Advice of the Other* Eſtates, *ſhould be concluded upon*; in the other, they are called to *Debate, Conclude*, and *Eſtabliſh by themſelves*, without either mention or concurrence of any Others. And the ſame their very *Acts* themſelves declare; which, in their *Provincial Convocation*, they were wont to paſs entirely by themſelves, within their *Own Body*; and were ſo far from asking the *Conſent* of the *Lords*, and *Commons*, that before the time of King *Henry* the *Eighth*, they needed not even the *King*'s *Authority* to enforce them. Whereas, in *Parliament*, they could only begin ſuch Affairs, as they deſir'd to have paſs'd, by *Petition*, like the other *Commons*: And without the *Aſſent* of the *great Men* firſt, and then of the *King* in *Parliament*; their *Own Agreement* ſignified nothing, as to the giving of any *force* or *validity* to what they did.

As much therefore as a *part* of an *Aſſemby* only, differs from a *compleat* and *perfect Meeting*; as much as an *Aſſembly* which can *Conclude effectually* upon *Nothing*, nor give *Authority* to their *Reſolutions*, without the *Conſent* of the *other parts* of the ſame *Body*, differs from an *Aſſembly* which is endowed with *full Power* and *Authority* to *Conclude* by *it Self*, its *own Acts*; ſo much muſt the *One* of theſe *Convocations* be granted to *differ* from the *Other*; and the *Provincial Synods* of the *Clergy*, be confeſs'd to have been; and, in ſome meaſure, ſtill to be, more *Perfect*, and *Authoritative* in their kind, than their *Parliamentary Conventions*.

Sect. 44. 2. From what has been ſaid, it appears, That theſe latter ſort of *Convocations* are not *National*, but *Provincial*: They conſiſt of the *Clergy*, of but *One* of the *two Provinces*; and their *Ordinances*, and *Conſtitutions* reach no farther than the Bounds of that *Province* for which they *Act*; but have no Power to *Oblige* without the *Limits* of it. And in this again, this *Provincial Convocation Eſſentially* differs from the *Parliamentary*; which, whatever Defect it may have in other reſpects, is yet a part of a *National Aſſembly*; conſiſts of the *Clergy* of the whole *Kingdom*; and by its *Acts*, when *paſs'd* according to the Rules of its Conſtitution, binds the whole *Realm* to a *Submiſſion* to them. Now this, as to the One Part of it, the *Perſons ſummon'd* to theſe two *Convocations*, is again evident from the *Writs* by which they are *Aſſembled*: Which in the One are ſent into *both Provinces*, and equally *Cite* the *Biſhops*, and *Clergy* of them both; in the *Other*, are ſent into *One alone*; and neither directed to, nor pretended to be ſent any farther. And as for the other part, which concerns the *Authority* of its *Acts*; the very Name of *Provincial Ordinances*, by which they are called, and the *Archbiſhop*'s *Directions* of them, and *Mandates* concerning them; all ſhew the *Orders* of theſe *Convocations* to be limited to the *Provinces*, by whoſe *Prelates* and *Clergy* they were made: And I need not ſay, that *Acts* of *Parliament* oblige the *whole Realm*, and are of equal force in one *Province*, as in *another*.

Sect. 45. 3. Theſe *Provincial Convocations* are (tho' not ſtrictly) *Eccleſiaſtical Aſſemblies*; yet much more ſo than their *Conventions* in *Parliament*. The Perſons of which they conſiſt, are generally *Eccleſiaſticks*: If any Others (as the *Dean* of the *Arches*, and poſſibly ſome other priviledg'd Perſons of the *Archbiſhops Courts*) are admitted to be Choſen into them, yet are they ſuch only as either *Exerciſe*, or are *qualified* to *Exerciſe*, an *Eccleſiaſtical Juriſdiction*; and are upon that account allow'd to be *Members* of Them. Their Affairs of which they are Authorized to debate, are of an *Eccleſiaſtical Nature*, tho' in Order to *State Purpoſes*; concerning the *Security* of the *Church*; the *Priviledges* which belong to it; and the *Goods* and *Profits* of the *Clergy*: And all which, as our *Law-books* tell us, even their very [1] *Subſidies* themſelves are Matters of a *Spiritual* nature, as long as they continue under the *Debates* of the *Convocation*; and are not paſſed by them into *Lay-hands*. Whereas in the *Parliamentary Aſſembly* all is quite otherwiſe: There the *Perſons* are divided according to the *Three Eſtates* of the *Realm*; and ſo two parts are meerly *Lay*, to One that is *Otherwiſe*. Their *Conſtitutions*, indifferently take in *Eccleſiaſtical* and *Civil Affairs*: And of which ſoever it be that they determine, their *Acts* are good in *Law*; nor will any Exception, in that reſpect, lie againſt them, for having medled beyond their Bounds, and concluded of Matters which did not belong to them.

[1] Mich. 21. *Edw.* iv. fol. 47. & 20. H. 6. fol. 12, 13.

Sect. 46. 4. In theſe *Provincial Convocations*, before the *Clergy*'s *Submiſſion*, the *Authority* of the *Archbiſhop* was *Chief*. He called them ſometimes without any *Writ* at all from the *King* to authoriſe his calling of them. He appointed, for the moſt

most part, both the *Time* and *Place* of their *meeting*: He *presided* in them: He *prorogued* and *dissolved* them at his *own Will*: He gave *force* to their *Acts*; and, in effect, did the same in his *Convocation*, that the *King* was wont to do in his *Parliament*. And within the Limits of that Statute of the 25th of *Henry* the 8th, c. 19. and in subordination to the *King's* direction, he still continues to exercise a great part of that his Ancient *Jurisdiction* as to these Matters. But in the *Parliamentary Convocation*, all this Power is lodged in the *King*. He *Calls*, he *Prorogues*, he *Dissolves* his *Parliament*: He *passes* its *Acts*; and the *Archbishops* had no more to do in any of these matters, than the meanest of their *Suffragans* that was summon'd thither. All that they were entituled to, was, when the *Clergy* debated together, as a separate *Estate* of *Parliament*, upon any Matters, to be Chief in the *Committees* of the *Clergy* of their respective *Provinces*; and to make report of their *Resolutions*: But for any Authority in *Parliament*, when the whole *Body* met together, they had none at all; the *King* alone *Order'd*, and *Govern'd*, and *presided* in it.

And from all which, the difference between these two *Convocations* is clear, even to demonstration; That that *Assembly* which consists of the *Clergy* of one *Province* only; whose *Constitutions bind* only that *Province* for which they *Act*; which admits only of *Ecclesiastical Persons*, and can determine only of *Ecclesiastical Affairs*; in which the *Archbishop* of the *Province* had anciently the *ultimate Power*, and by virtue thereof, *presided*, *order'd*, and *govern'd* in it; must be altogether of a different *Nature* and *Constitution*, from such an *Assembly*, in which all these were quite otherwise: In which the *Clergy* of both *Provinces* met together; whose *Acts* bound the whole *Realm*; which consisted chiefly of the *Laity*; and had *Authority* in all kind of *Matters*, without *Confinement* or *Limitation*: In which, *Lastly*, The *King* had the *last concluding Power*; and did finally *Order*, *Rule*, and *Govern* all; *Summoned* it by his *Writ*, and *Dissolved* it at his Will.

But 5*thly*, and to conclude these Remarks: This *Provincial Convocation*, however, for convenience and freedom of Debate, it is usually now divided into two *Houses*, is yet together but One *Assembly*, consisting of the *Bishops*, and *Clergy* of the *Province*, with their *Metropolitan* at the *head* of *them*. Sect. 4.

Thus heretofore they both *met* and *acted together*, and pass'd several whole *Synods* without so much as once separating, or debating asunder from one another. When afterwards they divided, for the better managing of their Deliberations, it was only *Occasionally*, upon some greater Emergency, that they did so; and then they went aside for an Hour or two, treated by themselves, and so return'd to the Place of *Assembly*, and deliver'd their Opinions, and there came to a common Resolution. And tho' it be now become the Establish'd Method of this *Convocation*, when they sit and act, to *deliberate asunder* in *two houses*; yet this cannot alter the *Nature* of their *Assembly*, which is still called by the same *Writ*, that it was before this *Division* was thus settled into. By vertue of that *Writ* it *meets*, and *acts*; and from the *Terms* thereof, therefore, it must still derive its *Nature* and *Constitution*. Now in the *Writ* for the *Convocation*, not only the *Bishops*, but the *Deans*, *Archdeacons*, and *Proctors*, are all equally summon'd together; not only to meet in the *same place*, and before the *same Person*; but to *treat* so too: *Quod compareant*, &c. are the words; [1] *to appear before us, or before our Commissaries in St.* Paul's *Church, and to treat with Us*: And therefore, tho' for the better dispatch of Business, the *Clergy* of the *lower-house*, commonly *sit together*, and *debate* among *themselves*, yet they then properly *Act* as a *Convocation*, according to the tenour both of the *King's Writ*, and the *Archbishop's Mandate*, when they come up to the *Upper-House*, and there agree with the *Prelates*, before their *Metropolitan*, of what they have to do: Whereas their *debating* by *themselves*, is but a *preparatory deliberation*, like that of a *Committee* of *Parliament*, for the better dispatch of their Affairs when they come together; and to fit Matters for a common Resolution.

[1] *Quod iidem Episcopi, Decani*, &c.—— *compareant coram Nobis, aut nostro in hac parte locum tenente*—— *in Eccles. Cath. D.* Pauli Lond. *--ad Tractand.*

Hence it is, that the *Archbishop* still acts as *President*, not of the *Upper-house alone*, but of the *whole Synod*. He prorogues the *Convocation* from *one Session* to *another*: And, if by the *Archbishop's* Direction, or Consent, the *lower Clergy* have sometimes been required, or allowed, to meet in the interval between *Session* and *Session*; yet the *Convocation* has nevertheless been looked upon as *prorogued*, tho' they have *sate*; and the *Sessions* have been computed, not from *those meetings*, but from

from the *Archbiſhop's*, or his *Commiſſaries appearing*, and the *Convocation's aſſembling* before him.

Sect. 48. And this ſhews either the *Ignorance*, or *Error* of ſome Men, who look upon the *Convocation* as an *imperfect body*, till the two *Houſes* be *ſeparately met*, and a *Prolocutor* choſen; without which, they almoſt queſtion whether it may properly be called a *Convocation* at all. And in all which, they do not conſider how much they prejudice that very *Conſtitution*, which they would be thought ſo zealous to defend. For, according to this Account, tho' the *Convocation*, for the laſt ten Years, has been conſtantly *called*, *prorogued*, *diſſolved*; yet having never ſolemnly *met* in its *two Houſes*, and choſen a *Prolocutor*, we have, in truth, had no *legal Convocation* at all; and ſo the *Parliament* has ſate all this while, without any *Convocation aſſembled* with it.

Nay, but this Preſident will go yet farther? For ſo it met in King *James's* time too; ſo in the three laſt *Parliaments* of King *Charles* the *Second*, which carries the Preſcription ſtill farther. But, God be thanked, whatever ſome Mens Notions may be, the *Law* conſiders theſe Matters at another rate. And the *Convocation* in the Eye of *That*, is as fully *Aſſembled*, to all intents and purpoſes, the *firſt Hour* that it meets together, in the *Place*, and at the *Time* appointed by the *King's Writ*, and the *Archbiſhop's Mandate*; under the *Preſidency* of the *Metropolitan*, or his *Commiſſioner*; as if it were put into the moſt *ſolemn Form*, which theſe Men deſire. And thus much the *Publick Acts* even of theſe laſt *Convocations* [1] ſhew: Which, by the *King's Writ*, have been continued from one *Seſſion* to another; have been *Prorogued*, *Diſſolved*; and in all theſe, have been *addreſſed* to by the *King*, as a *legal Convocation*, duly *aſſembled*, and *actually ſitting* too; and thereby ſolemnly acknowledged by him as ſuch.

[1] Brev. Reg. pro prorogand. Conv. Cum *præſens Convocatio* Cleri veſtræ Cant. Provinciæ apud Eccleſ. Cath. S. *Pauli*—— inchoat. & celebrat. poſt diverſas prorogationes, & Adjournationes—— ad & uſque inſtantem 26 diem Auguſti prorogat. & adjournat. fuerat ——Vobis mandamus quod *Eandem præſentem Convocationem* Veſtram—— uſque ad &c.

Brev. Reg. pro Diſſolvend. Convoc. Cum *præſens Convocat.* &c. Certis urgentibus Cauſis, & conſiderationibus. *Ipſam præſentem Convocationem* hoc inſtante die duximus diſſolvend.—— Vobis Mandamus quod *Eandem præſentem Convocationem*— diſſolvatis, &c.

The ſame has been teſtified in the *Archbiſhop's Commiſſions*; who, for the Execution of theſe *Writs* has formally [2] deputed *One* of his *Suffragan Biſhops* in his *ſtead*, to *Prorogue*, *Continue*, and *Diſſolve* them; as true and legal *Convocations*, duly met, and qualified for his *Commiſſion*, and the *King's Writs*, to be directed unto. All which muſt be look'd upon, not only as a *Vain Formality*, but even as an *Error* in point of *Law* too; if theſe *Convocations*, for want of a *Sermon*, and a *Prolocutor* of the *Lower Houſe*, have, in truth, never been *legally Aſſembled at all*; nor, by conſequence, ever been put in a capacity of being thus *continued*, or *diſſolved* by the *King*, or of having a *Commiſſion* granted by the *Archbiſhop*, for the *Execution* of his *Writs* to that purpoſe.

[2] Subſtitutio Dom. Arch. pro Prorogand. Con.—— RR. patres, *&c.*— ad intereſſend. & præſidend. vice, loco, & autoritate ſuis in *Sacra Synodo*—— atque *Eandem Synodum*—— ad dies Congruos & Opportunos—— Continuand. & Prorogand. Subſtitut.——pro diſſolvend. Convocat. Reverendiſ. &c.—— loco ſuo conſtituit Rev. &c. Ciceſtrenſ. Epiſc. ad diſſolvendam *præſentem ſacram Synodum* ſive *Convocationem*, alias Autoritate Regia *Inchoat. & Celebrat.* & de die in diem——*Continuat. & Prorogat.*

But to remove all doubt as to this matter; let it only be conſider'd from what time the *Convocation*, even when it does *ſit* and *act*, *dates* its *Beginning*, and *computes* its *Seſſions*; and whether it does not *act* as a *Convocation*, before either the *Houſes ſeparate*, or any *Prolocutor* at all be choſen. Now, ſo it muſt be confeſs'd to do; or the *Return* of the *Biſhop's Certificates*; the *pronouncing* of the *Abſent Members Contumacious*; the *direction* of the *Clergy* of the *lower Houſe*, to chuſe their *Prolocutor*, and the *appointing* of a *Day* to *preſent* him upon, (all which are uſually done at the firſt meeting of it) muſt be ſaid to be no *Synodical Acts*; Nor that *firſt Aſſembly* a *proper Seſſion* of *Convocation*; unleſs the *Metropolitan* tarries while the *Clergy* go down, and *chuſe* their *Prolocutor*, and have him *confirm'd*, before he *prorogues* it; which they will very rarely find him to have done.

Were it needful to purſue this matter any farther, I might inſtance in ſome whole *Convocations* which have met, and *adjourned*, for a whole *Seſſion* of *Parliament*

ment together, and yet (having nothing to do) never *Chose* a *Prolocutor*; till at their next *Assembling*, having a *Commission* to do *Business*, they then thought it needful to have One, for the orderly managing of it. So did the *Convocation* of *York* in 1603: Which tho' it met, (as that in the *other Province* did;) yet doing nothing that Year, * it had no *Prolocutor* till 1605, and never thought it self the less a *Convocation* for *Want of One*. But I will rather mention an Instance nearer home, and within the memory of many who are still living, and able to bear Witness to it.

* See their Convocation-Book, *ad An.* 1605.

In the *Convocation* which sate in 1677, Dr. *Sancroft*, then Dean of St. *Paul*'s, being *Prolocutor* of the *Lower-house*, was nominated by the *King* to Succeed *Archbishop Sheldon* in the *See* of *Canterbury*. He was confirm'd *Archbishop*, *January* the 24*th*. On the 29*th* of *January* the *Convocation*, which had been prorogued from the 16*th* of the same Month, met; and continued sitting from thence to *March* the 14*th*, without any *Prolocutor*: Upon which day Dr. *Stillingfleet*, who succeeded that Reverend Person in the *Deanry* of St. *Paul*'s, was also by the *Clergy* in *Convocation*, made his Successor in the Office of *Prolocutor*. In this Interval, there were *Six Sessions* of *Convocation*, and all in *time of Parliament*. Upon *March* the 14*th*, the *Acts* of that *Convocation* tell us, "*That the Clergy of the Lower-house appearing personally before the Lords Bishops, and* "*being required to repair to their own proper House, and chuse a fit Person from a-* "*mong themselves to be Prolocutor, or Referendary, into the Room of the last,* "*lately promoted to be Archbishop of* Canterbury, *chose Dr.* Edward Stillingfleet. Here now near two Months pass'd, in which the *Convocation* was *held on*, and yet no *Prolocutor* chosen. If this were to all intents and purposes a good *Convocation*, in *Law*, notwithstanding any such defect; then I see no reason, why any other *Convocation* may not be so, as well as that. If it were not; then seeing they continued to *Sit* and *Act* without any *New Writ* of *Summons*, from the *King*, any new *Election* of *Proctors* for the *Clergy*, or any other *Authority* to make up any defect in *Law*, which for want of being a compleat *Convocation* (in these Mens Opinion) they might have incurr'd; we must conclude all their Proceedings from thenceforth to have been *Irregular*, if not *void* in *Law*, (even the choice and admission of their new *Prolocutor* not excepted) And how that whole *Synod*, came to fall under so gross a mistake, and yet neither the *Bishops* nor *Clergy*, to know, or suspect any thing of the matter, I shall leave it to those who advance, or comply with, such strange Notions, in their turn to Consider.

And this may suffice to shew what the Nature of these *Two Assemblies* is, and how they differ from one another. I now proceed to the other *sort* of *Assemblies*, of which somewhat must be said for the better clearing of my *Subject*, tho' otherwise we have at present, but little to do with them; I mean, the proper *Ecclesiastical Synods*, and *Councils* of our *Church*; and of the *Bishops* and *Clergy* of it. Sect. 49.

Of these the lesser in *Number* and *Extent*, but of most ancient Institution, were those, which I shall therefore first begin with:

3. *The* Diocesan Synods,

Of the *Bishops* and *Clergy*, of every Diocess, who by their joynt Counsel and Authority (committed to them by *Christ*) order'd the Affairs of their respective *Dioceses*, before any other *Councils* were settled, or assembled in the Church.

By what Authority these *Synods* met; of what *Persons* they consisted; what *Powers* they had; and for what *Purposes* they were assembled; tho' it may seem a little foreign to my present Business to shew, yet neither ought I wholly to pass it by, upon so fair an Occasion.

That the *Bishop* of every *Diocess* has, by Divine Commission, a power to *Govern* the *Church* of *Christ*, over which he is placed; and, in order thereunto, to *Call together* the *Presbyters* which Minister under him, was the constant Sense of all the ancient *Councils*, and *Fathers* of the *Church*. They have not only allow'd of this Power, but have directed the Exercise of it, and Commanded the *Bishop*, from time to time, to put it in Execution.

How *often* every *Bishop* was Obliged to *Assemble* his *Diocesan Synod*, the *Canons* of the *Church* inform us: Which generally ordained that these *Councils* should be Sect. 50. See *Spelm. Concil.* Vol. II. p. 1.

be held at leaſt *Once every year*, and obliged the Clergy, under the ſevereſt Penalties, to appear at them. In the ancient *Formulary* for holding of theſe [1] *Synods* among us, the order is, that they ſhould be *Convened twice* in the *year*; and this ſeems to have then been the ancient meaſure of them. [2] The Synod of *Calcyth*, ſettled it betimes here; And if we may rely upon the *Worceſter* Copy of the Synod of *Wincheſter* [3] *Anno* 1076, we muſt look upon this to have there again had a publick Determination. 'Tis true in the *Cotton* MS. the Decree is more general; *That every Biſhop ſhould hold a Synod every Year*: And yet, above 200 years after, in the *Conſtitutions* of the *Biſhop* of *Durham*, [4] *Anno* 1312: The Proportion of 2 yearly *Synods* was not only Eſtabliſhed as a rule for that Biſhoprick, but was ſaid to have been Eſtabliſhed according to the *Canonical Sanctions*, which therefore ſeem to have yet continued in a general force among us. But the common Direction of the [5] *Canon Law* was to have ſuch *Synods* held *Once in the year*: And this [6] *Lynwood* ſeems to deliver as the rule of *our Church* too; and there is this reaſon to believe that by this time it was become ſo, that when the *Reformation* was made of the *Eccleſiaſtical Canons*, then in force in this *Church*; [7] this was the Proportion which we find was intended to have been continued by thoſe, to whom the *review* of thoſe *Canons* was committed.

[1] Concil. Antiſſiod. *Ann.* 578. Can. 7.
[2] *Spelm.* Conc. Tom. 1. p. 293. Can. 3. *Ann.* 787.
[3] Apud *Spelm.* Ib. p. 12.
[4] *Spelm.* Concil. Vol. 2. p. 436. Cap. 3.
[5] Diſt. 18. C. 16. 18. q. 2. c. Abbates. Concil. Arelat. vi. *Can.* 4.
[6] Provincial. Lib. I. Tit 14. de Mai. & Ob. Cap. Item Statuimus. Voce *Synodis*.
[7] Reformat. Leg. Eccles. De Eccles. & Miniſtr. Ejus. Cap. 20.

To this *Synod* all the Clergy, who had any *Benefice* within the Dioceſs, were obliged to come: [8] And ſo were the *Regulars* too, as well *Abbots* as *Monks*; excepting only thoſe who, in proceſs of time, were *Exempted* from the *Epiſcopal Juriſdiction*. And even thoſe, [9] if they had any *Benefices*, by reaſon whereof they became ſubject to the *Authority* of the *Biſhop*, were obliged upon the account of ſuch their *Benefices* to come likewiſe. In the Conſtitutions of the *Biſhop* of *Durham*, [10] the Members of theſe *Synods* are thus computed; *Abbots*, *Priors*, *Archdeacons*, *Provoſts*, *Vicars*, and *Parochial Chaplains*: And that this was nothing peculiar to that *Dioceſs*, the *Reformation* of our *Eccleſiaſtical Law* [11] *ſhews*, which was gathered out of the *Canon Laws*, then in Practice among us; and (omitting only the *Regulars*, who were now ſuppreſs'd) enumerates the reſt much after the ſame manner, the *Biſhop* with his *Presbyters*, *Parochial Miniſters*, *Vicars* and *Clerks*.

[8] Capitul. vol. 1. col. 171. Synod. Vernens. cap. 8. *Lynwood.* l. c. Voce *Synodis*.
[9] Concil. Antiſſiod. *Can.* vii. Synod. Mogunt. I. *Can.* xiv.
[10] Ubi Supr. Cap. 3.
[11] Loc. Supr. cit. Cap. 1 c.

If the *Dioceſs* were ſmall, and had but one *Archdeaconry* in it; the *whole Clergy* met together at once for theſe *Synods*. If it were more large, the *Biſhop* ſometimes divided his *Synods*, according to the Number of his *Archdeaconries*; and held his *Dioceſan-Council* at *ſeveral times*, and in *ſeveral places*. But ſtill the Method of proceeding was the ſame in all; and the ſame Buſineſs done in the *One* as in the *Other*: And what that was, muſt next be Enquired.

[12] Vid. Not. Baluz. in Reg. p. 531, 532. Reform. legg. Eccl. l. c. Cap. 22. Vid. Ord. *Rom. Bibl.* PP. To. 13 p. 742, 743. *Spelm.* Concil. Vol. II. p. 1. 2. &c. Ord. MS. in Bibl. Cott. *Tiberius*. C. 1.

Now the firſt thing that was uſually done on theſe Occaſions, was for the *Biſhop* to make his *Synodical Enquiries*; [12] of which the ancient forms ſtill remain to us. Then the *Synodical Cauſes* were heard: Every one who had any proper Complaint to make, was permitted to ſpeak; and for this end, not only the *Clergy*, but the *Laity* too, were ſuffered to be preſent at theſe *Synods*, and to ſpeak in Them.

[13] Diſt. xviii. Epiſt. *Boniface.* ad *Cuthbert.* Arch apud *Spelm.* T. 1. p. 238. *Lynwood.* de Conſuet. lib. 1. Tit. 3. Cap. Hujus autem p. 18. b. Ord. Rom. loc. Supr. Cit. Baluz. in Reg. p. 532. Ord. *Spelm.* Tom. 2. p. 1. Ord. MS. Supr.

In theſe *Synods*, the *Biſhop* was wont to declare to his *Clergy* what had been decreed in the *Larger Synods* of the [13] *Province*: In theſe, he was directed to *Charge* his *Clergy* to have a Care of their Miniſtry, and to lay before them the main branches of that Duty, which was incumbent upon them, in their reſpective Places to fulfil.

And laſtly, in theſe *Synods*, the *Biſhop* publiſhed his *Own Dioceſan Conſtitutions*: [14] Which being Read, and Agreed to by the *Synod*, were from thenceforth of force within the *Dioceſs*; provided they were not contrary to what had been Decreed in ſome *Superiour Council* of the *Province*. Of theſe we have ſeveral Collections already publiſhed in the Volumes of our *Councils*, and many more there are ſtill remaining in the *Regiſters* of our *Churches*, which witneſs the ſame to us.

[14] *Leo* IV. Epiſt. ad Epiſc. *Britanniæ*. apud Labb. Concil. Tom. 8. col. 31. Ord. Rom. in Pontificali. lib. III. fol. 189. Edit. Venet. *An.* 1561. *Lynwood.* de Appellat. l. 2. Tit. 7. cap. *In Conſilio*, verb. *Statutum*. *Franciſc.* Leo prax. for. Eccl. par. 2. cap 9. Sect. 15.

How

How they proceeded in the *Celebration* of these *Synods*, the ancient Orders framed for the holding of them, inform us; The Clergy in solemn Procession came to the Church where they were to meet, at the day and hour appointed by the *Bishop*, and sate according to the *time* of their *Ordination*. [1] Then the *Deacons* and *Laity* (even *Women* not excepted) were admitted. The *Bishop* (or, in his absence, his *Vicar*) being come in, and the stated *Prayers* ended; made a solemn *Exhortation* to them. Then (by the *Roman Order*) a *Sermon* was to be preach'd; after which, if any *Clergy-man* had any *Complaint* to make, or any thing else to *Offer*, he was heard by the *Synod*. Sect. 52. [1] Vid. Ord. Mss. Bibl. *Cotton.* Supr. Cit.

The Complaints of the Clergy being over; the *Laity*, in the next place, were permitted to make theirs. Then the *Bishop* proposed his *Diocesan Constitutions* to them. After which, if nothing farther remain'd to be done, he made a large *Synodical Exhortation*, in the way of an *Injunction*, to his *Clergy*; and so all concluded with solemn *Prayers* suited to the Business for which they were assembled.

For the Dispatch of all this, the common time allow'd, was Three or Four [2] days: And a several *Rubrick* was Establish'd to direct the proceeding in every one of them. But if the Business of the *Synod* could be done in lesser time, the Assembly was to be continued no longer then was necessary for the finishing the Affairs that came before it. [3] Sect. 53. [2] Vid. Ord. Supr. Cit. [3] Reform. leg. Eccles. loc. cit. Cap. 23.

Such was the Nature of these Councils; which accordingly were continued in Use among us to the time of King *Henry* the *Eighth*. The *Names* by which they were called were various: Sometimes *Concilium Episcopi & Concilium Episcopale* * from the Authority which the *Bishop* had, both to call and to preside in them. Sometimes *Specialis Synodus cum Presbyteris habita*; [4] in Opposition to the more large Assemblies of the *Bishops* of the Province; to which Presbyters were not wont to be admitted: Sometimes *Civile Concilium* from the City in which the *Episcopal Seat* is fix'd; in Opposition to that of the *Province*, which takes in the Bishops of all the *Cities* of it: And lastly, if without Offence I may add it; in some of the most *Ancient Rituals*, it was term'd, *Provinciale* [5] *Concilium*; tho' since the *Reformation* of the *Roman Offices* by order of the Council of *Trent*; that Title is changed, and the Word *Provinciale* struck out of them. Sect. 54. * Capitular. To. 1. col. Supr. cit. Can. 2 dist. 38. Et Cap. 25. de Accusat. [4] D'Artis Op. Canon Comment. in decr. p. 25. E. [5] D'Artis ibid. Du Fresne Gloss. Lat. voce *Concilium Civile*. p. 1147.

Having thus accounted for these *Synods* as they were pure *Ecclesiastical Assemblies*; give me leave to add yet one thing farther, concerning them, That like our *Provincial Convocations* before-mentioned, these also were sometimes Convened for *Civil Purposes*; to supply the Prince with Money by their own Grant, or to Empower others to do it for them. Of the former of these we have an Instance in the year 1279, in which the *King*, and *Archbishop* of *Canterbury* [6] jointly require the Bishops of every Diocess to call their *Clergy* together in Order to the granting themselves what was desired of them: — Of the latter, we [7] have an Example about Three years after, in which the *Archbishop* directs every Bishop to call his *Clergy* together, and to declare the King's Request to them; that so they might Empower their *Proctors* (who were now first agreed to be sent to the *Provincial Convocation*) to *Consent* to such a *Subsidy* as the rest of the *Bishops* and *Clergy*, when they came together, should conclude to grant to him. [8] Sect. 55. [6] Bibl. Patr. Tom. xiii. l. cit. Ord. Ms. Bibl. *Cott.* Ord. *Spelm.* Tom. 2. p. 1. Ord. Rom. in pontifical. Venet. Supr. Cit. [7] Registr. *Giffard.* Episc. *Wigorn.* fol. 101. Registr. *Peckham*, fol. 165. a.

But to leave these *Synods*, now grown into disuse among us; and pass on to the last kind, in which the present Argument is more immediately concern'd, Sect. 56. [8] Registr. *Giffard.* fol. 153.

4. *The* PROVINCIAL COUNCILS *of our Church:*

Which I have before said, and shall now shew to have been different in many respects from the PROVINCIAL CONVOCATIONS of the *Clergy*, before Considered.

For, *First*, The *Convocation*, tho' it be *Provincially* Summon'd, and with respect to each *Province*, is a proper *Provincial Assembly*, yet is it in the intention of the *Law*, a *National Convention* of the *whole Clergy* of *England*, in two *Provincial Convocations*: Whereas the proper *Ecclesiastical Synod*, was purely a *Provincial Council*; was Summon'd by *One Archbishop*, without any relation to the *Synod* of the *Other*; and has been often held in *One Province*, when none has been either *Called* or *Assembled* in the *Other*.

Hence we find that when the King issues out his *Writs* for a *Convocation*, he evermore directs them to *both* the *Provinces*; And *Assembles* the *Whole Clergy*,

not only at or about the ſame time, but in the ſame *form* of *Writs*, and for the ſame *Ends*. And tho' I will not ſay there were no Exceptions at all in this Caſe heretofore; yet I believe upon Enquiry it will be found, that the King has not often Call'd the *Convocation* of one *Province*, without Summoning about the ſame time that of the *Other*, or at leaſt without ſome relation to an *Antecedent*, or *Conſequent Calling* of it.

It is upon this Account, that thoſe who give the moſt accurate account of our *Eccleſiaſtical Aſſemblies* not only ſtate ſuch a Difference as I am now ſpeaking of, between the *Convocations* of the *Clergy*, and their *Provincial Synods*; But give the former the Preference to the latter; and place it as the *firſt*, and *higheſt*, of all the *Eccleſiaſtical Courts* of this *Realm*. I ſhall inſtance only in two Perſons, but thoſe of ſuch Eminence in the *Laws* and *Antiquities* of our Country, that they may well paſs inſtead of many. The one our Learn'd Mr. *Cambden*, who tells us [1] that, "*Our Chief Spiritual Courts are the Synod which is called a Convocation, and is* "*always held at the ſame time that a Parliament is; and the Provincial Synods in both* "*Provinces.*" The other our Famous Mr. *Lambard*, who is yet more full to the ſame Purpoſe, "*Eccleſiaſtical Courts*, ſays he, be many in Number, and diverſe in "Nature, whereof the greateſt is the *Convocation* of *all* the *Archbiſhops*, *Biſhops*, "and *whole* Clergy of *both* the *Provinces* of *Canterbury* and *York*; the which "is always Summon'd by the *King's Writ*, and can Do Nothing without the "Royal Assent firſt had and obtained.—— The next to *thoſe*, be the two "*Provincial Synods* of *Canterbury* and *York*.

[1] Britanniæ Introd.

[2] Archeion. p. 9. 10.

Sect. 57. And this points out a ſecond difference between the *Convocation*, and a *Provincial Synod*, viz. That the *former* was wont to be generally Called by Order of the *King's Writ*; whereas the other was *Aſſembled* by the *ſole Eccleſiaſtical Authority* of the *Metropolitan* of each *Province*.

There are, I know, ſome Inſtances late upon Record, in which the *Convocation* ſeems to have been Summon'd by the *Archbiſhop* alone, without any Authority of the *King's Writ*, as 'tis Confeſs'd at firſt they commonly were. But then as it may reaſonably be preſumed, that the *Metropolitan*, in that Caſe, had his *Command* for what he did, tho' not in the ſolemnity of a *Royal Writ*; ſo I have ſome reaſon to believe that in many of thoſe very Inſtances, there was a *Writ* iſſued out to the *Archbiſhop*, tho' he ſometimes thought fit to Suppreſs the mention of it in his Mandate, and thereby ſeems to have acted by his own Authority in it. I cannot tell whether ever any Archbiſhop took a greater Liberty than *Arundel* did, in this reſpect: The Circumſtances of King *Henry* the *Fourth*, eſpecially in the beginning of his Reign; the Sufferings of the Archbiſhop under King *Richard* the *Second*; And the Intereſt which thoſe Sufferings gave him with the *New King*, and the Influence they had upon that *Revolution* which ſet the *Crown* upon his *Head*; all encouraged him to a *freedom*, which would not perhaps have been endured in another Perſon, and under a more ſteady Government. And yet that even he rather concealed the mention of the *King's Writ*, upon theſe Occaſions, then acted wholly without it, let the following Inſtances ſuffice to ſhew.

In the *Convocation* which met at *London*, *October* 21. 1402. There is no manner of notice taken of any *Writ*, but the *Archbiſhop's*, made uſe of for the Aſſembling of it. On the contrary in the Preamble to his own Summons, he tells his Clergy [3] that "the urgent and difficult Affairs which concern'd the State of "the *Univerſal Church*, did in a manner compell him at that time, tho' unwilling, "contrary to his own Reſolution, to call together the *Prelates* and *Clergy* of his "*Province*. No notice of the King's Command; no mention of the *Realm* of *England*, and its Needs. Here now is all the appearance in the World of a meer *Eccleſiaſtical Authority* in the *Calling* of this *Convocation*. And yet after all, in this *Archbiſhop's* own *Regiſter*, [4] we meet with the very *Writ* by which the *King* Commanded the *Summons* of it: *Teſte'd*, *July* 20*th*, *Regni Tertio*. And thereby are admoniſhed not to conclude too haſtily that the *Archbiſhop* had no *Writ* to *Summon* his *Convocation*, becauſe in his form of *Summons*, he ſometimes takes no Notice of any.

[3] Regiſter. *Arundel.* part. 1. fol. 4. a.

[4] Regiſt. *Arundel.* part. 1. fol. 554.

What we have here a poſitive Proof of, we may fairly preſume to have been the Caſe of the *Convocation* which met about two Years after, *Nov.* 24. 1404. The Parliament had juſt been ſitting at *Coventry*, and the *Clergy* were Aſſembled but ten days after, at St. *Paul's*, *London*. The *Archbiſhop* in his

Mandate

Mandate, [1] ſays only, that he called it at the *King's requeſt*, and at the *inſtance* of his *Lords* and *Nobles*. But the *Archbiſhop* of *York* dealt more openly in the Caſe: He own'd [2] the Aſſembling of the *Convocation* of his *Province*, *Decemb.* 11th. the ſame Year, to have been the effect of the *King's Writ*, dated in his *Parliament* at *Coventry*, *Novemb.* the 2d. And thereby gives us juſt reaſon to believe, that the *Convocation* of *Canterbury* met by the ſame *Authority*: There being no reaſon to doubt, but that a *Writ* was iſſued out for *both Provinces* alike; and that the *Clergy* came together by the ſame Call in the One, that they did in the Other.

[1] Regiſt. *Arundel.* par. 1. fol. 1xii. b.
[2] Regiſt. *R. Scroop* f. cxxxi.

And the ſame I muſt beg leave to conclude, 'till I ſhall be better inform'd, of the *Convocation* ſummon'd by Archbiſhop *Warham* an hundred Years after, *Anno* 1509: For, beſides that the Form it ſelf runs, at laſt, in the uſual manner of the *King's Writ*: *Super arduis & urgent. Negotiis*; and that it does not appear, that any other Buſineſs than what was proper to a *State-Convocation* was done in it: I cannot imagine how the whole *Convocation* of the *Clergy*, could have acknowledged in their *Submiſſion*, that their *Convocations* always *had been ſummon'd only by the* King's Writ, had they at the ſame time known, that the very Perſon who then *preſided* over them, had within the Reign of that very *Prince*, to whom that Acknowledgment was made, called them together meerly by his own *Authority*, without any *Writ*, or *Order* from the *King* ſo to do.

But be this as it will; This is certain, that generally ſpeaking, the *Convocation* was not ſummon'd by the *Archbiſhop*, but at the King's *Command*, teſtified by his *Writ* to him, to *Authorize* him ſo to do: Whereas the *Provincial Synod* was held by the ſole *power* of the *Metropolitan*; the King might ſometimes *approve* of, or *adviſe* the *Calling* of it; but I believe it will be hard to find out, any one Inſtance, wherein he required the *Archbiſhop* by any *Royal Writ*, to aſſemble ſuch a *Council*.

This was, in fact, the *Practice* to the very time of King *Henry* the *Eight*; Sect. 58. and if we enquire into the reaſon of it, we ſhall thereby meet with a third *Difference* between the *Convocation* (as we now conſider it) and a *Provincial Synod*, *viz.* That the former was Originally deſign'd for *Civil Purpoſes*; the Latter was principally held for the *Spiritual Needs* and *Affairs* of the *Church*.

I am ſenſible, that I ſhall diſpleaſe ſome Perſons, by repeating here, what they have pretended to be elſewhere ſo highly offended withal: But it is indeed the Truth, and I am neither afraid, nor aſhamed to own it: That the Original Ground of Aſſembling the *Convocation*; and, but for which, the *Clergy* had, in all probability, never been called to it, was to *ſupply the Neceſſities of the Government*. This the King often declared in the very *Writs* of *Summons*: This was what he ſent his *Commiſſioners* to the *Convocation*, when met, to demand of them: And I ſtill affirm, what I before truly alledged, in deſpight of all the Endeavours that have been uſed to calumniate me for it; that this was what the *Crown* eſpecially aimed at, in *Convening* of it. The *Grievances* of the *Clergy*, and their *Petitions* for *Redreſs*, were the *natural Reſults* of their *Subſidies* on their part. They laid hold on the Opportunity of *giving* their *Mony* to obtain an Enlargement of their Priviledges; or ſome Conſideration of ſuch things as they thought themſelves to be aggrieved in. They preferr'd *Bills* againſt *Hereticks*, *Condemned* their *Errors*, and ſometimes *judged* them too in theſe Meetings; and, by degrees, they drew the Cognizance of moſt other *Eccleſiaſtical Matters*, (ſuch eſpecially in which the *Polity*, and *Government* of the *Church* were concern'd) under the Cognizance of theſe Aſſemblies. But theſe were not the *Ends* for which the *Prince* originally called them together; nor was a *Convocation* needful for the obtaining of them. The *One* might have been done, for many *Reigns*, in *Parliament*; the *Other*, to the laſt, in their *Provincial Councils*. But a *Subſidy* could no where have been ſo effectually *granted*, as in a *Convocation*; and for that therefore our *Princes*, generally called the *Clergy* together to theſe Meetings.

As for the proper *Eccleſiaſtical Synod* of each *Province*, the Buſineſs of that was of another Nature. To make *Canons* and *Conſtitutions*, for the *Faith* and *Diſcipline* of the *Church*; and to remedy any Diſorders which they found to be crept into it. If they were a Body capable of ſuch an *Act*, and that being met for other Purpoſes, the *King* took the Opportunity of demanding *Mony* of them; they oftentimes choſe rather to give it there, than by refuſing it,

to be put to a New Charge and Trouble of meeting again in *Convocation* for the doing of it. Wherefore, to avoid all these Inconveniences, the *Convocation*, tho' it sometimes did other Business, was yet assembled properly for a *Civil*, or *State-End*: The *Parliament*, tho' it also gave *Subsidies* to the *Prince*, being met, was yet call'd for another purpose, to consider of *Church Affairs*; and to do the Work of a *Spiritual Council*.

Sect. 59. Now the different Ends of these two Assemblies produced another considerable Difference between them in a fourth Respect; and that is, of the very *Persons* who were *called* to the *One*, and to the *Other*.

This *Convocation* being intended to meddle with the *Property* of the *Clergy*, and to Charge the Revenues of the *Church*, it was necessary, that all who were to bear a part in the *Subsidy* should also give their *Consent* to it. The whole *Body* of the *Clergy* were therefore to be *called* to this *Assembly*, either in *Person*, or by *Representation*. The *Diocesan Clergy* had no less right to meet, and dispose of their own Money, than the *Bishops* and *Prelates* had to give theirs. And accordingly, we find that they were by the express Words of the *King's Writ*, all along call'd to it.

But in the *Provincial Council* the Case was very different: Here the *Bishops* only were, of *necessity*, to be *summon'd*. The *Government* of the *Church* was, by Divine Authority, committed to them; when as yet there were no *Regulars* in the World; nor had the *Lower Clergy* learnt the *New Doctrine*, of being Vested with an *equal Right* in the *Spiritual Legislature* with them. Accordingly we find, that in our Ancient Councils knew no other *Members*, but *Bishops*. When afterwards the *Regulars* and *Prelates* were admitted; yet was it neither *constantly*, nor with any Opinion of any *Right* they had to be *called* to them. Much less were the *Parochial Presbyters* accounted any *proper*, or *Authoritative Members* of these *Synods*. If the *Archbishop* thought their Attendance needfull, he Cited them to it. Otherwise, he either totally Omitted them, or left them at liberty to come or not, as their Affairs and Occasions should prompt them to do.

Thus the Case continu'd for a very great while among us, and I shall hereafter make a particular proof of it. In the mean time, I shall add yet one *Difference* more to be observed between these two *Provincial Assemblies*,

Sect. 60. 5*thly*. That the *Convocation* being design'd for *State-Ends*, was accordingly summon'd for the most part with some respect to a *Parliament*, either *before Assembled*, or *afterwards* to be *held*, or to *meet concurrently with it*: Not that there was any necessary Connexion, by the *nature* of our *Constitution*, as some have fondly Imagined, between the One and the Other; but only for the better answering of the *King's purposes* in both: Whereas the *Ecclesiastical Council* had no manner of respect to it; nor, (unless for the Convenience of the *Bishops* of the *Province*, in which the *Parliament met*, and that but very seldom) was it at all Assembled with it.

It is true, that for an Age and half last past, our *Princes* have thought fit to Unite their *Parliaments*, and *Convocations* very near together: Nor has the *One* been ever *Assembled* by them, but that the *Other* has been call'd concurrently with it. But then both the *Preceding Practice*, and the *Original Establishment* of these two great *Assemblies*, sufficiently bespeak their mutual Independance on *Each Other*; and shew the *Parliament* to have its full Integrity without a *Convocation*; and the *Convocation* to be perfect in all its Parts, without the Addition of a *Parliament*, to compleat the nature of it.

That therefore these two *Meetings* have had any Relation to one another, we are to ascribe it not to any *necessary Dependance* of the *One* upon the *Other*, but meerly to the pleasure of our *Princes*; who have thus thought fit to Summon both; and to the *Convenience* which they found in it, for the better advancing of the *Common Ends* of *both*. But, for the *Ecclesiastical Provincial Councils*, as they have been call'd by a *different Authority*, and were design'd for another sort of *Affairs*, so have they, for the most part, been held at other Seasons; and sometimes been *prohibited* by our *Kings* to be held in time of *Parliament*, least they should put a stop to those other *Affairs*, in which the Chief, if not only *Members* of them, were there to be Engaged.

Sect. 61. These then are the Main Circumstances in which our *State-Convocations*, and our *Ecclesiastical Provincial Synods* heretofore, differ'd from one another. As for

for the manner of *Meeting* and *Acting* in them, it was much the same in both; and therefore what has been said of the former, may suffice to shew the Methods of proceeding in the latter.

And thus have I given such a Account of the Nature of these several *Assemblies* of the *Clergy*, as I found necessary to prepare the way, for the better understanding of what I am hereafter to offer concerning them. I shall but just mention some few *Remarks* which will farther arise from the *Difference* now observed between these two kinds of *Provincial Assemblies*, and so conclude this *Chapter*. And,

1st. From what has been said it may appear, That the *Convocation*, tho' it be a true *Provincial Meeting* of the *Clergy*, and so in that respect an *Ecclesiastical Assembly*, was yet Originally design'd for *Secular ends*; and *Convened* by our *Princes*, not for Matters of *Doctrine* or *Discipline*, but to *Counsel and assist them in the difficult and urgent Necessities of the Church and Realm*. So both the *Writs*, by which they have been Convened, run; and so the Business which our *Kings* have employed them about, sufficiently speak to us. The *Defence of the Kingdom and the Church of* England; has been the constant *Subject* concerning which they have been *called* to *treat*; and the *supplying* of the *King's Needs*, and the Enabling him thereby to *defend* both, have been the general *Means* whereby they have, in these *Meetings*, contributed to the *Defence* of *both*.

This has been the Business of these *Convocations*; for this they were first *Invented*; and to this end they have all along chiefly *employed* their *Counsel*, and *Assistance*. If being met together upon this Account, they have, at the same time, consider'd of any other Matters, either *Civil* or *Religious*; yet that has been for the most part at their own *Motion*, and for their own *Interest*, or *Convenience*: But still our *Kings* have Assembled them for the Purposes now mention'd; from the *sense* of whose *Writs*, and the *nature* of whose *Affairs*, proposed by their *Commissioners* to the *Clergy*, when Assembled in their *Convocations*, we must date the *Original Design* of their *Meeting*, and determine what it was that moved our Princes to *call* them together.

2dly. It is evident from what has now been observ'd, That our *proper Ecclesiastical Synods*, were those which the *Archbishop* was wont to call by his *own Authority*, for *Ecclesiastical Purposes*; and which being called, were wont to be employ'd, *only* or *chiefly* in order to that *End*. Sect. 62.

Nor is it any Exception at all against this, that sometimes we find even those also to have debated of other Matters, and to have done the Business of a *State Convocation*; seeing this was not the *End* for which they were Assembled, but only an *Occasional Use*, which (being met together) the *Prince* thought fit now and then to make of them. And it may as reasonably be said, that the *Bishops*, when they are summoned to *Parliament*, by the King's *Parliament-Writs*, are called to an *Ecclesiastical Council*; because that sometimes, (as for Instance in the *Parliament* of *Glocester*, the Second of *Richard* the Second) being met together upon the *Affairs* of the *Kingdom*, they have taken that Oportunity to *Resolve themselves* into a Church *Synod*, and to *Act*, and *make Constitutions* among themselves, as such; as that either the *Convocation*, is a *proper Ecclesiastical Council*, because it has sometimes proceeded by the Authority of the *Metropolitan*, when *Assembled* to do *Church-business*; or that the *Provincial Synod* was not such a *Council*, because that now and then, at the *King's Request*, they have *Acted* as a *Convocation*; and granted *Subsidies* for the supply of his Occasions in it.

But 3*dly*, and to have done: These *Ecclesiastical Councils*, as they never had any Relation to a *Parliament*, but were occasionally summon'd by the *Metropolitan*, before the 25th of *Henry* the 8*th*, whenever he thought it to be expedient for the *Church*'s service; so I do not see, but that with the *King's Authority*, testified by his *Writ* to that purpose; the *Metropolitan* may still hold his *Provincial Synod* at any time, that he shall think it needful so to do. Sect. 63.

There has, I know, been an Opinion advanced by some who have not wished well to our Church, to the contrary; and (which is wonderful) that Opinion has lately been espoused by a profess'd *Advocate* for the *Rights*, and *Liberties of the Clergy*; for what Reason it is not difficult to guess. But upon what ground of *Law*, they build their Opinion, I must own my self at a loss to find

find out. Sure I am, there is not one Word in that *Statute*; the 25th of *Henry* the *Eighth*, which ties up the *King* in this Case, or lays any other restraint upon the *Metropolitan*, except that of proceeding by the *Authority* of the *King's Writ*. And when, by vertue of that very *Statute*, *Two* and *Thirty Persons* of the *Clergy* and *Laity* were chosen to *Reform* our *Ecclesiastical Laws*, and to chuse out such as were agreeable to the *Statutes* and *Customs* of the *Realm*, and (in their judgment) *profitable* to the *Government* of the *Church*; they still continued the Use of those *Provincial*, or *Episcopal Synods*, as it had before been practised, with no other *Change* but what that *Act* required, of Recurring to the *King's Authority* for the *holding* of them [1].

[1] Reformat. Leg. Eccles. de Eccl. & Ministr. cap. 18. pag. 103.

This I take to be a demonstrative Proof, that those Wise and Learned Men, chosen out of the most able *Members* both of *Parliament* and *Convocation*, for so Nice a purpose, knew nothing in the Continuance of such *Provincial Synods*, that was contrary to *Law* then: If it be since become so, I shall be glad to know what *Statute* it is, that has *abridged* the *Authority* of the *King*, and the *Liberty* of the *Church* in this Particular. 'Till that be shewn, I must conclude that such *Synods* as these, with the *King's Concurrence*, the *Metropolitan* may still hold; and pity it is, but that the *Use* of them, should, from time to time, as Occasion requires, be *Restored* among Us.

CHAP. II.

That the Parliamentary Convention *of the* Clergy, *Summon'd by the* Præmunitory Clause *in* Bishops Writs, *and the* Provincial Convocations, *Summon'd by the* King's Writs *to the* Two Archbishops; *are Two different* Convocations, *both in* Law *and* Fact, *from one another; and have different* Rights, Powers, *and* Priviledges, *as such.*

THo' from the Account which has been given in the foregoing *Chapter*, of the several *Convocations* of the *Clergy*, and the *Nature* of them, it be sufficiently Evident, that they are Two *distinct Assemblies*, and have their different *Rights*, *Powers*, and *Priviledges* as such; yet so strong is the Power of Prejudice, that it has sometimes led even those who pretend to have the best knowledge of our *Constitution*, to confound them, as if the *One* were but a different *Name* and *Character* of the *Other*. There was a time when some of our greatest Men were as zealous to run down the *Parliamentary Rights* of the *Clergy*, [1] as others would now be thought to uphold them. And to these the *Premunitory* Clause in the *Bishops Writs*, tho' as plain a *Summons of the Clergy to Parliament*, as the Other part confessedly is of the *Bishop*, and as *Authoritative* too; was only a *Summons* of them to *Convocation*, and proved nothing of any *Parliamentary Right* in them. The Method is the same which some now make use of, to prove the quite contrary, only turn'd the other way, [2] as the nature of the Subject required it should be: Whilst to prove the *Convocation* to be a *part* of the *Parliament*; and as such to have a Claim to *Parliamentary Rights* and *Priviledges*; 'tis said, that the *Provincial Writ*, is only a *second Summons* sent forth to strengthen the *Premunitory Call*; but that they both relate to the *same Assembly*. In the mean time, in this, they Agree, that these *two Convocations* are, in effect, but *One*, and the *same Assembly*: And this as it was observ'd by our learned Bishop *Stillingfleet*: [3] (than whom no one had better consider'd the *Constitution* of our *Government*, or better *understood* it) has been the true *Grounds of that Confusion which has of late appear'd in some Mens minds, about the Rights of the Convocation.*

[1] Dr. *Heylin's* Tracts. fol. *p.* 704.

[2] Rights, &c. p. 261. 262.

[3] *Ecclesiastical Cases.* p. 364 365.

To clear this matter, and shew how widely different, both in their *Own Nature*, and in the *Eye* of the *Law*; nay, and even *in Fact* too, these two *Convocations* are from One Another, I shall here enter on a particular Examination of this matter; and in that, lay a solid Foundation for the clearing of those Points which are to be the Subject of our present Debate.

Many

Many are the *Grounds* from which these two *Assemblies* may be shewn to be altogether *different* from One another: I shall distinctly consider the chief of them, under these three Heads:

(1.) Of those *Differences* which arise from the *Publick Writs*, and *Instruments* which relate to Them.

(2.) From the *different Rights, Powers*, and *Privileges* of each of them. And

(3.) From some particular *Arguments* in point of *Law*, and *History*, which prove a manifest *difference* between them.

But before I proceed to these Remarks, it may not be improper to Observe, that in Asserting the *Difference* of these two *Assemblies* of the *Clergy*, I advance no *New Opinion*, but follow the Examples of some of our *Highest Churchmen*; and that in their Books which they expresly wrote in defence of the *Rights* and *Liberties of the Clergy*. This was the Case of our Learned Advocate, Dr. *Heylin*: And the *Persons* who would have *Confounded* these two *Assemblies* together, are represented by him, as no Friends to our *Constitutions*, but to have set up the contrary *Opinion*, on purpose to undermine the *Parliamentary Rights of the Clergy*. But he doubts not to call it a *great Mistake*. And from the *different Writs*, by which these *Convocations* are *Assembled*, thought he had effectually proved it to be so.

[1] *Heylins* Trac. p. 704, 705. Compare ibid. 2, 3, 4. His Life of Archbishop *Laud*. p. 420. Exam. Hist. p. 126.

What regard, those, whom I have now to do with, will pay either to the Judgment, or the Authority of our late Eminent Bishop *Stillingfleet*, I cannot tell: But as I doubt not, but that all unprejudic'd Persons will allow a just deference to his Opinion in this Case; So he having freely given it, with respect to this very Debate, I ought not to pass it by, without taking a particular notice of it. The sum of what he says is this; [2] *That a distinction is to be made between* Convocations called by the King's Writ to the Bishops; *and* Convocations called by the King's Writ to the Archbishops, *The not distinguishing of which two Writs*, He tells us, had caus'd so much confusion in some Mens Minds about the *Rights* of the *Convocation*. *For they imagine, that the* Convocation, *as it treats of* Ecclesiastical Matters, *sits by vertue of the* First Writ, *which is in the Bishop's* Summons to Parliament: *But that related to them, as one of the* Three Estates of the Realm, *whose Consent was then required to their Own Subsidies, which were distinctly granted, but confirm'd by the other Estates. But the* other Writ *was directed to the Archbishop, by which the Bishops, and inferiour Clergy, were strictly required to appear, and then to understand the King's further Pleasure, as appears by the most ancient Writs for a Convocation.*

[2] Eccles. Cases. p. 363.

[3] *The difference of these Writs will best appear by the instance of the Convocation* Anno Domini 1640. *In the year* 1639, *about the first of* February, *the Parliament-Writ was issued out to the Bishops for calling their Clergy to Parliament, and this only* Ad Consentiendum iis, quæ tunc ibidem de Communi Concilio Regni nostri contigerint Ordinari. *The other Writ, for the Convocation to the Archbishops, was issued out the* 20th *of* February, *and had this Clause,* Ad Tractandum, Consentiendum & Concludendum Super præmissis & aliis quæ sibi Clarius exponentur ex parte mea. *The Parliament being dissolved, it's certain the Convocation, sitting by vertue of the Writ to the Bishops, must fall with it. But a great Question arose, Whether the Convocation sitting by the Writ to the Archbishops was dissolved, or not? And the greatest Judges and Lawyers of that time were of Opinion it was not.*

[3] Ibid. p. 367.

Such was the Judgment of that great Prelate in this particular, and that in one of his last Pieces; when he had the best considered these things, and could have neither any design to Byass, or Prejudices to blind him, in his Determination concerning them. And that he had good reason thus to distinguish between these *two Assemblies*, how muchsoever some have thought fit to scoff at it, I come now to shew;

[4] Rights, &c. p. 261.

Sect. 3.

(1.) From the Nature of those *Writs* which relate to them.

That the *Parliamentary Convention* of the *Clergy*, was Assembled by a *Writ* wholly distinct from that by which the *Provincial* is called, I have already shewn, in the Account which I have before given of each of them. I shall at present make such Observations upon both; from whence I conceive it will evidently appear, That the *Convocations* so *Assembled* by them, as I have said, must be altogether different from one another, and have different *Rights* and *Priviledges* belonging to them.

1. And

1. And here in the first place, it must be observ'd, That the *Parliamentary Convention* now is, and always has been Assembled by the *King only*: It is a part of his *Royal Prerogative* to *Call* together the *Estates* of the *Realm*; and by the nature of our *Constitution*, no other Person, but the *Prince alone*, and that by his *Soveraign Authority*, can do it.

[1] Rights, &c. p. 17.

But this is not the Case of our *Provincial Convocations* which have always been Summon'd by the *Power of the Metropolitan*: [1] And tho' our Princes from the beginning have generally interposed in the *Calling* of them, yet has it been only so far as to require the *Archbishop* to *Summon them*; but still the *Authority* by which the *Clergy* have met, has been that of their *Primate*, and so, I conceive, it continues to this day.

Sect. 4.

Now these *two Powers* are not only very *different* in themselves, but bespeak such a *difference* in the *Assemblies* so called by them, as, in my apprehension, can never be got over. The *Parliamentary Convention* is, confessedly, a part of the *Parliament* of *England*; [2] A *Member* of the *Parliament*, says a late Author, in the most proper Sense of that Phrase. If the *Provincial Convocation* be the same, then has the *Archbishop* of each *Province* a joynt *Power* with the *King* to Assemble the *Parliament*: And the one must be look'd upon to have as much Right to Convene the *Ecclesiastical*, as the other to Call together the *Lay Estates* of it. But if this be such an *Authority* as our *Law* has not entrusted in the hands of any *Subject*; If it be a Branch, (indeed one of the chiefest Branches) of the *Royal Prerogative*, to *Assemble* the *Estates* of *Parliament* together: If our *Constitution* makes no distinction between the *Secular part* of that *High Court*, and the *Ecclesiastical*, as to the Business of *Summoning* of it, but commits the *whole Power* of *both*, to the *Supreme Civil Governour*; Then it must follow, that the *Bishops* and *Clergy Assembled* by the *King's Writ*, in *Parliament*, are not only a *different Assembly* from the same *Bishops* and *Clergy* (if yet they be the same) called by the *Archbishop's Mandate* to a *Provincial Convocation*; but of a very *different Nature* in the Eye of the *Law* too. The One, such an *Assembly* as the *King only* has *Authority* to *Call*; the Other, such as the *Archbishop* of each *Province*, if not by his *own Power alone*, yet by vertue of the *King's Writ*, has a *right* to *Convene*.

[2] Rights, &c. p. 245.

Sect. 5.

And accordingly it is to be observed after what a different manner the *Writs*, which relate to these two *Assemblies*, are Issued forth, and Executed. The Writs for a *Parliament*, proceed out of *one Office*; Those for a *Convocation* come from *another*. In the *Parliamentary Writs*, the *King* himself *Summons* every *Bishop* of *England*, to come to *Parliament*, and to *premonish the Clergy of his Diocese to come with him*: In the *Provincial*, he sends to the *Archbishop* to cause his *Bishops* and *Clergy* to be *called together*; and then, leaves it to him to issue out his Mandates for their Assembling. In the Execution of the King's Writ, the *Bishop* of each *Diocese Summons* his *Clergy*, in the *King's Name*, to *Parliament*: In the *Execution* of the *Archbishop's Mandate*, he *Summons* them in the *Name*, and by the *Authority* of the *Metropolitan* to the *Convocation*. And, lastly, having Executed both; They return their *Certificates* of the *One* to the *King*, to shew what they had done in *Obedience* to *his Writ*; but those of the *Other* to the *Archbishop*, to assure him of their having *fulfill'd his Mandate*.

Either therefore these *two Assemblies*, thus called after such a *different Manner*, and by two such *different Powers*, must be in their Nature *different Assemblies*; and the *Provincial Convocation* be acknowledged to be no part of the *Parliament* of *England*, as the *Parliamentary Convention* of the *Clergy* certainly was: Or it must remain, that the *Power* of Assembling one of the *Chiefest Estates* of the *Parliament*, is lodged in the hands of the *Archbishop* of each *Province*; and that all the *King* has to do in it, is, to command them, (and that too, with Submission) to *Assist* him with their *Authority* in the *Calling* of it. [3]

But what if the *Archbishop* should at at any time be perverse, and refuse to *Call* his *Clergy*, being required by the *King* so to do? That in that Case, the *Clergy* could not *lawfully* have met in *Convocation* without his *Mandate*, I have shewn [4] was the Opinion of an Eminent *Archbishop* of *Canterbury* heretofore. Nay, so Confident he was in it, that in open *Parliament* he profess'd he would never more *Call* a *Convocation* for the *Supply* of the *King's Needs*, unless a certain *Clause* in a *Bill*, sent up from the *Commons*, which he thought Injurious to the *Liberties* of his *Clergy*, were razed out of it. Now, not to enquire how far the *Archbishop's Authority*, in this Case, did extend then, or at present does reach, with respect to the

[4] Chap. 1. Sect. 17.

the *Summoning* of the *Convocation*: Can it with any reaſon be ſuppoſed, that it ſhould have been in the *Power* of a *Subject*, to tie up the *Princes* hands, ſo that he ſhould not have been able to have held his *Parliament* without his *Conſent*? Yet thus it muſt have been, ſuppoſing the *Provincial Synod*, and the *Parliamentary Convocation*, of the *Clergy* to have been all one: For this Power Archbiſhop *Courtney* moſt certainly thought himſelf to have had over the *Clergy* of his *Province*, that being not *Summon'd by his Mandate, they could not lawfully meet together without it*; *No, not at the King's Command.*

But indeed in his time the Caſe was plain; and the *Parliamentary Aſſembly* was very eaſy to be diſtinguiſhed from the *Provincial Convocation.* For then they were not only *Called*, but they *Came* too, upon the *King's Summons*, to the *Parliament.* They *Acted* together with the *Lords* and *Commons*, as a *State* of it: Whilſt the *Provincial Synod* commonly both *met* at ſome other *time*, and was compoſed of other *Members*; and was, therefore, as eaſy to be diſtinguiſhed from the *Parliamentary Conventions*, as any other *Aſſemblies* are to be known from *one another.* But,

2*dly*, Theſe two *Convocations* were not only Aſſembled by *different Perſons*, and *different Powers*; but were compoſed of *different Members* too: And this ſure muſt be allow'd to be a Demonſtrative proof of a *Real*, and not only a *Notional diſtinction* between them.

The *Provincial Synod*, called by each *Archbiſhop*, conſiſts only of the *Biſhops*, and *Prelates*, and *Clergy*, of each *Province*: None elſe are Summon'd by them; none elſe, if they were Summon'd, would obey, and come to it. But in the *Parliamentary Convention*, *all* the *Biſhops* of the *Realm* are Cited to appear; the *Deans* of the *Cathedral Churches* of *both Provinces* are call'd alike: The *Archdeacons* and *Proctors* of the *Clergy*, of *both*, are Summon'd. And they *all* anciently came to *Parliament*, in Obedience to this *Summons*; and continued to make their *Returns*, in acknowledgment of their *Duty* to *Attend*, when they had left off to make their *Perſonal Appearance* at it. And, to this very day, the *Biſhops* of both *Provinces* (who are call'd by the ſame *Parliament Writ* now, that they have ever been) do, in Vertue of it, ſtill ſit in *Parliament together*: Whereas in the *Convocation* of the *Province*, the *Archbiſhop* and *Biſhops* of the *other Province* are neither *Cited to appear*; nor, (tho' attending together with the reſt of their *Brethren* in *Parliament*,) have they any *right to ſit* in it. And how thoſe *Aſſemblies* can be either in *Law*, or *Fact*, the *ſame Aſſembly*; in one of which *all* the *Biſhops* of *England*, according to their *Summons*, both *Meet* and *Act* together; and to which the *Clergy* have ever been, and are ſtill *Nationally called*; in the other, neither do the *Biſhops* of one whole *Province* Sit, or Act, or have a right to do either; nor are the *Clergy* of the *other Province*, ever *called* to it; *is*, I confeſs, beyond my capacity to comprehend.

Nay, but even in the *ſame Province*, the *Members* of theſe two *Aſſemblies*, are not the *ſame*; and this will yet more clearly prove the difference between them.

Whilſt the *Regular Clergy* continu'd to be call'd both to *Parliament*, and *Convocation*; Great was the number of the *Abbots*, and *Priors* in the *One*, in compariſon of what was in the *Other*. Inſomuch, that when once only the *Parliamentary Prelates* were called by the *King* and the *Archbiſhop*, to a *Synodical meeting*; they not only refuſed to *Act* for want of the reſt, but remonſtrated to the *Archbiſhop* concerning it, in theſe very Terms; That *the Religious, ſo Omitted, made up the greateſt part of the Body of the Clergy of his Province.* [1]

In the *Parliamentary Aſſembly*; the number of theſe *Prelates* is computed to have been uſually about Thirty, out of the whole *Realm*: In the *Provincial Synod*, of the *Province* of *York only*, they were above Fifty [2]; and how much more numerous they muſt have been in that of *Canterbury*, the Proportion between the two *Provinces*, will enable us eaſily to conclude.

And as the Number of theſe *Regulars* was much greater, in the *One* of theſe *Aſſemblies*, than in the *Other*; So ſeveral others of the *Body* of the *Clergy* there were, who were ordinarily Summon'd to the *Provincial*, but were never at all called to the *Parliamentary Convocation.* Such were the *Collegiate*, *Conventual*, and *Capitular Churches*, and *Bodies*; which were not *Cathedral*; and which alone amounted to a conſiderable Number. And tho' ſince the diſſolution of the *Religious Houſes*, and *Collegiate Churches*, the difference in the *Province* of *Canterbury*, between theſe *Aſſemblies*, be not ſo diſcernible; yet is it ſtill enough to Warrant me to diſſent

[1] *Quamquam iidem Religioſi ſic Omiſſi maximam partem Corporis Cleri Veſtræ provinciæ faciant. Proteſtat. contr. form. ſummonit. An.* 1314. *E.* Regiſtr. Eccleſ. Cant. H. fol. 200, 201. Rights, &c. p. 256.

[2] Vid. Regiſtr. Dec. & Capit. Ebor. Cuſtod. ſpirit. Sede Vacant. fol. 361. Ad An. 1424.

from an Assertion, which has, I think, been too hastily advanced, [1] as if they were at present composed intirely of the *same Members*; and to bespeak them, upon this account alone, if there were no other, to be wholly different *Convocations*.

[1] Rights, &c. p. 260 Dr. *A.* has in some measure corrected this mistake, as to the *Province* of *Cant.* Addit. p. 57. but yet still he is short; And for the Province of *York*, in which the widest difference lies, he has said nothing.

I do not believe that the *Dean* and *Chapter*, and *Archdeacon* of the *Collegiate Church* of *Westminster*; the *Dean* of *Windsor*; and the *Dean* and *Chapter* of the *Collegiate Church* of *Woolverhampton*; have (since the present Establishment of those several Churches) been wont to be Summon'd by the *King* to *Parliament*. But to the *Provincial Synod* they have been, and I suppose, are still Cited by the *Archbishop*. And for the *Province* of *York*, not only the *Collegiate Churches* of *Southwell*, and *Rippon*, with the *Clergy* of the *Jurisdiction* of the *former* of these; but the *Keepers* of the *Peculiars* of *Howden*, and *Allerton*, (as well that part which belongs to the Bishop of *Durham*, as to the *Dean* and *Chapter*) with the *Clergy* of their several *Jurisdictions*, still continue to make a part of their *Lower-house*, of *Convocation*; but the Bishop of the *Isle of Man*, was also wont to be called and received among them, as a *Member* of their *Upper*.

And now I have mentioned the *other Province*, let me add the particular Custom of it, to admit not only the *Archdeacons*, but their *Officials* too; and the *Proctors* of every several *Archdeaconry* to their *Convocation*: I enquire not by what Authority they have done this; that it was not by the Custom of *Canterbury*, we are very sure, which herein they do not follow, whatever they may be bound to do in other Matters. But be that as it will; It is enough for me, that of all these, in the latter end of *King Henry* the *Eighth*'s time, their Provincial Synod [2] was wont to Consist: And that thereby (after that the *Regular Clergy* were no longer Summon'd) their *Convocation* amounted to above Fifty, when, at the same time, their Part of the *Parliamentary Assembly* was not full Thirty.

[2] Convocat. Book at *York*, Ann. 1545. Nor is the difference much less at this day.

Sect. 8. Nor do these two Conventions of the Clergy consist only of different Members, but the very same Persons Sit under a different Capacity in the one and in the other. In the *Provincial Synod* the *Bishops* Sit and Act only as *Prelates* of the *Church*. Under that *Capacity* they are Summon'd to it by their *Metropolitan*, and Subject to his *Orders* and *Directions* in it. But in the *Parliament* they Sit not only as *Bishops*, but as *Barons* too. [3] They act in common with the *Baronage* of the *Realm*; and claim their equal Priviledges with the other *Lords*. They are Summon'd by *special Writs* from the *King*, like the rest of the *Barons*; and that both to *Treat of the great Affairs of State with them, and to give their Advice to him concerning them.*

[3] *Selden.* Titles of Honour 2d. Part. Chap. 5. Sect. 23, 24. *Prynn.* Regist. Parl. Writs. part. 4. pag. 594.

And accordingly the very Titles given them in their *Publick Acts*, bespeak the *several Capacities* under which they come to these *several Assemblies*. In the *Convocation* as they Act under a *Spiritual Character*; so *Prælati* is the *Name* [4] that they are constantly call'd by there. But to the *Parliament* they are called as *Lords Spiritual:* As such they *Act* in it, and by that *Title* therefore they are usually denominated in the *Laws* and *Statutes* which are made there.

[4] See the Acts of Subsidies, Q *Eliz.* K. *Jam.* I. K. *Char.* I.

As for the *Regulars*, who once sate in the *Upper-house* of *Parliament*, they also continued to be call'd to it, upon the account of their *Baronies*; [5] And like the *Bishops*, Acted under that *Capacity*. Those who had no such Tenure, pleaded their Case, and were discharged of their Attendance. But to the *Convocation* they came as Heads of their Religious Houses: If they had a *Covent* under their *Government*, and no *Superiour* over them; tho' for want of a *Barony*, they were discharged by the *King* from attending upon his *Parliament*; yet, they were not dismissed by the *Primate*, from coming to his *Convocation*.

[5] *Seld.* loc. cit. *Prynn.* Regist. part. 1. p. 143. *Prynn.* Regist. part. 1. p. 146, 147. *Seld* l. c.

Even the *Proctors* of the *Clergy*, as they were chosen by a *different Writ*, for the *Parliament* and *Convocation*; and were very often *different Persons*, and that within the same *Province* in which the *Parliament* sate; so were they severally Empowered, and under different limitations, to Act in the *One*, and the *Other*. For the *Parliament*, they had a *Proxy* to appear on the behalf of their *Chapter*, and *Clergy*, "*In the Parliament of the most Serene Prince* Edward *the Illustrious King of* "England; for the *Convocation, before the most Reverend Father in God the Arch-*"*bishop of* Canterbury. By the One, they were to "*Treat with the Prelates,* "*Great Men, and Nobles of the Kingdom of* England; By the other, "with the "*Archbishop, and the rest of the Prelates and Clergy of the Province of* Canterbury, "*in the Convocation to be held by the said Archbishop.* With the *One*, they were to Treat of the *great* and *difficult Affairs* of the *Kingdom*: With the Other, properly, of *such Affairs* only as *concern'd the Church*, and of the *Affairs* of the *Kingdom*,

dom, no farther than as the Safety and Welfare of the Church, was concern'd in that of the State. In ſhort, in the *one*, they were Empowered only "*To Treat* "*and Conſent*; In the other, "*To give their Advice and Aſſiſtance* too, *and farther* "*to do and receive what was to be done or received in the Meeting to which* they were deputed. Let me add yet one thing more, that when the *Prelates* and *Clergy* ſent their *Proxies* to theſe Aſſemblies, they commonly left them under a greater Liberty of Acting in the *Provincial*, than in the *Parliamentary Convention*. For the one of which, they gave them but one *general Procuration*; But for the other they often delivered them *two* or *three* of a different Extent; that ſo, by concealing thoſe which endued them with the *largeſt Powers*, they might have a Pretence at hand for not *Conſenting* to ſuch things as the *King* might ſometimes chance to require of them, for want of *ſufficient Power* ſo to do; and yet rather than be ſent home for a *New Commiſſion*, or otherwiſe run themſelves, or the *Clergy*, into any great ſtreights, might have another *Inſtrument* at hand, to enable them to Comply with what ſhould be demanded of them.

What other Influence the ſeveral Circumſtances, before Obſerved, may have had upon the Acts of theſe two *Convocations*, I ſhall not now particulary conſider. This great and evident one, I muſt not paſs by; That the *Provincial Synod*, being compoſed only of the *Clergy* of One *Province*, neither its *Grants*, nor *Conſtitutions*, had any force to *Conclude* thoſe of the *Other*. Whereas what was done in their *Parliamentary Meetings*, extended to the whole *Realm*; and being legally Eſtabliſhed in that *high Court*, Obliged the *Clergy* of *Both Provinces* alike.

And now I ſhall leave it to any indifferent Perſon to ſay, whether it can with any Colour of Reaſon be affirm'd, that theſe two *Aſſemblies* of the *Clergy*, are, in effect, but one and the ſame *Convocation*; which are compoſed of ſuch *different Members*; and in which the ſame Perſons act under ſuch *different*, and almoſt *oppoſite*, *Capacities*. Yet for affirming this, it has pleas'd a late Witty Author, to fall (after his uſual way) very briskly upon me. His Words are remarkable, and I ſhall, for more than one Reaſon, tranſcribe them as they ſtand in his Book. [1] *The Letter Writer therefore* (ſays he) *is utterly miſtaken*, &c. *And Dr.* Wake, *is yet farther from Truth, when in his* Fantaſtick way of Speech, *he tells us, that the* Convocation *called by the* Provincial *Writ*, IS Conſiſted *of another* ſort *of* Perſons, *than the* Parliamentary Aſſemblies, *ſummon'd by the* Præmunientes *Were: Since* it is certain, *that both theſe* Aſſemblies WERE *Originally* CONSISTED *of the very* ſame Perſons, *and were really but* One Aſſembly *of* Men, *under a* double Capacity: *And* as CERTAIN *alſo, that they have* BEEN *again* thus CONSISTED *for the laſt* CLX *Years. I am really at a loſs to determine which of the two is* more abſurdly Falſe, *the* Doctrine *he here lays down, or his* manner *of* Expreſſing it.

Sect. 9.

[1] *Rights*, &c. p. 260, 261.

As for the *Doctrine* which I have *laid down* (to uſe his own Odd, I will not ſay, Fantaſtical Expreſſion) I have already accounted for it: And do again affirm that theſe *two Convocations* neither *now do*, nor *ever did*, *conſiſt* of the *ſame Members*; nor where the *Perſons* were the *ſame*, did they ever *Act* in the *ſame Capacity* in both. How *Fantaſtical* my *Expreſſions* were, will be beſt ſeen by the Words themſelves, in which I delivered my ſelf; and which the *Reader* will excuſe me; if I therefore take the liberty to tranſcribe [2].

In Anſwer to an Argument drawn from the *Præmunitory Clauſe* in the *Biſhop's Writ*, to prove a *Parliamentary Right* of *Aſſembling*, and *Acting* in the *Provincial Convocation*; I thus expreſs my ſelf. *I do readily agree, that when the* Præmonition *to the* Biſhop *to* Summon *his* Clergy *to* Parliament, *was firſt put into the* Writ, *the* Clergy *thereby ſummon'd, had as much right to meet by vertue of it, as the* Biſhop *himſelf had. And it is accordingly, by our beſt Antiquaries, acknowledged, that, in Ancient Times, the* Inferiour Clergy *were a* Member *of the great* Council *of the* Nation, *as well as the* Biſhops *and* Abbots. *But then this is a* Convocation, *that for many Years paſt, has had no* Exiſtence; *and the* Convocation, *of which we are now Diſputing, is quite another thing: Is* ſummon'd *by another kind of Writ*; *and* Conſiſted *of* another ſort of Perſons; *As by comparing the* Ancient Writs *of both may evidently be diſcerned.* Theſe are my Words; and in which I am yet to diſcover any thing that can juſtly be excepted againſt. If to render them *Ridiculous*, or as he phraſes it, *Fantaſtical*; he has thought fit to inſert, or to tranſfer an IS, where he found none; He muſt be content that the *fantaſticalneſs*, as well as Faults, ſhould be laid at his *Own Door*: And give me leave to Conclude,

[2] *Authority*, &c. p. (284.)

in the reverse of his Censure; that my *Expressions* as little deserve the *One part* of it, as I shall convince him before I have done, that my *Doctrine* does the Other. And for this I shall submit it to every unprejudic'd Person to judge betwixt us.

Sect. 10. 3. As the *Persons* who are the *Members* of these *Two Conventions*, plainly shew Them to be *different Convocations*; so, in the next place, do *the Time* and *Place* of their *Assembling*: Nor can any thing, I think, be more conclusive, in a Matter of this Nature, than this *Argument*; that those *Meetings* which are called at *different Times*, and to *different Places* from *One another*, must needs be *different Assemblies*: Especially, when to these, shall be superadded those other *Considerations* which have been Already offer'd; that they are *Assembled* by *different Powers*, and *Consist* of *different Persons*.

Now for this I shall need only to Appeal to the *Writs*, and *Mandates*, by which these several *Convocations* have been summon'd; and from the Authority of which, as they derive all their *legal Power* of *Convening*; so from thence, we shall best be able to judge of the Nature of those *Assemblies* which are *convened* by them.

That in the *Parliament-Writ*, the *King* does ever more expressly determine both the *Time* and *Place* of its *sitting*, is certain; nor can it be deny'd by any. And this has so strict an effect in *Law*; that neither can the *Parliament meet* at any other *Time*, or *Place*, than the *Writ* has appointed; nor the *King* himself otherwise than by a *New Writ*, under the *Great Seal*, prorogue it to any other.

[1] Coke iv. Institut. p. 7. *See* Pryn. *on that* Inst. p. 43.

[1] And even in that Case, a Competent number of *Persons* must meet at the *Time*, and *Place first appointed*, to *hear* the *Second Writ* read, and the *Prorogation* made according to the tenour of it. It has, I know, been told us, by a diligent Searcher into our Records [2], That this is not necessary; how rightly, I am not able to say. But still a *New Writ*, even by his *Own Confession*, there must be issued out to revoke the *First*; and without which the *King* himself cannot *hold* his *Parliament* but at the *Time*, and *Place* appointed by him for that purpose.

[2] *Pryn.* Ib. p. 21.

If therefore the *Parliamentary Convention* of the *Clergy*, be (as 'tis confessed that it is) a *proper Member* of *Parliament*: If by the *King's Writ*, it be so determined to meet at a certain *Time*, and *Place*, with the other *Estates* of *Parliament*; that it cannot *lawfully Assemble* at any *Other*: Then it must, I think, of necessity, follow, That this *Assembly* cannot, either by the Terms of our *Constitution*, or by the *Laws* of *Parliament*, be the same with such a *Convocation*, as is neither called at the *same Time*, nor to the *same Place* with the *Parliament*; nor did ever agree in *both* with it; and but seldom, if ever, in *either*.

Now, that such is the Case of our *Provincial Convocations*, that they are summon'd at *different times*, and held in *different places*, from the *Parliamentary Conventions*; will easily be made appear.

Sect. 11. For, *First*, As to the former of these Circumstances; that of *Time*: It is allow'd, [3] that *heretofore* the *Provincial Synods* met not only at *different times* from One Another, but *Both* at *different times*, from the *Parliaments* of those Days, sometimes they preceded, but generally they follow'd them a *Week* or two: *On purpose*, (says my Author, as I apprehend) *That the Bishops and Abbots might be at Leisure to attend both those Meetings*. I cannot tell why this Gentleman, who is otherwise so Zealous for the *Rights* of the *Lower Clergy*, has here left them out of the *Parliamentary Convention*: Seeing, at the time of which he here speaks, they were not only *summon'd* to *Parliament*; but, as I Conceive, did actually come to it, as well as the *Bishops* and *Abbots*. This therefore being added on their behalf; and the Period admitted, to which he refers his Remark; namely, to *Richard* the *Second*'s time; I think the Conclusion that will issue from thence, is plain; that those must needs have been *different Assemblies*, which were not only held at such a distance of *Time* from One another; but had that distance assigned to them on purpose, that those who were obliged to *attend* in *both* (as, by this Gentleman's leave, not only the *Bishops* and *Abbots*, but the *Priors* and *Deans* of the *Cathedrals*, and *Archdeacons* were) might be in a Capacity of going to both. And this, we are told, was the Case of the First Age of our *Parliament*, [4] to *Richard* the *Second*'s *time*, about the space of 100 Years.

[3] *Rights*, &c. p. 47. 48.

[4] *Rights*, &c. p. 48.

In

In King *Henry* the *Fourth's* time, the diſtance between theſe *Aſſemblies*, he ſays, began to be ENLARGED: Tho' they ſtill kept pretty near to one another. For *in, and after this time, the Clergy held their Aſſemblies, during, and near the Seſſions of Parliament, but not thoroughly concurrent with them. The* Archbiſhop, *it ſeems, affecting independency; and the* King, *who above all things, deſir'd to ſtand well with the Clergy, favouring him, and them, in that reſpect; and giving way to their being called later, or diſmiſſed ſooner than the Laity.* And this (we are told) was the ſtate of the next Age of our *Provincial Convocations.*

And here we have again the *matter* of *fact* confeſs'd; That the *Provincial Convocations* were not *throughly concurrent* with thoſe of the *Parliament*: But the *Clergy were either called later to, or diſmiſſed ſooner from their Synods than the Laity* from their *Parliament Aſſemblies.* And the Reaſon given for it, is no leſs Obſervable; that the *Archbiſhops*, who ſummon'd the *Provincial Convocations, affected Independency; and the King, who above all things, deſir'd to ſtand well with the Clergy, favour'd them in their Affectation.* From whence I ſhall take the liberty again to Conclude; That if the *Convocation* ſate at a *different time* from the *Parliament*; and if the Reaſon why it did ſo was, that it might not be thought to *depend* upon it: Then certainly, the *Archbiſhops* and *Clergy* muſt have lookt upon their *Convocations* to have been *Meetings* of a very different kind from that of the *Parliament*; and by conſequence from thoſe *Aſſemblies* of the *Clergy*, which were never doubted to be in the ſtricteſt ſenſe, a part of it. Nay, it will follow yet farther; That they thought their *Provincial Convocations*, not only to have been *different Convocations* from the *King's Parliamentary Aſſemblies*; but held them at *another time*, on purpoſe that they might not ſo much as *ſeem* to have any *dependance* upon *his Parliament*: Of which, the other has ever been look'd upon to have been a *Principal Eſtate* and *Member.*

But to go on to the laſt *Period*: [1] *About the Entrance of the laſt Age; when the Prerogative began to recover the Ground it had loſt to the Church, we find theſe Meetings of the Clergy and Laity* (ſo he calls the *Parliament*, and *Convocation*) *more cloſely United: The Dates of* Henry *the* Eights *Convocations being all One, or a few days before or after, (if not altogether the ſame with) thoſe of his Parliament. And from* Edward *the* 6th *to this Reign, the Clergy have, I think, met always, and parted within a Day of the Parliament: The Day it ſelf, on which the Parliament ſate, and roſe, being not judged ſo proper for this purpoſe, becauſe the Biſhops were then to* ATTEND THE HOUSE OF LORDS: *But ſince the late* Revolution, *the Buſineſs of theſe two Meetings not interfering, the ſame Day has ſerved to open both of them; or rather, to open the One, and ſhut up the Other.* [2] *There have been no Deviations from this Rule, that I know of, except in a Legantine Synod or two (which are no Preſidents) and one in the Convocation of* 1640.

Sect. 12.

[1] *Rights, &c.* p. 49.

[2] *So again*, Ib. p. 68. *In which yet, in his new* Edit. *we find the Phraſe a little varied, tho' in the other Place, it ſtands as it did before. He ſaw his Error, but did not care to acknowledge it.*

This Author will Excuſe me, if I take the liberty to tell him here, what I will fully prove hereafter, that he is altogether miſtaken in his matter of Fact. This *Rule*, as he calls it, has not paſs'd ſo currently without Exceptions, as he repreſents it to have done. But however, to take it in his Own Way; and ſuppoſe that the *Provincial Convocations*, have, for the laſt *Age and half*, ſate within a Day after the *Parliament*. Even this is enough to prove it to be a Meeting wholly diſtinct from it; and by Conſequence, from a *Convocation* that is, confeſſedly, a *part* of it. For 'tis not the diſtance of *Time* that, in this Caſe, we are to conſider; but whether it be abſolutely the *ſame*. And if by their ſeveral *Writs* of *Summons*, the one of theſe *Convocations* is appointed but a *Day* before the other, it is the ſame thing in the *Eye* of the *Law*, as if it had been a *Month*, or a *Year*.

For Proof of which, let us ſuppoſe the *Parliament* to be called to meet (as once it memorably was) upon the 5th of *November*: In that Caſe it muſt be granted, that the *Parliamentary Convention*, ſummon'd by the *King's Writ* to the *Biſhops*, muſt have begun the ſame Day. But the *Provincial Convocation* which was appointed to be held the 6th. had as yet no Being; nor could its *Members*, tho' they had been *all preſent*, have legally Aſſembled themſelves in ſuch a *Convocation.* Upon the *Fifth* of *November* then, the *Parliamentary Body of the Clergy* was *Conven'd*; and, by being ſo, was, in the Eye of the *Law*, *actually Aſſembled* The *Biſhops*, the *Principal Members* of it, attended upon the *King* at *Weſtminſter*: The *Deans*, *Archdeacons*, and *Proctors* of the *Clergy*, Choſen and Em-

Empowered by Vertue of the ſame *Writs*; ſhould have been preſent too; but the *Provincial Convocations*, which were to ſit the next Day at *Paul*'s and *York*, were not yet in *Being*: Nor could the *Biſhops* and *Dignitaries*, and *Proctors* of the *Clergy*, have lawfully met their *Archbiſhops* that Day at thoſe *Places*; nor without a Præmunire, have ſate in *Convocation* with them. Now, if this be good *Law*, as I am pretty confident it is; then, as little as I know of *Logick*, I will venture to conclude, That the *Convocation* which met at *Weſtminſter*, upon the *Fifth* of *November*, was altogether a *different Aſſembly* from that which met at *London* and *York* upon the *Sixth*: And that we may, conſiſtently enough, with our Church, give God Thanks for delivering the *One*, from the Deſigns of the Papiſts againſt it; tho' I cannot yet think it reaſonable to bleſs him for delivering the Other, which ſhould have aſſembled at ſo Great a diſtance upon 6th of *November*, from being blown up at *Weſtminſter*, upon the *Fifth*.

Sect. 13. To clear this Matter yet more; if in ſo plain a Caſe, it be poſſible to do it; let me add, That as the King ſummons theſe two *Convocations* by *different Writs*, ſo in thoſe *Writs*, he appoints this difference of *Time* too: And the *Archbiſhops* in their *Mandates*, Obey him in the Execution of the One, as both *they*, and the reſt of the *Biſhops* do, in that of the Other. So that upon receipt of theſe *double Writs*, a *double Summons* is iſſued out by them; a *double Return* is made by the *Clergy* upon them; and either *different Proctors* are choſen for theſe *two Convocations*, (as in the *Province* out of which the *Parliament* meets) Or the *ſame Perſons* are Commiſſioned in a *double capacity*, as is the common practice in that in which it is held.

This has been an occaſional practice to the very time of our laſt *Civil Wars*: Inſomuch, that when that unfortunate *Parliament* [1] was to meet in 1640; The Archbiſhop of *Canterbury*, being then *Guardian* of the *Dioceſe* of *Lincoln*, ſent his "*Mandate* down to the *Dean* and *Chapter*, to ſummon the one to appear in his "own *Perſon*; the Others by their *Proctor*, as well in the *Parliament* to be be-"gun at *Weſtminſter* the 13th of *April* next, as in the *Convocation* of the *Clergy* "of *England*, in the *Cathedral Church* of St. *Paul*, *London*, the 14th Day of the "ſame Month. And the *Chapter* order'd a *Proxy* to be ſeal'd to Dr. *Robert* "*Meers*, *Chancellor* of their *Church*, to appear as the *Proctor* of the *Chapter*, ac-"cording to the *Tenour* of the ſaid *Mandate*.

[1] Act. Capit. Eccleſ. Lincoln. xx. fol. 204.

Thus the Minute is enter'd in the *Dean* and *Chapter*'s Book there: And for the *Form* it ſelf, in which this *Præmonition* for *Parliament* is made; I ſhall ſet it down as I find it, in another *Church*, at the latter end of the fore-going Reign: Where the *Biſhop* having recited the King's *Parliament Writ*, with the *Præmonitory Clauſe*, for a *Parliament* to be held at *Weſtminſter*, *February* the 12th, thus goes on to his *Dean* and *Chapter* thereupon: [2] "*By Vertue* and Authori-"ty whereof, We, by the Tenor of theſe Preſents, do Warn, and Peremp-"torily Cite you the *Dean* aforeſaid; that at the *Day*, and *Place*, before men-"tioned, you be Perſonally preſent to treat about *the difficult and urgent Affairs*, "*which concern the State and Profit, the publick Good and Defence of the Realm of* "England, *and the Subjects thereof, to be then and there more ſeriouſly laid before* "you, *and* to conſent *to ſuch things, as upon common Deliberation, ſhall chance to be* "*wholſomly Eſtabliſhed to the Honour of* God, *and profit of the* Church. *And fur-*"*ther to Do, and Receive what the nature of this Affair ſhall demand, or require.* "We do alſo commit it to you, and injoin you firmly, and command you, "that you peremptorily Cite, or cauſe to be Cited, all and ſingular the *Ca-*"*nons* and *Prebendaries* of our *Cathedral Church* aforeſaid; that they appear "perſonally before you or your Commiſſaries, at a Day and Place by you "to be appointed; to Chuſe and Nominate One fitting and ſufficient Perſon; "and to Give and Grant to the ſaid Perſon ſufficient Power to appear in the "Name and ſtead of the ſaid *Chapter* before *Us*, or our *Vicar General* in *Spiri-*"*tual Matters*, or any other *Commiſſary* in that behalf, in the Cathedral Church "of *Litchfield*, in the Uſual Place there, upon *Thurſday* the 5th of *February* next, "after the *Date* of theſe *Preſents*, to Chuſe, Ordain, and ſend one fitting and "ſufficient *Proctor* for the *Chapter* aforeſaid, after the Form above mentioned; "and to Order his *Wages*, &c. And take care to Certifie us, *&c.* of what "you ſhall have done in the Premiſes.

[2] Lib. Dec. & Capit. Lichf. ad Ann. 1623.

This

This *Mandate* the *Dean* and *Chapter* were wont to Obey, as the *Archdeacons* in like manner did. And the *Proctors* for the *Parliament* being choſen both by the *Chapter* and *Clergy*; the *Biſhop* made his Return of what he had done, by his *Certificate* to the *King* in this manner. [1] "To the moſt excellent *Prince*, &c. "We have with all reverence receiv'd your *Brief*, and *Mandate*, for coming to "your *Parliament*, by Vertue and Authority whereof, we have caus'd to be *pre-* "*moniſh'd*, according to the Tenour of it, the *Dean* and *Chapter* of our *Cathedral* "*Church*, the *Archdeacons*, and all the *Clergy* of our *Dioceſe*; that they, and every "of them, appear in *Parliament* at the ſaid *time* and *place*; the *Deans*, and *Arch-* "*deacons* in their *proper Perſons*; the ſaid *Chapter* by *one*, and the *Clergy* of the "*Dioceſe* by *two* fitting *Proctors*, having full and ſufficient Power from the ſaid "*Chapter* and *Clergy*, to *Conſent* to ſuch things, as ſhall, by God's Grace, happen "to be ordain'd by the *Common Council* of your *Kingdom*.

[1] See this Form. Regiſt. *Sampſon.* fol. 10. Regiſtr. *Ciceſtrens.* An. 1539 Append.

I have the rather ſet down theſe *forms* at large, to ſhew, that, when the *Clergy* were Summon'd to the *Parliament*, the *Biſhop* proceeded in the Execution of the *King's Writ*, *in a form altogether different* from that of the *Archbiſhop* for a *Provincial Convocation*. That the *Dean* and *Chapter* were Cited to appear at the *day* that the *Parliament* was *opened*, not upon the day that the *Convocation* began; At *Weſtminſter*, not at St. *Paul's*; and that the *Proctors* of the *Clergy* were, accordingly, *doubly Choſen*, and *Commiſſioned*, for theſe two *Aſſemblies*. And from all which, it evidently appears, that they are *two diſtinct Congregations* called by *ſeveral Writs*, at *ſeveral times*, to *ſeveral Places*; and have their ſeveral *Powers*, and *Priviledges*, accordingly.

Sect. 14.

But I muſt not conclude theſe Remarks without taking Notice of the reaſon that is given why the *Provincial Convocation*, has been wont to meet a *day after* the *other*: Becauſe that on the day of the Parliaments ſitting, the *Biſhops* were To ATTEND THE HOUSE OF LORDS. [2] Where this Gentleman Learn'd this Doctrine, I cannot tell; but ſure I am, the *Biſhops* are not much beholden to him for it: For whoſe utter *Excluſion* from the *Houſe of Lords*, he has hereby laid a fair foundation; whenever that Honourable Houſe ſhall pleaſe to *reſolve*, that they have no longer need of *their* ATTENDANCE. I verily thought that the *Biſhops* had been Summon'd to SIT WITH *the Lords* in *Parliament*, not to ATTEND *upon* THEM: That both as *Barons*, and *Biſhops*, they had a *Right* (a *double Right*) of Acting and Voting in that *High Court*. But, it ſeems, I have been miſtaken; theſe *Clergy-Lords* are only *Spiritual Attendants* upon the *Upper*, as he would have the *Clergy-Commoners* to be upon the *Lower-houſe* of *Parliament*. A Propoſition not much for the Honour either of the *One*, or the *Other*: Who both together have ever been accounted *one* of the *Three Eſtates of the Realm in Parliament*, and by the *King's Writs* (the ſtanding, *legal* foundation of their *Parliamentary Rights* and *Priviledges*) are at this day ſolemnly acknowledged, and declared ſo to be.

[2] Rights, &c. pag. 48.

However, let us admit of his Reaſon, tho' with a little Correction of his Crude Expreſſion; that the *Biſhops* being to *Attend* upon the *King* with the *Lords* and *Commons*, at the *opening* of the *Parliament*, that *day* was not ſo proper for the *Provincial Synod* to *meet* upon. Now the *Biſhops* attend there by vertue of the ſame *Writ*, by which the *Inferiour Dignitaries* and *Clergy* are Summon'd thither. They attend in Obedience to the *King's Summons*, and as the *remaining part* of that *Eſtate*, which once more fully attended with them, and is ſtill *call'd* by the *King* ſo do. They therefore ſo attending, are *All* of the *Parliamentary Convocation*, that now do *actually attend* there. And the reaſon given, upon this true foundation, why the *Provincial Synod*, cannot well begin the *firſt day* of the *Parliament* is this, becauſe that the *Biſhops* are then accuſtom'd (as the reſt of the Clergy are call'd) to attend upon the King in their *Parliamentary Capacity*, in another *place*; which I think ſtill helps to Corroborate that difference, which from this, and the other Reaſons I have before mentioned, there plainly appears to be between them.

Sect. 15.

And thus much we may conclude from what has been granted to us, concerning the *different Times* of theſe *two Aſſemblies meeting*. I ſhall only obſerve, that as they are allowed to have their ſeveral *days* of *opening*, ſo it is farther granted, that they have their *ſeveral times* of *riſing* too: And this no leſs than the other, proves an apparent difference both in *Law* and *Fact* between them. For the *Parliament* being *diſſolved*, or *prorogued* by the *King's Command*, the *Convention* of the Clergy called by *vertue* of the *Parliamentary Writ*, muſt of neceſſity be *diſ-*

ſolved,

ſolved, or *prorogued* together with it. If therefore the *Provincial Convocation* be not affected thereby; if it ſtill continues to *ſit* (tho' never ſo *ſhort* a *time*) after the *Parliament* is *riſen*; and needs *another Writ* to *determine* its *Seſſion*; Then it muſt be concluded, that it hereby alſo appears to be a *different Aſſembly* from the *other*; as different as an Aſſembly *actually* and *legally ſitting*, is from an *Aſſembly* that is *actually* and *legally diſſolved*; and ſo has no *being* in *Law*, nor can *legally meet*, or *do*, or *eſtabliſh* any thing.

But theſe are not all the Reflections, which this Circumſtance of *time* will afford us, to ſhew the difference of theſe *two Aſſemblies*. There are ſome other Particulars, which muſt not wholly be overlook'd; tho' I ſhall inſiſt as briefly as poſſible upon them.

For, *Firſt*, Whereas the King by his *Writs* conſtantly determined the *time* of the *Parliament's ſitting*, and in that of the *Parliamentary Convention's meeting* with it, nothing was more uſual heretofore, in the *Provincial Convocation* call'd by the *King's direction*, than to leave the *Archbiſhop* wholly at *liberty* in *this particular*; To aſſemble it when he thought fit: Only with a general Clauſe, that he ſhould do it, *with all convenient ſpeed*; [1] but as for the preciſe time of its *meeting*, that was committed to himſelf to determine. When afterwards this liberty began to be retrenched, and a *time* was *limited*, within which the *Convocation* ſhould be *Summon'd* by him; yet ſtill the *day* was ſubmitted to his *own Nomination*; and the *Archbiſhop* not only appointed that, but (as has been already obſerved) frequently exceeded the bounds of that *time* that had been preſcribed to him. Nay, when the very *day* it ſelf was *fixed* in the *King's Writ*, yet he did not think himſelf ſo far concluded by it, as not to have the power of *changing* it, for his *own Convenience*, which accordingly he oftentimes did do.

[1] *Cum omni Celeritate Accommoda.*

Now what can be more unreaſonable than to think that this Liberty ſhould either have been given by the *King*, or taken by the *Archbiſhop*, had the *Provincial Synod*, and the *Parliamentary Convocation* been but *one*, and the *ſame meeting*. [2] Or what can be more clear, then that an *Aſſembly* whoſe *time* is *fix'd*; and that by the *Royal Authority*, (which alone indeed has power to determine it) muſt be a *different Aſſembly* from that whoſe *time* of *meeting* is left at *large* by the *King*, and is determined only by the *Eccleſiaſtical Power*.

Secondly, As for the *Diſſolution* of the *Provincial Convocation*, that alſo ſhews its neceſſary *diſtinction* from the *Parliamentary*. To ſay nothing of that Cuſtom which has confeſſedly obtain'd for an Age and half paſt, of *proroguing* or *diſſolving* the *one* ſome time, tho' but a ſhort one, after the *other*; which I have before taken notice of. The account which is given us, of the Convocation and Parliament which were *ſitting* at the *time* of King *Henry* the *Fourth's* Death, ſufficiently ſpeaks the difference between them. [3] The *Parliament*, and with that the *Parliamentary Convention* of the *Clergy*, was *diſſolved* by the *King's Death*, *March* the 20*th*; and a *new* one Summon'd, two days after. But the *Provincial Convocation*, as it was not *call'd* by the *King*, (tho' in purſuance of his Writ) ſo neither was it *diſſolved* by his *Demiſe*, but continued to *ſit* on, notwithſtanding the *diſſolution* of the other; and therein manifeſtly ſhew'd it ſelf to be a quite *different Aſſembly* from it.

[2] Regiſtr. *Arundel.* A. C. par. 2. fol. 6, 25. b.

I ſhall conclude this Argument with another, and much later inſtance, of the ſame kind, and which may be one proof, out of many, before hand, of the great Miſtake of that Aſſertion, which has been lately with ſo much poſitiveneſs advanced; *viz.* that our *Convocations* have been *always call'd* and *diſſolved*, *within a day of the Parliament*, *for theſe laſt* 150 *years*. In the 19*th* of King *James* the *Firſt*, a *Writ* was ſent to the *Archbiſhop* of *York*, Dated *February* the 9*th*, for the *Diſſolving* of that [3] *Convocation*: And by vertue thereof upon the 27*th* of the ſame Month it was *diſſolved*. But the *Parliament* of that ſame year had been before *diſſolved* by *Commiſſion*, *February* the 8*th*, and with it the *Parliamentary Convention*, put to an end, almoſt Three Weeks before the *Provincial Convocation*.

[3] See the Convocat. Book of *York*, Ad Ann.

This I take to be as plain a Demonſtration of the *actual Diſtinction* of theſe two *Aſſemblies*, as can poſſibly be given; and I make no doubt but that all indifferent Perſons will join in the ſame Opinion with me. But,

Sect. 17. *Secondly*, From the former of thoſe Circumſtances which I here propoſed (under this head) to conſider; let us go on to the latter, that of *Place*; and ſee whether we may not from thence alſo derive another plain demonſtration of the difference which I affirm to be between the *Provincial*, and *Parliamentary*, *Conventions* of the *Clergy* of *England*.

I

I have before obſerved that when the *King calls* his *Parliament* (of which the *Biſhops* and *Clergy* are *one chief Eſtate*) he prefixes not only the *time*, but the *place* too, of their *Aſſembling*: And this being done under his *Great Seal*, and in the *Writs* of *Summons* which are iſſued out for the *Convening* of it, cannot be changed by any *leſſer Authority* than that which firſt appointed it. In like manner, when a *Convocation* is to *meet*, the *King* either abſolutely determines the *place*, or mentions ſome particular place for it's meeting, with a liberty to the *Archbiſhop* to chuſe any other, that he ſhall think to be more convenient for it. The Archbiſhop having iſſued out his *Mandate*, upon this *Writ*, and therein appointed the *place* where the *Convocation* is to begin; *that* alſo is now ſettled, not only by *Eccleſiaſtical*, but by *Civil Authority* too; and at that *place*, and no other, the *Clergy* muſt appear.

If therefore theſe *two Conventions* of the *Clergy*, thus Summon'd by the *Parliamentary* and *Provincial Writs* are call'd not only *at ſeveral times*, but to *different places*; If the legal determined *place* for the meeting of the one be (for Example) *Weſtminſter*; for the other *London* and *York*; Nay, if ſometimes the diſtance be yet more conſiderable, as in the laſt *Parliament* of King *Charles* the *Second* it was, when the *Parliament* was Summon'd to *Oxford*; the *Provincial Convocation* of *Canterbury* to *London*; and that of the *other Province*, to *York*; and all theſe were by vertue of their *ſeveral Summons*, determined in *Law* to *Meet*, *Sit*, and *Act*, in thoſe *ſeveral places*: I do not ſee how it is poſſible to confound all theſe *Aſſemblies* into *one*; and in deſpite not only of *Law*, but of *Common Senſe* it ſelf, make the *Parliamentary Convention* legally called to ſit at *Oxford*, and no where elſe, to be in *fact* the ſame *Aſſembly* with the *two Provincial Convocations*, appointed to ſit at *London* and *York*, and not Commiſſioned or Authorized in *Law*, to meet in any *other place*.

But here then a difficulty has been ſtarted, in which tho' the preſent Argument be not much concerned, yet it may not be improper, to take ſome notice of it, upon this Occaſion. That the *Biſhops* and *Clergy*, who are called by the *King's Writ* to *Parliament*, like the *Lords Temporal*, and *Commons*, are, by vertue thereof, required to attend upon the *King* at the *place* appointed by him for the holding of it; whenever he requires the *three Eſtates* to come together, and particularly at the beginning of every *Parliament*, is not to be queſtioned. But as the *other Eſtates*, at *other times*, ſeparate from one another, and ſit by themſelves, and debate aſunder upon ſuch matters as come before them; ſo the *Clergy* were in like manner wont to do. For this they had their ſeveral ~~*places*~~ of *Aſſembling*; and what the *place* was, in which the *Parliament-Clergy* were antiently wont to *meet*, whilſt they continued to *act* in their *Parliamentary Capacity*, is a point that has raiſed ſome diſpute: Let us ſee how a *late Author* has reſolved it. [1] Sect. 18.

[1] Rights, &c. p. 437.

"In what *place* the *Clergy*, call'd to *Parliament*, met, Dr. *Wake* profeſſes himſelf "not to have found: [2] But he thinks it not improbable, that it may have been at "St. *Paul's*; (*i. e.* when the *Parliament* met at *Weſtminſter*:) BECAUSE their other "*Convocations* were uſually held there. My Words are theſe, "In what *place* the *Clergy* uſed to meet, I have not found. But As their *other Convocations* were uſually "held at St. *Paul's*, ſo it is not *improbable* but that upon theſe Occaſions, they may "have *ſate there* alſo. I aſſign not their ſitting there in their *other Convocations* as any neceſſary, or ſufficient *reaſon*, why they ſhould meet there in theſe, but barely offer it, as no improbable Conjecture, in a matter where I had little to Guide me; that it was likely they might have ſate, and deliberated there in *one kind* of their *Convocations*, (not BECAUSE, but) as well as we are ſure, they did ſo, in the *other*.

[2] Authority, p. 221.

But this, it ſeems, was no ſuch probable conjecture as I ſuppoſed, but rather was very improbable: "That while they were [3] STRICTLY SPEAKING, a MEMBER "of PARLIAMENT, they ſhould meet ſo far from the *place* where it *open'd*, and "*ſate*---*Weſtminſter-Abbey* was ſomewhat *nearer*, and more *convenient*. I readily grant that *Weſtminſter-Abbey* was a great deal nearer to the *Court*, then *Paul's*: But was it not as much nearer when the *Convocation* ſate in its *Provincial Capacity*, as it was when it ſate in its *Parliamentary*? And yet for all that, the Clergy then choſe St. *Paul's Cathedral*, rather then *Weſtminſter-Abbey*; tho' the *Archbiſhop*, *Biſhops*, and *Prelates*, attended in *Parliament* as duly at *Weſtminſter* then, as both they, and the *Clergy* could have done before. And if the inconvenience of the diſtance of that *place* from *Weſtminſter* weigh'd not with them in

[3] Rights, ib.

the *one*, why ſhould we ſuppoſe it to have been of any ſuch mighty Conſideration with them in the other.

Weſtminſter-Abbey was an *Exempt Juriſdiction*: The *Clergy* did not care to be *call'd thither*, neither by the *Archbiſhop* nor *King*; as this *Author* knows very well: [1] And 'tis not improbable but that the *Archbiſhop* may have as little liked to ſit in ſuch a place himſelf, as they to attend upon him. Now the *Clergy* in their *Parliamentary* Meetings conſulted together *Provincially*: [2] Their very Deputations ran in that form; That their "*Proctors ſhould do, and conſent to ſuch* "*things as ſhould happen to be ordain'd by the Common Council and Aſſent of the venc-* "*rable the Archbiſhop, and of the Prelates and Clergy of the Province.* And I think it much more probable, That the *Archbiſhop* ſhould adviſe with them in a place where he had an unqueſtionable *Juriſdiction*, rather than in One where he had none; but might perhaps have been troubled with *Proteſtations* on both ſides; of the *Clergy*, for drawing them thither; and of the *Abbot* and *Convent*, for coming to ſit there.

[1] *Rights*. p. 230.

[2] Ib. Append. p. 484.

But ſtill this is but conjecture on both ſides, and proves nothing certainly on either: To come therefore to ſomething that is more deciſive; he adds; *We may reaſonably believe, That the* Clergy *were accommodated with ſome* Room *in that* Monaſtery: *As indeed they anciently were.* [3] He means before the time of King *Edward* the *Firſt*, (for ſo his Inſtances ſhew) that is to ſay, before the time of which we are now ſpeaking. This indeed is very ſtrange; that the *Clergy* ſhould have held their *Parliamentary Conventions* at *Weſtminſter*, a Hundred Years before they were called to *Parliament*. But however, let us conſider his Authorities. As for the *Three Firſt*, they all relate to other Matters: [4] One to an Extraordinary Meeting of the *Archbiſhop* and *Clergy*, to Excommunicate ſome Diſturbers of the publick Peace: [5] The next to a *National*; the Third [6] to a *Legantine Council*; but not One of them relates to a *Great Council*, or *Parliament*.

[3] *Rights*. p. 437. 438.

[4] *Hoveden*, fol. 418. b.

[5] *Cotton* Rem. pag. 212.

[6] *Dicet inter ſcript.* x. col. 589.

The next Inſtance is thus far to the purpoſe, that it relates to a *Great Council*, and that Council aſſembled *in Refectorio Weſtmonaſterienſi*: [7] From whence the *Lay-Nobility* retiring, left the *Prelates* to debate by themſelves. The *Parliament* being broken up, after ſix days ſitting, and nothing done of what the King deſired; he prevailed with the *Prelates* to aſſemble once more, which accordingly they did in the *Chappel* of St. *John*, within the *Infirmary*; * but retir'd without any change in the Reſolutions they had before taken. This is the truth of that Story: But how this proves the cuſtomary place of the *Clergy's ſeparate Convocations* for *Parliamentary* Affairs, to have been within the *Abbey* of *Weſtminſter*, I am yet to ſeek. For, in this *Parliament*, no other *Clergy* met, but the *Biſhops* and *Prelates*, whoſe place was to ſit with the *Lords* in *Parliament*, and not in a ſeparate Body by Themſelves; as it ſtill continues to be at this day.

[7] Not in *Refectorio Monachorum* as Dr. *A.* quotes it: nor M. *Paris*. p. 640 *but* p. 639.

[8] Ib. p. 640.

And yet as little as *this* makes to his purpoſe, his next Inſtance is ſtill leſs: [8] The meeting on St. *Matthew*, being only a meeting of the *Clergy*, without the *Laity*; (who aſſembled by themſelves the morrow after St. *Martin*, [9] *Nov.* 12. at above ſeven Weeks diſtance;) which, I am ſure, this Gentleman himſelf, upon ſecond thoughts, will not affirm to be ſufficient to make a Parliament.

[8] *See the Citation of it.* Regiſt. Henprior. fol. lxiii.

[9] Dugd. Summonit. p. 7.

Hitherto then we have advanced but little in our Enquiries; Let us ſee whether his next Attempt be any better. [10] *Upon the Diviſion of the two Houſes*, ſays he, *the* Commons *ſate in the* Chapter-Houſe *of the* Abbot *of* Weſtminſter. *Dr.* W. *Obſerves, that this is mention'd there as the* Accuſtom'd *or* (*rather as the Roll it ſelf ſpeaks*) *the* Ancient Place *of their Aſſembling*; *which implies them to have ſate there, probably from the time of their ſeparation. Not many Years after this, They ſeem to have exchanged this place with the Clergy, and to have ſate themſelves in the* Refectory *of the ſame* Abbey: *For in the* 9th *of* Henry *the* 5th, *the* Chapter-Houſe *appears to have been the place of Reception for the* Convocation-Clergy, *&c.* I could have wiſh'd this Gentleman would have taken a little more pains to put the *Clergy* in Poſſeſſion of the *Refectory* of the *Abbey* of *Weſtminſter*, for the place of their *Parliament Debates*, before he had brought them to Exchange it with the *Commons* for the *Chapter-Houſe*: But he has taken his Own Way, and I muſt follow him; And Enquire,

[10] *Rights*, &c. p. 438.

(1.) Whether the *Commons* did ſit in the *Chapter-Houſe* at *Weſtminſter*, 'till the 50th of *Edward* the 3d. And,

(2.) Whe-

(2.) Whether *then*, or not long after, they Exchanged it with the *Clergy* for the *Refectory*.

(1.) As for the former of theſe, the place where the *Commons* ſate before the 50th of *Edward* the 3d. The moſt Early mention I have obſerv'd of it, in my ſmall Acquaintance with the *Parliament Rolls*, is in the 17th of that King: And then I find them not in the *Abbey* of *Weſtminſter*, but much nearer the Lords, in the *Painted Chamber*. [1] Here, I ſuppoſe, they continu'd in the following *Parliaments*, 'till about Eight Years after, having Commiſſion'd a certain nnmber of their State, to tranſact the Affairs of that *Parliament*, with a ſuitable number of Lords; and theſe (probably) meeting in that Room, the reſt were order'd to retire to the *Chapter-Houſe* within the *Abbey*. [2] But this gave them no ſettlement there; for within three Years after we find them again in the *Painted Chamber*; [3] and there they continu'd to ſit, 'till the 40th of the ſame King. [4]

In the 42d of *Edward* the 3d, the Place was changed; and the *little Hall* (of the Palace, as I take it) was aſſigned to them [5]. How long they ſate there, I cannot ſay: But in the *Parliament*, five Years after, in the 47th of *Edward* the 3d. We meet them again in the *Painted Chamber*, [6] where they had formerly been wont to ſit. The next *Parliament* after this, was in the 50th of *Edward* the 3d; when (as before I obſerv'd) they were ſent to the *Chapter-Houſe* at *Weſtminſter*, which this Gentleman tells us, had been the uſual Place of their *Aſſemblies*, from the time that they became a ſeparate Houſe: How truly we have now ſeen. In effect, there is but One ſingle Inſtance, that I know of, upon Record, that ever they ſat there, before the 50th of *Edward* the 3d, and that was upon an extraordinary Occaſion: So that if the *Chapter-Houſe* were their *Ancient place* of ſitting, it muſt at leaſt be confeſs'd to have been an *Antiquated* one too; for 'tis plain, that for near forty Years preceeding, they had made but little Uſe of it. Let us ſee,

(2.) How it appears, that not long after this, they *Exchanged this place with the Clergy*, for the *Refectory* of the ſame *Abbey*. In the 51ſt of *Edward* the 3d, they continued to ſit in their New Place, the *Chapter-Houſe* [7]. During the firſt ſeven Years of King *Richard* the 2d, We meet with no determinate Place, but are only told in the general, That they ſate within the *Abbey* of *Weſtminſter*. [8] But in the *Parliament* held the 8th of that King, [9] we are expreſly told what that place within the *Abbey* of *Weſtminſter* was, *viz.* The *Chapter-Houſe*, to which his Grandfather King *Edward* the 3d. had ſent them.

Thus the matter ſtood 'till about ten Years after; the ſame King (for what Reaſon I know not) left them to their Choice, [10] to ſit in the *Chapter-Houſe*, or in the *Refectory*, which they would: And by this liberty it was, not by any imaginary *Exchange* made with the *Clergy*, of which there is not the leaſt intimation in the *Record*, that they removed into the *Refectory*, where we find them ſitting the next *Parliament*, [11] the 21ſt of *Richard* the 2d.

In this place they continued during the Reign of King *Henry* the 4th, [12] and in the beginning of his Son, King *Henry* the 5th: In the fourth of whoſe Reign, as this Gentleman rightly obſerves, the Chancellor aſſigned them *une Maiſon appellee le Froitour*. [13] After this, there is little to be found upon the Rolls as to this matter, more than in general terms; that they ſate *in their accuſtomed place*, the Houſe in which they had *anciently been wont to meet*; and for which Phraſe, this Gentleman needed not to have gone ſo low, as the 6th of *Henry* the 6th. [14] He might have found the ſame Language three Years before, under the ſame Reign: And in the preceding Reigns, we meet with it, in effect, as high as the 5th of *Henry* the 4th; [15] and poſſibly it might be carried yet higher, did the Argument need any curious ſearch after it.

And thus have we at laſt agreed upon the place in which the *Commons* were wont to ſit, when they came to *Parliament*. The only Queſtion is, How this *Author* proves that the King, who left them firſt to their Choice, of the *Refectory*, or *Chapter-Houſe*, as they liked beſt, turn'd the *Clergy* out of the *Refectory*, to bring the *Commons* into their place?

Why? for that he refers us to *Walſingham*, and 'tis the only Authority which he alledges, or, indeed, ſeems to have had, to prove that the *Clergy* did ever make uſe of the *Chapter-Houſe* in *Weſtminſter-Abbey*, for the place of their *Parliamentary Seſſions*; and that above Twenty Years after the *Commons* had left it to them. Let us hear therefore what *Walſingham* ſays as to this point: [16] He

[1] Rot. 17. E. 3. n. 8.
[2] 2 Parl. 25. E. iii. Rot. n 8
[3] Or *Chamber of* Marcolfe. *See* 38. Ed. iii.
[4] 40 *Edw.* iii. Rot. n. 7.
[5] 42 *Edw.* iii Rot. n. 2.
[6] 47 *Edw.* iii. Rot. n. 4.
[7] 51 *Edw.* iii. n. 18.
[8] Rot. Parl. 5. R. ii. n. 8. 6 R. ii. n. 14.
[9] Rot. 8. R. ii. n. 10.
[10] Rot. Parl. 18. R. ii. n. 1.
[11] Rot. 21. R. ii. parl. 1. n. 8.
[12] Rot. H. iv. 7, *and* 8. n. 8. 11. n. 4, 5. 1 H. v. n. 2.
[13] 9 H. 4. Rot. n. 7. *'tis call'd* L'effretour. *and both corruptly for* Refectoire.
[14] Rot. 3. H. vi. n. 4.
[15] Rot. 11. H. iv. n. 5. 5 H. iv. n. 3.
[16] *Walſingham* Hiſt. p. 404. comp. App. Reyneriî num. lxii. *See my Append.* ad Ann. 1421.

is an accurate Writer, as this *Author* allows; and in that, I do assure him, there will be no Controverſie between us. He tells us, that about the time of the *Parliament*, *Anno* 1421, the *Order* of the *Black Monks* were by the King's *Edict* called in great numbers together: That there were preſent *Sixty Abbots*, and *Conventual Priors*; beſides three hundred and more *Monks*, with their *Doctors* and *Proctors*: That the King had been inform'd that they had deviated very much from their Inſtitution; and that a *Reformation* could not be made by any other but himſelf: That being met together in the *Chapter-Houſe* at *Weſtminſter*, the King, with only four Attendants, came thither to them.

And is this at laſt the Authority on which we are to determine the *Chapter-Houſe* of *Weſtminſter*, to have been the Cuſtomary Place of Meeting for the *Parliament Clergy*? A *Congregation* of *Monks*, turn'd into one of the Three Eſtates of the Realm. Surely our great Author *Nodded* here with a witneſs. I will not pretend to affirm St. *Paul*'s to have been the conſtant place of their ſitting upon theſe Occaſions: But this I will undertake to ſay, that there they ſometimes did meet to treat together of their *Parliamentary Affairs*; and I ſee no reaſon yet to doubt, but that it was their uſual Cuſtom ſo to do.

King *Edward* the *Third* having ſummon'd his *Parliament* to *Weſtminſter*, the *Monday* after the *Exaltation of the Holy Croſs*, *Anno* 1334; and as the manner then was, the better to ſecure the *Clergy*'s Attendance upon it, added a *Provincial Writ*, to his *præmunitory Summons*: The *Archbiſhop* of *Canterbury*, in the very *Execution* of it, required the *Parliament-Clergy*, *Ut compareant*, &c. [1] *To appear before him in St.* Paul's *Church*, *upon the ſaid* Monday, *there to* Treat *of the* difficult *and* urgent Affairs *of the* Kingdom, *and* Church *of* England, *which in the ſaid* Parliament *were more at large to be treated of.*

It is not improbable, but that a Perſon who has ſo much deſire to *Confound* the *Parliamentary*, and *Provincial*, *Aſſemblies* of the *Clergy* together, may be willing to think, that this was a *Mandate*, not for the *Parliament*, but for a *Convocation*. And the rather, becauſe it is expreſly call'd *to treat with the Archbiſhop at* Paul's. To prevent any ſuch Miſtake, he may pleaſe to know that the *King* had, at the ſame time, Order'd the *Archbiſhop* to call a *Convocation* of the *Clergy* of his *Province*, much after the ſame manner as it is ſtill done at this day. And in Execution thereof, the *Archbiſhop* diſtinctly commands the Biſhop of *London*, to Cite all the *Biſhops*, *Deans*, *Abbots*, *Priors*, &c. [2] (the Members of the Provincial Aſſembly) to appear before him in the ſame place, (but not upon the ſame day) the *Monday* after the Feaſt of St. *Matthew*, there to treat, in their accuſtomed manner together.

Now, as this *double Provincial Summons* aſſures us, that there were two *different Aſſemblies* to be call'd, for which a *double Writ* was neceſſary from the King, and a double *Mandate* from the *Archbiſhop*; ſo the *Clergy* in their return, plainly ſhew that they underſtood it ſo to be. And therefore the *Prior* and *Chapter* of *Canterbury*, by their *Proxies* dated the 20th of *September*, 1334. Granted *double* Powers *to their* Proctors [3]: 1*ſt*. For the *Parliament*, *to* appear *before the Venerable Father* John, *Lord Archbiſhop of* Canterbury, *in the* Church *of St.* Paul, London.——*To treat of the difficult and urgent Affairs of the* Church, *and Realm of* England *in the* Parliament *at Weſtminſter*, *Monday next*, *after the Feaſt of the* Exaltation of the Holy Croſs.——*And* 2dly, *For the* Convocation, *to appear before the ſaid* Father *in the* Church *of St.* Paul, Monday *next after the Feaſt of St.* Matthew *the* Apoſtle, *to* treat, *&c.*

From which Inſtrument of *Procuration*, which this Author had in his Hand, would he have been pleaſed to have made a right Uſe of it, we may again infer theſe two things: 1*ſt*. That theſe two *Convocations* were really (in *Fact*) *diſtinct Aſſemblies*, from one another: And, 2*dly*, That the *Parliament-Meetings* of the *Clergy*, as well as the *Provincial*, were held before the *Archbiſhop*; not at *Weſtminſter Abbey*, as this *Author* Dogmatically pronounces, but at St. *Paul*'s *Cathedral*; as I ſuppoſed them to have been.

The Caſe, with reſpect to the *Parliament*, was the ſame the next year after: The *Writs*, the *Mandates*, the *Proxies* are all alike: [4] And which is more remarkable; I cannot yet find that any *Convocation* then ſate with it. So that we may the rather conclude, that St. *Paul*'s was the uſual Place, in which the *Parliamentary Clergy* met, when they ſate aſunder from the other *Eſtates*; and that they did not do it, for the Convenience of the *Other Convocation*, which was held concurrently with it the *Year before*.

Such

[1] Reg. Mem. Hen. Burgherh. Epiſc. Linc. fol. 275. *Ut compareant coram nobis* (ſc. Arch. Cant.) *ſeu noſtris Commiſſariis in Eccleſia* D. Pauli, *die Lunæ poſt feſtum* Exalt. *S.* Crucis, *ad Tractand. ſuper Arduis & Urgent. Anglicanæ Eccleſiæ atque Regni Negotiis, in dicto* Parliamento *diffuſius pertractandis.* Sect. 19.

[2] Reg. Linc. Ibid. The Archbiſhop's reaſon for calling this *Convocation* ſo near to the other, is obſervable. *Nos igitur ſuper contentis in Brevibus ſupra-ſcriptis cum quibuſdam e noſtris Fratribus & aliis multis perſonis tractatu habito diligenti, Nolentes quantum in Nobis eſt, Vos & alios prælatos & Clerum noſtræ Provinciæ Occaſione Præmiſſorum duplicatis Expenſis & laboribus fatigari, & Optantes veſtrum & eorum diſcriminibus quantum poſſumus obviare, Convocationem hujuſmodi —— (cum minori veſtro quo poſſumus incommodo) & eorum, fore Cenſuimus faciendam.* E. Reg. Wigorn. Montacute Vol. ii. fol. 3.

[3] Regiſt. Eccl. Cant. K. fol. 32. b

[4] Regiſt. Lin. ib. fol. 314. 317. Wigorn. ib. fol. 17 Reg. Eccl. cant. ibid.

Such early Evidence have we to prove that St. *Paul*'s Cathedral was the Place of the *Clergy*'s meeting for their Parliament, as well as Provincial Aſſemblies. And if we may take the Word of an Eminent Profeſſor of the Law, [1] ſo it continued to be: Inſomuch that ſpeaking of the *Commons of* England *repreſented in Parliament*; he tells us, they conſiſt of the *Houſe of Commons at* Weſtminſter, *and the* Clergy, *who* (ſays he) *aſſemble themſelves at* Paul's. For, to ſuppoſe that by the *Clergy* there, he meant the *Provincial Synod* of *Canterbury*, would be to make him ſpeak after a very abſurd manner: As if thoſe of *York* had no part in the Common Priviledges of *Parliament*; which, as meanly as our *Author* thinks of that *Province*, yet I believe he would not care *himſelf* to aſſert.

[1] *Compton* juriſd. of Courts.

[2] *But tho' the* Place *of their* Meeting *puzzles me, yet the time it ſeems does not: For as to that, he ſays, I inform them, that the* Clergy, *who met by vertue of the* Convocation-Writs *in* Parliament-*time, came together heretofore on ſome other day, than that on which the* Parliament *began.* Well, and is not this true? That is not deny'd. But where then is the Fault? Why, I know not it ſeems that they have done ſo of late too. What, under the preſent *Government*? No, that he confeſſes they have not. But to the *late Revolution* they did ſo; tho' ſince it has been otherwiſe. Then, I hope, Dr. *Wake* may ſtill have been in the right, when he ſaid, That heretofore the *Convocation* began on ſome other day than that of the *Parliament's meeting*; tho', at preſent, the Method be changed, in that Particular, and they now begin both on a *Day*. But,

Sect. 20.

[2] *Rights*, &c. p. 493. Comp. 49.

4*thly*. To proceed: The next thing to be obſerved in the *Publick Inſtruments* relating to theſe two *Convocations* of the *Clergy*, is, The *Perſons before* whom they are called; and who are conſidered as the Chief Directors, and Governours, of theſe ſeveral Meetings.

Sect. 21.

Now this, the *Writs* themſelves by which they are ſummon'd, and the Returns which are made upon them, will beſt inform us; And from theſe therefore we will begin our Conſideration of this Point.

In the *Parliament-Writ*, by which the *Biſhops* and *Clergy* are ſummon'd to that *State-Aſſembly*; the words are to this Effect: "That the King having, by the "Advice and Conſent of his Council, reſolved to hold his *Parliament* at *Weſt-*"*minſter*; Commands the *Biſhops* (to whom they are directed) that laying a-"ſide all *Excuſes*, they ſhould take care to come in *Perſon* thither, there to "*Treat* together with *him*, and with his *Lords* and *Nobles*, premoniſhing, *&c.* In the Executions of theſe *Writs*, in the Returns upon them, in all the other *Inſtruments* which relate to them, *ſtill* the *Parliament* is called the *King's Parliament*: And before him it is, that all the *Members* of it are ſaid to appear there. But the *Convocation* is the *Archbiſhop*'s Convocation; ſo the King himſelf owns it, in his *Writs*, to be: It is ſummon'd before him; and all the Inſtruments which relate to it, beſpeak *him* as the *Head*, and *Governour* of it.

Nor is this an empty, or honorary *Title*, but ſuch as has a real influence upon the *Perſons* and *Actions* of theſe *Aſſemblies*; and thereby plainly ſhews the *Difference* between them.

To ſay nothing of what has been already obſerved, of the Authority of the *Archbiſhop*, in ſummoning his *Provincial Convocation*; and its difference in this reſpect Alone from the *Parliamentary*. The Members of both being ſummon'd; the *Archbiſhop*, as *Preſident* of the one, has in himſelf the Power of Receiving the Excuſes of ſuch as cannot appear at it; and of remitting or puniſhing the Defaulters in ſuch a caſe. To him the *Proxies* of the *abſent Members* are directed; and by his Commiſſioners, the Executions of the *Provincial Summons*, and the Returns which are made upon them, are examined. In the Province of *Canterbury*, the Biſhop of *London*, at the firſt opening of the *Convocation*, makes his general Certificate to the *Archbiſhop*; and then all the other *Biſhops* give in theirs for their reſpective *Dioceſes*.

But in the *Parliamentary Aſſembly*, all this was wont to be done to the King, and his Officers in *Parliament*. To him the *Proxies* were directed; to him Excuſes were ſent; he only had the Power to Puniſh or Remit the Defaulters: [4] And tho' he may have left it ſometimes to the *Archbiſhop*, to execute the Penalty upon the *Eccleſiaſtical Members* of his *Parliament*; yet ſtill it was by the *King's* Authority, and in Obedience to his Command, that he did it.

[4] Vid Stat. 5. Rich. 2d. Stat. 4.

In the *Eccleſiaſtical Convocation*, the *Archbiſhop* opens the Aſſembly: He declares to them the cauſe of their Meeting; he governs their *Seſſions*; continues them

them by his *Authority*, and *Summons* the *whole Clergy*, whenever he ſees fit, to come before him. In the *Parliamentary*, the *King*, or his *Commiſſioners* do this: He *opens* the *Seſſions*; he *declares*, or *orders* to be *declared* to them, the *Cauſes* of their *Meeting*; he *governs* in it; *Calls all* the *Eſtates* at his pleaſure before him; he *prorogues* the *Parliament* (and with that every part of it) at his will.

The *Convocation* having, upon Debate, *Agreed* upon any *Thing*; the *Archbiſhop* heretofore ſolely confirmed their *Acts*; and being *ratified* by him, they became *Provincial Ordinances*; and *oblig'd* all whom they concern'd, within the *Province*, to *Obedience*. In the *Parliament*, the *King* does the ſame, that the *Archbiſhop* did in his *Convocation*: Nor were the *Acts* of the *Clergy* in *Parliament* ever of any *Authority*, until both the *Lords* had *concurr'd*, and the *King* added his *Confirmation* to them.

Laſtly, The *Convocation* having done the Buſineſs for which it was called; the *Archbiſhop* by his own *Authority* Anciently *diſſolved* it; and by *that determined* its *Seſſion*: But the *Parliamentary Aſſembly* never was *diſſolved* but by the *Royal Authority*; nor had the *Archbiſhop* ever any *Power* in that *particular*.

This has been the Difference, and in good meaſure ſtill is, between the *Provincial* and *Parliamentary Convocation*; And the Argument which ariſes from it, is, I think, plain and concluſive: That thoſe *two Convocations* muſt needs be altogether *different Aſſemblies*, the *one* of which is a part of the *King's Parliament*: The other is the *Archbiſhops Convocation*. The one of which is called before the *Civil Magiſtrate*, is order'd and govern'd by him; the other before the *Eccleſiaſtical*, and ſubject to his direction. In the one of which the *King* gives the *laſt force* to all the *Acts* of it, which have no *Authority* without his *Concurrence*; In the other, the *Archbiſhop* had the *laſt concluding power*, and without any other *Authority*, made them as Valid, as the Acts of ſuch an Aſſembly could be. In ſhort, the one of which, as it was called, ſo was it *continued* and *diſſolved* too, by the *Civil Power*; the other was both *Summon'd*, *Continued*, and *Ended*, by the *Eccleſiaſtical*.

Sect. 22. But that which will give farther light to this matter, will be to conſider the different *forms* of *procuration* that were wont to be granted for theſe ſeveral *Conventions*. And I ſhall the rather do it, becauſe I look upon a late *Writer* to have been not a little miſtaken in the account which he has given of them.

That when a *Parliament* was call'd, the *Biſhops* and *Clergy*, who either could not attend, as they ought to have done, in *Perſon*, or were required to appear by their *Proxies*, did return their *Proxies* accordingly; may from the undoubted accounts we have yet remaining of theſe *Inſtruments*, and from the Copies which are ſtill upon Record of the very *Proxies* themſelves, be evidently made appear.

That if a *Convocation* were *Summon'd* at the ſame time with a *Parliament*, and ſo the *Clergy* obliged to aſſemble under a *double Capacity*, they deputed either *double Proxies*, or the *ſame Perſons* by *double Inſtruments*; or, which is all one, gave them a diſtinct *double Power*, in the *ſame Inſtruments*, is from the ſame *Records* no leſs apparent.

Now as this alone may be ſufficient to ſhew, that theſe *two* muſt have been accounted very *different Aſſemblies* (for elſe, what room could there have been for *different Proxies*; or what need would there have been of *different Powers* to the *ſame Perſons?*) ſo if we look into the ſeveral *forms* of them, they will yet more confirm the manifeſt *diſtinction*, which I am now aſſerting betwixt them.

The *Proxies* for *Parliament*, were commonly directed to the *King*, by whom it was Summon'd, and before whom they were called to appear. Thoſe for the *Convocation*, to the *Archbiſhop*, by whom they were in like manner Summon'd, and before whom they were required to preſent themſelves.

The *Proxies* for the *Parliamentary Aſſembly*, were uſually to appear in the *Parliament* to be held at ſuch a *time*; there to *Do according to the Tenour of the* King's Writ; *and to* Conſent *to ſuch things as by the Common-Council of the* Prelates, Great Men, *and* Lords, *and of the* Clergy *of the* Province, *ſhould be ordained*. The Proxies for the *Provincial*, were *to appear in the Congregation of the* Clergy *to be held at ſuch a time*; *there to* Treat, Provide, *and* Ordain, *with the* Prelates *and* Clergy *of the* Province, *in their* Provincial Council; *and to* Conſent *to what ſhould be provided by them*; *And farther to do and receive, as Law ſhould require*.

From all which put together, it muſt, as I conceive, follow, that thoſe muſt needs be *different Aſſemblies*, to which the *Perſons Summon'd* not only returned their *diſtinct Proxies*, but gave to thoſe *Proxies* ſuch *different Powers* of *acting*, as 'tis evident, from the Circumſtances before noted, out of the *Inſtruments* themſelves ſtill remaining, they were wont to do.

It

It is true, one caſe there was, and the only one it is which has yet occurr'd to me; in which the *Parliament Proxy* was directed anciently to the *Archbiſhop*, [1] *viz.* at ſuch times as the *King* required the *Metropolitan* in each *Province* to ſtrengthen his *Parliamentary Writs*, to the *Biſhops* and *Clergy*, with a *Provincial Writ* to the ſame effect. For then being Call'd to *Parliament*, by *both Powers*, the *Civil* and the *Eccleſiaſtical*; they did alſo return their *Proxies* to *both*, and Excuſe themſelves, in caſe of a *Non-attendance*, to their *Spiritual*, as well as to their *Lay-Superiour*. But ſtill the Proxy it ſelf related wholly to the *Parliament*, and not to the *Provincial Convocation*: And the *Perſon* who made it, return'd his *Letters* of *Excuſe* to the *King*, for not attending upon him according to his *Premunitory Summons* by the *Biſhop*, as well as to the *Metropolitan*, for not obeying his *Provincial Summons*, to the *ſame place*, and at the *ſame Aſſembly*.

But here then we muſt ſtop, and conſider what has been lately Offer'd to us upon this ſubject. [2] "When the *Procuratoria* were drawn in Relation to the *Pre-* "*munients* alone, they ran (as that did) *Ad faciendum & Conſentiendum*; or *Ad* "*Conſentiendum* only. When they were drawn in Relation to the *Premunients* ONLY; that is, to the *Convocation* call'd by the *Parliament-Writ*. Now if by this he would Inſinuate (as 'tis plain that he would) that ſometimes the *ſame Procuratoria* were drawn with relation to the *other Convocation* too; I muſt beg leave to ſay, That he is herein utterly miſtaken himſelf, or would impoſe upon others: For except in the Caſe of a *double procuration* granted in the ſame *Inſtrument*, but with the ſame *diſtinctneſs* of the *different Places*, *Aſſemblies* and *Powers*, to which their *Proxies* were ſent, and with which they were to Act, as if they had been in Two *diſtinct Deeds*; I may challenge this *Author* to produce but One ſingle Inſtance of the ſame *procuration* granted to any *Perſons*, in the *ſame Terms*, to *ſit* in *both* theſe *Congregations*.

And this, indeed, he ſeems to have been ſenſible of, and therefore thus warily (but withal inſignificantly) goes on: "When the *Provincial Summons* went "out alſo (*i. e.* for an *Eccleſiaſtical Convocation*, for otherwiſe upon the *Parlia-* "*ment Provincial Writ* there was no difference) the *Clergy's power* ran, *Ad* "*Tractandum cum Venerabili Patre, Prelatis & Clero, nec non ad Conſentiendum*, which "anſwered *both* the *Citations*. In which again I muſt beg leave to ſay, he is miſtaken: For tho' their *Powers* were indeed *large* enough to have anſwered the end of *both Citations*, yet they were nevertheleſs reſtrained in the *Exerciſe* of them; for their *Commiſſion* was to *Treat*, not in *any place*, or *with any perſons*, but only in the *Provincial Synod*, at the *place* to which it was *Called*, and where it ſhould be *Continued*, with the *Archbiſhop*, *Prelates*, and *Clergy* only, not with the *Lords* and *Great Men*. So that tho' the *Powers* here were in one reſpect *larger* than in their *Parliament Procurations*, becauſe indeed the *Clergy* had a *greater Authority* of *Acting* in *one* of theſe Aſſemblies than in the *other*; yet the *Exerciſe* of them was limited to the *Provincial Convocation*; there *only* they were impowered to make uſe of them, and not in the *other Convention*.

Now this our Author could not but have known from the very *Inſtruments* to which he refers; And I think he ſhould not have concealed it. But let us ſee how he goes on: "Sometime (*ſays he*) double *Inſtruments* of *Proxy* were "framed both for the *Parliament* and *Convocation*; (Yes, *always* either *double* *Inſtruments*, or *double Clauſes* in the *ſame Inſtrument*:) "And *different Proctors* "appointed for each of them. And this I conceive was as often as the *Par-* "*liament* was held out of the *Province*, and the *Clergy* were at the ſame time to "meet *Provincially* at *home*, and do *buſineſs*; for they could not then *Aſſemble* "with the *Parliament*, or *near* it, and ſent their *Proctors* therefore to teſtify their "*Conſent* to what ſhould be done in it. In this Caſe therefore, I hope he will allow the *difference* to have been clear enough between theſe *two Convocations*. When the *ſame Perſons* were called to ſit in their *Parliament-Capacity* in *one Province*, and in their *Provincial*, or *Convocational*, in the *other*: And to do this, were forced either to ſubſtitute *double Proctors*; (which was the Caſe of the *Chapters* and *Clergy*) or to *ſit themſelves* in *one*, and to *Commiſſion* their *Proctors* to ſit for them in the other; As thoſe who were Summon'd to a *Perſonal Appearance*, were wont to do. Now this muſt have been the conſtant Caſe of *one* of the *two Provinces*, as often as the *Parliament* and *Convocation*, were both called at the *ſame time*. And when they were not; then I concieve the *ſame Perſons* ſitting *firſt* in the *one*, and *afterward* in the *other*, may have ſerved as evidently to infer the ſame *difference*.

"And

[1] Regiſt. *Pr. Wigorn.* Ad An. 1321. fol. 101. Procurator. &c Reverendiſſimo, &c. Noverit veſtra Paternitas quod nos variis & Urgentibus Negotiis impediti, quo minus *Parliamento Illuſtriſſimi*, &c. poſſimus perſonaliter intereſſe, dilectos nobis *Tho.* de *Eveſham*, &c.

Ib. Aliud Procuratorium. Regi direct.—Ad faciendum inibi omnia & ſingula, juxta formam, vim, & Effectum *Præmunitionis* factæ nobis in hâc parte, per Ven. patrem Dom. *T.* dei gratiâ *Wigorn. Epiſcopum*, &c.

Ib. Procuratorium *Capituli*, ad idem Parliamentum. *Excellentiſſimo Regi*, &c:— Noverit Excellentia veſtra, &c. in *Inſtanti Parliamento* juxta formam, Vim, & Effectum *Citationis* factæ nobis in hac parte per ven. Patrem D. *Walterum Arch. Cant.* &c.

[2] Rights Conv. p. 233.

" And the ſame thing, ſays he, I have obſerv'd to be done ſometimes in that " *Province* where the *Parliament* met; if the *Archbiſhop* of it did then ſolemnly " hold his *Provincial Council*: (And I hope this Gentleman would not have " had *Proxies* deputed to it, if he did not:) for in this Caſe alſo *different Proxies* " were returned To These Several Meetings. So that now then at laſt, the *Parliament-Meeting*, and the *Provincial*, are two Several Meetings; which have had their *ſeveral Proctors* return'd to them; When they have both been held, whether *in*, or *out* of the *ſame Province*, at the *ſame time*. I am ſenſible that this laſt obſervation, is not much to be depended upon, becauſe it is certain that the *ſame Perſons* were wont by *different procuratorial Letters*, or *Clauſes*, to be Commiſſioned for *both* theſe *Aſſemblies*, no leſs when they *were* held at the *ſame time*, then when they met at the *greateſt diſtance*. They were as well able to attend upon *both* theſe *Convocations* at *once*, as the *Archbiſhop* and *Biſhops* were: And for the *Eaſe* of the *Clergy*, who not only *ſent*, but *paid* them too for their Attendance, the ſame *Proctors* did generally ſerve for both. But I can eaſily Excuſe our Author ſuch a Miſtake, who has here ſo ingeniouſly Confeſſed that Truth, which he elſewhere takes ſomuch pains to diſguiſe.

Sect. 25.

How long this Cuſtom of returning *Proxies* to *Parliament* continued, this Author profeſſes himſelf not to be ſatisfied. He has ſhewn the Succeſſion of them down to the latter end of K. *Henry* the *Eighth*'s Reign; and found, that the *Premunientes* was *executed* in *form*, as low as the 33*d* and 36*th* years of King *Henry* the *Eighth*, [1] " and Returns, therefore he thinks, were for ſome part of his " Reign, very probably made to it.

[1] Rights, &c. p. 238.

" Not many years after this, *ſays he*, the Cuſtom of returning *Proxies* to *Par-* " *liament* in *form*, did, I believe, Ceaſe: And if a Conjecture may be allow'd in " a matter of this Nature, where with ſome Care, and Search, one might be " certain, I ſhould chuſe to fix the time of this *Total Diſuſe* not far off the *Sixth* " or *Seventh* of *Henry* the *Eighth*; when the Diſputes between the *Spiritualty* and " *Temporalty*, about the *Exemption* of *Clerks*, growing loud and warm, and the " *Clergy* with a high hand aſſerting their *Priviledges*, might take up thoughts " of ſetting themſelves free alſo in another inſtance then that which they conten- " ded about, * and agree generally to frame no more Inſtruments of *Proxy*, in " *Obedience* to the *Lay-Summons*. Will this Gentleman excuſe me, If I preſume once more to ſay that he is here alſo all over Miſtakes. For that neither is his Conjecture true, nor his Reaſon of any weight. As for the return of *Proxies* to *Parliament*; certain it is, that the *Premunitory Clauſe* has continued to be executed down to the very *laſt Age*: And I ſhall hereafter produce either the Inſtruments themſelves, or Authentick Memorials of them, in proof of my Aſſertion. And for his reaſon, it is indeed a very ſtrange one: That in a time when (as himſelf tells us) the *Government grew ſtronger*, and *the Prerogative began to recover the ground it had loſt to the Church*; The *Church* ſhould begin to get *ground* upon the *Prerogative*, and ſet themſelves free from a *Submiſſion*, which neither in the Reign of K. *Henry* the *Fourth*, *who deſired above all things to hold well with them*; nor of his Son K. *Henry* the *Fifth*, the *Prieſts own King*; nor in the weak and troubleſome time of K. *Henry* the *Sixth*, they ever pretended to do. That K. *Henry* the *Eighth* ſhould let the *Church* grow too hard for him; and that at the very point of time, in which the whole *Convocation* truckled to him, and had like to have been all brought under a *premunire*, for but medling, by the by, with his *Prerogative*.

But I ſhall not inſiſt upon the *improbability* of his *Conjecture*: It is enough that we are ſure it is *falſe*; and can gueſs at the reaſon too, that made him ſo deſirous to fall in with ſuch an Opinion, without making thoſe Enquiries here, which he has elſewhere been commendably diligent in doing. His buſineſs was to transfer (if he could) *the Rights*, &c. of the *Parliament-Convocation* to the *Provincial*. For this, he was to make the *one ſucceed* into the *place*, and *powers*, of the *other*. And the main ground of Proof, was to be drawn from ſome publick Evidences, that ſeem to ſpeak of the *Convocation* as a part of the *Parliament*. Now to have own'd, that as the *Biſhops* are diſtinctly *Summon'd* both to *Parliament* and

* Dr. *A.* in his *Addend.* p. 81. has ſufficiently proved his own miſtake in this Conjecture, & yet (I know not why) lets it ſtill ſtand with very little difference from what he had ſaid before. The whole is p. 56. [" *and of dropping by degrees* (*as they did afterwards, ſome ſooner, ſome later*) *the Inſtruments of Proxy which they framed in Obedience to the Lay Summons.*] But the truth is, nothing, that we can find, was innovated at that time in this matter. The *dropping* of the *Execution* of the *Premunientes* had begun before; as is plain from the defect of Entries in our *Regiſters*. It ſtill went on, and at laſt came into an (almoſt) total diſuſe. What therefore I had before written, may ſtill ſtand as an Anſwer to this Ill-grounded *Conjecture*, of which he neither before, nor now, has offer'd us the leaſt proof.

Con-

Convocation, and are thereby *Members* of *both*; ſo the *Inferiour Prelates* and *Clergy*, being not only *Summon'd* to the ſame *Aſſembly*, but *deputing* too their *Proctors* to appear in it, and Empowering them for it, did thereby ſtill keep up a *Parliamentary Right*, tho' in *fact*, they were not Ordinarily called to Act in that *Capacity*, would have been at once to have Overthrown all his Remarks. For this would have ſhewn that the *Clergy* of the *Lower-houſe* of *Convocation* may juſtly be accounted *Members* of *Parliament*, and be ſpoken of as *ſuch*, tho' by a long diſuſe, they were not ordinarily admitted to do any buſineſs in it. And ſo all that he has produced (and which ſhall hereafter be fully conſidered) may well enough be applied to them, as they are Called by, and *Empowered* upon the *Parliament Writ*; and yet the *Provincial Convocation* be far from having ever the more Relation to that *State-Council*; or the *Clergy* from being intituled to any *Parliamentary Powers* or *Priviledges*, (that one excepted which the *Act.* 8. *Henry* the *Sixth* has given them) as they are *Members* of it.

And this is indeed the plain Truth of the Caſe: And I think the *Clergy* are but little beholden to this *Author* for thus eaſily giving up that *real Intereſt* which they ſtill have in the *Parliament*, only to ſerve a *New Hypotheſis* of his *own*, by which I am confident they will gain nothing; I wiſh that, in the end, they do not loſe by it.

I ſhall conclude this Argument, taken from the ſeveral kinds of *Procuratorial Letters*, to ſhew the *difference* of theſe *two Convocations*, with this one farther Obſervation; that in returning of *Proxies* to the *Parliament Aſſemblies*, not only the *Biſhops*, but the *other Clergy*, ſometimes gave their *Power* to *meer Laics*, to meet and to act for them; as by the Inſtruments themſelves yet remaining it does plainly appear. [1] They look'd upon the *Parliament* to be (as indeed it is) a *State-Meeting*; and that a *Lay-Proctor* therefore would not be at all unſuitable to appear on their behalf in it. But I have not found that ever any ſuch thing was done in the *Provincial Synod*, (unleſs perhaps in the Caſe of the *Judges*, or *Advocates* of their *own Eccleſiaſtical Courts*) who were uſually Clerks. The late *Rules* of *Convocation*, are directly againſt it; [2] and our *Common Lawyers* affirm the contrary, that a *Lay-Man* cannot be a *Member* of the *Provincial Convocation*: And therefore, till I am better inform'd, I muſt beg leave to offer this too as another proof of that real difference there was heretofore accounted, and ought ſtill to be look'd upon to be, between theſe two Aſſemblies.

But I enlarge my ſelf too far in the proof of ſo plain a Point: I ſhall therefore but juſt mention two other Marks of *Diſtinction*, which ariſe from the *Writs* themſelves by which they are Summon'd, *viz.* Of the Perſons whom they are Summon'd to *Treat* with in theſe *two Aſſemblies*; And of the *Affairs* which they are called to *Treat about*; and the *Manner* of *Treating* concerning them.

5*thly*, Then: In the *Parliament Writ* by which the *State Aſſembly* of the *Clergy* is *Summon'd*; the *Clauſe* to the *Biſhop* runs thus, "That the *King* having reſolved to hold his *Parliament*, and to *Treat* with the ſaid *Biſhop*, and the reſt "of the *Prelates*, *Lords*, and *Great Men* of his *Kingdom*; requires him to come "in Perſon to ſuch a *place*, and at ſuch a *time*, (as the *Writ* determines) and "to *premoniſh* his *Dean* and *Chapter*, his *Archdeacons*, and *Clergy*, to be there at "*the ſame place* and *time*, (to * *do* and) *to Conſent* to ſuch *things*, as by their "Common Council ſhall there be Eſtabliſhed. Accordingly the *Chapters* and *Clergy* having choſen their *Proctors* for this *Convention*, Empower them to Act in theſe, or the like, Terms: "That they do Ordain and Conſtitute "them by the *Procuratorial Letters* which they grant to them, their *Proctors* "to appear, and be preſent in their Names, before the moſt *Excellent Prince* "*the King of* ENGLAND, in his *Parliament*, to be held at ſuch a *time* and *place*; "there to *Treat* with the *Prelates*, *Lords*, and *Great Men* of the *Kingdom of* England; "and to *Conſent* to *all* and *ſingular* ſuch things as ſhall by their *Common Council* "be there *Treated* of, and *Ordain'd*.

The *Perſons* therefore with whom the *Parliament Clergy* were to *Treat*, and to whoſe *Ordinances* they were call'd to *Conſent*, were the *Prelates*, the *Lords*, and *Great Men* of the *Realm*. They were ſummon'd to appear with *theſe* before the *King*; and with *theſe* they Commiſſioned their *Proctors* to Act.

But in the *Provincial Convocation*, both the *Writs* and *Proxies*; and with them the *Practice* too, runs quite otherwiſe. The *King* by his *Writ* to the *Archbiſhop*

[1] Regiſt. 3. Dec. & Capit. Dunelm. fol. 20. a

[2] In the Prov. of *Cant.* Anno 1588 Ordered, That no one ſhall Conſtitute a Deputy, unleſs the Perſon ſo Conſtituted be either *de Gremio dictæ Convocationis, vel Advocatus Curiæ Cant.* Qui quidem *Advocati* ex privilegio Domus Convocationis, poſſunt intereſſe in eadem. MS. D. *Wharton.* C. p. 102. Yet before, Anno 1554. A particular Allowance was made to Conſtitute any one as a Proxy, who was an *Oxford*, or *Cambridge* Man. Ib. 75.

Sect. 26.

* So it was, tho' not without ſome Omiſſions, till the latter end of *Edward* the *Third's* Reign.

biſhop; requires him to *Call* together the *Biſhops* of his *Province*, the *Deans* of the *Cathedral Churches*, with the *Archdeacons*, *Chapters*, and *Colleges*, and *Clergy* of every *Dioceſe* within his *Province*, to *appear* before *himſelf*, at the *time* and *place* which ſhall be appointed for that purpoſe. Theſe *Perſons*, and *theſe only*, the *Archbiſhop* Summons: And the *Proxies* for *theſe Meetings* run to the ſame Effect; That they Empower their *Proctors* to appear before the moſt Reverend the *Archbiſhop* of the *Province*, or his *Commiſſioner*, in his *Provincial Council*, at ſuch a *time* and *place* to be *Aſſembled*; there to *Treat* with him the ſaid moſt Reverend Father, of the Buſineſs for which the *Convocation* is held; and to give their *Counſel* and *Aſſiſtance* upon the ſame.

In this *Convocation* therefore the *Perſons* with whom the *Clergy* are to *Meet* and *Treat*, are the *Archbiſhop* and his *Provincial Clergy*. Here the *Lords* and *Great Men*, and *Commons* have no place; they are neither *Summon'd* to *Meet*, nor *Commiſſioned* to *Treat* with them.

Sect. 27. Nay, but this is not all, the very *Eccleſiaſtical part* of theſe two *Aſſemblies* is here alſo *different*, and proves the *Aſſemblies* themſelves thereby to be ſo too.

In the *Parliament*, they are called to *Meet* and *Conſent* with the *Prelates*: And who thoſe *Prelates* are, the *Writs* iſſued out for that Aſſembly plainly ſhew; They are the *Biſhops* of both *Provinces*; and with them anciently the *Parliamentary-Abbots*, and *Priors*, which continued to be call'd to that *Great Council*.

But by the *Convocation Writ*, they are to *Treat* only with the *Archbiſhop* of the *Province*, and his *Suffragan Biſhops*: The others have no *place* in theſe *Aſſemblies*, nor are to partake in their *Conſultation*. And for the *other Prelates* (beſides that thoſe of the *other Province* were in like manner excluded;) they were to *Treat* not only with all thoſe within the *ſame Province*, which were called to the *Parliament Aſſembly*; but with all the *other Abbots* and *Priors* who had *Convents* under them, and no *Superiours* above them; which again makes a mighty *difference* in the *Nature* and *Conſtitution* of theſe *two Bodies*, and argues a manifeſt *diſtinction* between them.

For ſince no *Proctor* can lawfully Act on the behalf of another, any farther than he is by his *Procuratorial Letters* Empowered ſo to do; and ſince thoſe *Procuratorial Letters* determine not only what *power* of *Acting* they ſhall have, but in what *place*, and with what *perſons* they ſhall Exerciſe that *power*: It muſt follow, that the *Proctors* of the *Clergy* deputed to *Act* with the *Archbiſhop* and *Clergy* in the *Provincial Synod*, cannot, by vertue of ſuch a *procuration*, act with any *other perſons*, or in any *other place*; (as for Example with the *Lords* and *Great Men* in *Parliament*:) Nor can the *Biſhops*, and thoſe of the *Clergy* who are perſonally Summon'd to *Meet*, and *Act* with the *Archbiſhop*, and his *Provincial Clergy*, in *Convocation*, any more by virtue of that Summons, Act for themſelves with the *Lords*, and *Clergy* of the *other Province* in *Parliament*. And ſure then thoſe muſt needs be *different Aſſemblies* in *fact*, as well as otherwiſe; in which thoſe who are Empowered by the *King*, and intruſted by the *Clergy* to *Act* in the *One*, and who may therefore *lawfully do ſo*; have no *power* to *Act* in the *Other*; nor can (as *Members* of the *one*) either meet with it, or do any thing that will hold good in *Law* in it. But,

Sect. 28. *6thly*, And to have done with theſe *firſt kind* of *Arguments*; As there appears to be a manifeſt *difference*, between the *Parliamentary* and *Provincial Convocation*, upon the ſeveral Grounds already mentioned, ſo may it no leſs be ſhewn, laſtly, from the *different Ends* for which theſe *two Aſſemblies* are *Convened*, and the buſineſs that properly belongs to each. For tho' in theſe the *Writs* being generally worded do not make ſo plain a *diſtinction*, as in the foregoing Particulars; yet the *nature* of the *Aſſemblies* themſelves, the *manner* of their *Acting*, and the *Work* that has been *done* in them, ſufficiently explains what the proper Buſineſs of each of *theſe Convocations* is.

That the *Provincial Convocation* is properly an *Eccleſiaſtical Aſſembly*, the *nature* of its *Summons*, the *Perſons* of which it *conſiſts*, and the *manner* of their *Acting* in it, ſufficiently ſhews. That therefore its buſineſs muſt have been to *Conſult* of the *State* of the *Church*; and of the *Affairs* of the *Realm* no otherwiſe then as the Welfare of the *Church*, and the *Liberty*, and *Priviledges* thereof are concern'd in them; muſt I conceive be allow'd too.

But in their *Parliament Capacity*, the *Clergy* heretofore, while they continued to come to *Parliament*, as the *Biſhops* ſtill do, acted as one of the *States* of the *Realm*:

Realm: They Treated of the ſame *Affairs* that the other *Eſtates* did; and had no Limitation put upon their proceedings in it. Nay, and even in the ſame Affairs, they acted after a different manner in the one and the other. In the *Parliament* they *Treated* of *Eccleſiaſtical* as well as of *Civil Matters*, in a *Parliamentary Capacity*, in order to a determination of them by *Civil Laws* and *Conſtitutions*; whereas in the other, they *Treated* wholly in their *Eccleſiaſtical Character*, and enforced, what they Concluded upon, by their *own Provincial*, *i. e.* by a *Canonical* and *Church Authority*.

To make this more clear, let us Inſtance in that which in Truth was their main Buſineſs as a Convocation; and may be the moſt liable to raiſe any difficulty in this Particular; the Buſineſs of *granting Subſidies*. Sect. 29.

That this, tho' in Order to a *mixt End*, the *defence* of the *Realm*, as well as of the *Church* of *England*, was yet a matter of proper *Eccleſiaſtical Conſideration*, is plain, from the practice of our *Eccleſiaſtical Courts* at this day, which ſtill Claim the Knowledge of ſuch matters as pertain to the *Revenues* and *Goods* of the *Church* to belong to them. And of theſe only the *Clergy granted Subſidies* in *Convocation*; not of any *Lay-Eſtates*, that any of their *Order* might otherwiſe be poſſeſs'd of. Nay, the very Lands themſelves belonging to the Church, which were of a later donation, and accrued to them after the 20*th* of *Edward* the *Firſt*, were tax'd not in *Convocation*, but in *Parliament*: As from the *Rolls* of the *Parliament*, and the *Books* of their *Subſidies*, it does evidently appear. And that they granted them in an *Eccleſiaſtical manner* is alſo Evident; for they granted them under ſuch Conditions as themſelves thought good: And the *King*, if he would have the Aid, muſt have taken it under the Limitations with which they granted it. They made their own Orders for the *Collecting* and *Payment* of them: Theſe they inforced by *Eccleſiaſtical Penalties*; and they were not only the *Clergy* who *granted* them, and out of whoſe *Church-Revenues*, or *Stipends*, they were to be raiſed; but the *Biſhops* of each *Dioceſe* appointed *Church-men* to *Collect them* too; and ſo all was done within themſelves, by their *own Eccleſiaſtical Authority*.

It was a famous Caſe argued in the *Exchequer-Chamber*, *Michaelmaſs*, the 21ſt of *Edward* the 4th ' with relation to the *Abbot* of *Waltham*. The King ' by his Letters Patents, had exempted the *Abbot* from being a Collector of the Subſidies of the *Clergy*: The *Convocation*, (of which the *Abbot* was a Member, and to whoſe *Acts* he had concurr'd) ordain'd, that the *Biſhop* ſhould return his *Collector*, and that being return'd he ſhould ſerve, notwithſtanding any ſuch Letters Patents to the contrary. The *Biſhop* return'd this *Abbot* for one; and the Queſtion was, whether the King's Letters ſhould hold good to diſcharge the *Abbot*, notwithſtanding the Conſtitution of the *Convocation* to the contrary; And judgment was given for the *Abbot* againſt the *Biſhop*. ' Mich. 21. E. 4. fol. 44. &c.

In the arguing of this Caſe, ſeveral Points were alledged, and allowed of by the *Judges*, which will deſerve to be taken notice of in this place. " That the " *Clergy* could bind themſelves by an Act of their *Convocation*, as well as the " *Temporalty* themſelves by an *Act* of *Parliament*: So *Pigot*. " That the *Convo-* " *cation* has not power to oblige in *temporal* things, but only in *ſpiritual*; As " to ordain *Faſting-days*, or *Holy-days*; and they are meerly *Spiritual Judges*: So *Vaviſour*. " That the *King* could not compell the *Clergy* to grant him a *Tenth*, " but that it proceeded wholly from their own good Will: And (which comes neareſt of all to our preſent purpoſe;) " That tho' the *Convocation* be *ſpiritual*, " and all the *Acts* of it *ſpiritual*; yet as ſoon as their *Act* is certified into the " *Exchequer*, the *Tenth granted* is from thenceforth meerly *Temporal*. The ſame had been alledged and agreed to, on the like occaſion, in the 20th of *Henry* the 6th, fol. 12, 13. and thereby plainly ſhews what the Senſe of our *Judges*, and *Sages* of the Law was, as to this Matter.

The reſult of all is this; That in granting of *Subſidies*, the *Clergy* acted in their *Spiritual Capacity*; and all their Proceedings in it, while it paſſed in *Convocation*, and 'till their *Act* was certified from thence by the *Archbiſhop* into the *Exchequer*, were *Eccleſiaſtical*.

Since the 32d of *Henry* the *Eight*; tho' the *Clergy* ſtill continu'd to Grant their own *Subſidies*, in their *Provincial Convocation*; yet another Method has been taken for the Ratifying of them, and to ſecure, more effectually, the payment of them. For the *Inſtrument* of *Grant* being drawn up in the *Convocation*, and Sect. 30.

Seal'd by the *Archbiſhop* of the Province, and preſented to the *King*, with all the Limitations and Circumſtances under which they thought fit to grant it; was, at the requeſt of the ſaid *Clergy*, tranſmitted by the *King* to his *Parliament*; and ſo ratified as an *Act* of *Parliament*, by the *Lords Spiritual* and *Temporal*, and *Commons* there.

Now here we may clearly ſee how the *Biſhops* (and with them the reſt of the *Clergy*) have acted in their *two diſtinct Capacities*, in *Convocation*, and in *Parliament*. In *Convocation* they paſſed their *Act* of *Subſidy*, as Members of their own *Provincial Aſſembly*, and Confirm'd it as far forth as they had there Authority to do. They certifi'd the *King* by their *Preſident* (the *Archbiſhop* of their Province) of what they had done: How the *Prelates* and *Clergy* of the Province of *Canterbury* (for Example) in their Holy *Provincial Synod*, or *Convocation*, Had granted ſuch a Subſidy, under ſuch Conditions; "And that for the *ſure* and "*true Payment* of it, according to the tenour, purport, and effect and true mean- "ing of their *Grant*, they did moſt humbly deſire his *Highneſs*, that their ſaid "*Gift*, *Grant* and *Subſidies*, and every Matter, Sum of Money, Petition, Clauſe, "Proviſions, and Sentence therein contained, concerning the ſaid *Subſidy*, might "be *ratified*, *eſtabliſhed*, and *confirmed* by the *Authority* of his *Highneſs*'s *Court* of "*Parliament*.

Accordingly the *Parliament* Confirm'd, and Eſtabliſh'd their *Grant*: What was only an *Act* of *Convocation*, and ſo an *Eccleſiaſtical Conſtitution* before, they made a *Statute*, and ſo a *Civil Law*, Now. And, which is obſervable, the *Biſhops* (under the Character of *Lords Spiritual*) in Parliament, Confirm'd their *own Grant*, which they had before made (as *Prelates*) in *Convocation*. Nay, farther; the Biſhops of each *Province*, who in *Convocation* had no Authority beyond the Bounds of their *own Province*, nor could do any thing to oblige the *Clergy* of the *other*, yet, in *Parliament*, Confirm'd the *Subſidies* of both; and by the ſame *Act*, tyed the whole *Clergy* of the *Realm* to make good, what the *Biſhops* and *Clergy* of their ſeveral *Provinces*, had granted only for themſelves before.

"Wherefore for the true and ſure payment of the ſaid *Subſidy*, granted "by the ſaid *Prelates* and *Clergy* of the ſaid *Province* of *Canterbury*, according to "the tenour, Effect, and true meaning of the ſaid Inſtrument, (*of Grant*:)

"Be it enacted by the *King*'s moſt Excellent *Majeſty*, with the Aſſent of the "*Lords Spiritual* and *Temporal*, and the *Commons* in this preſent *Parliament* aſ- "ſembled; and by the Authority of the ſame, that the ſaid *Gifts*, *Grants*, and "every Matter, Sum of Money, Petition, Proviſion, Clauſe, and Sentence in "the ſame *Inſtrument* contain'd, ſhall ſtand and be ratified, eſtabliſhed, and con- "firm'd, by the *Authority* of this preſent *Parliament*.

From which conſtant ſolemn method of paſſing the *Grants* of the *Clergy* in *Convocation*, for more than 150 Years laſt paſt; theſe two things do, I humbly conceive, plainly follow: *Firſt*, That the *Biſhops* and *Clergy* in *Convocation*, act in a different Capacity, with relation to the ſame Affairs; as well as Treat of *different Matters*, in their *Provincial Synod*, from what the ſame *Biſhops* (the only preſent acting Members of the *Parliament-Clergy*) do in *Parliament*. And therefore *Secondly*, That the two *Aſſemblies* of the *Prelates* and *Clergy* in *Parliament* and *Convocation*, are wholly different *Aſſemblies*, and of a quite different Nature and Conſtitution, the one from the other; and have their different *Rights* and *Powers* belonging to them accordingly.

Sect. 31. I have now paſs'd through the firſt kind of Arguments, by which I propoſed to ſhew the *Convocations* of the *Clergy*, aſſembled by the *Parliament* and *Provincial Writs*, to be altogether different from one another. My next ſort of Proofs will carry me yet farther; and ſhew that they are not only *different Aſſemblies*; but that,

2*dly*. They have their different *Rights*, *Powers*, and *Priviledges*; as ſuch.

As for the *Firſt* of theſe; the Rights of theſe two *Convocations*: I muſt in the firſt place obſerve, That as the *Prelates*, and *Clergy*, have, for above theſe 400 Years been ſummon'd by the *King*'s *Writs* to *Parliament*, ſo have they thereby been declared to be a proper *Part* and *Member* of that *great Council*: And therefore, that the *great Right* of this *Civil Convention* is to be ſummon'd with the *Other Eſtates* to *Parliament*; and with them to make up the *Body* of it.

Accordingly

Accordingly we ſee that as often as any *Parliament* has been *ſummon'd*, they have been duly call'd to it: At firſt indeed, with ſome few Interruptions, before the Conſtitution ſettled entirely into its preſent Eſtabliſhment; but for above 300 Years paſt, without any *Inſtance* (except in the time of our unfortunate *Civil Wars*, which ſignifies nothing) that I know of to the contrary.

By virtue of this *Right*, the *Clergy* for a long time came to the *Parliament*, and acted together with the other *Eſtates* in it: And tho' through their own Unwillingneſs to be drawn to thoſe *Civil Aſſemblies*; by *ſitting* and *acting* by *themſelves* when they did come, and ſeldom appearing or doing any thing in their *own Perſons*, with the *other Eſtates*, in *Parliament*; and by the tacit *Conſent* of our *Kings*, to excuſe their attendance; the *Lower Clergy*, by degrees, forbore to appear there, and by ſo doing were, in time, look'd upon to have ſo far loſt their *Right* to it, that when they would have reſumed it, they could not obtain the Liberty ſo to do; yet ſtill they were *ſummon'd* by the *King's Writs* to it. In conſequence of theſe *Writs*, they were entituled to be ſtill a *legal part* of it. The *Chapters*, and *Clergy*, *choſe* their *Proctors*, and *Empowered* them to *Act* in their ſtead in it: And thus far, both they have kept up their *Parliamentary Right*, and the *Government* has continued to *allow* of it, to this very Age.

But what the other *Clergy* by their *own Negligence* loſt, the *Biſhops* and *Prelates*, continued ſtill to maintain. The *Abbots* and *Priors* both *ſate* and *acted* in *Parliament*, to the very laſt. The *Biſhops* do the ſame at this Day: And as they have a *double Title* to their *Place* there, ſo accordingly they ſit in *both* their *Capacities*, under the Character of *Lords Spiritual*; and by ſo doing make up the only now *acting part* of the *Eſtate of the Clergy* in *Parliament*.

This therefore I take to be the undoubted *Right* of the *Parliamentary Convocation* at this day: To be *ſummon'd* with every *Parliament*, as *One* of the *Three Eſtates* of that *Great Council*; and, in ſome meaſure, to *Act* too in it, if not in that *entire Body* they were at the beginning wont to do; yet, at leaſt, by the *principal Part* of it, the *Archbiſhops* and *Biſhops* there. But now the *Provincial Synod* has no ſuch *Right*; nor is thus much even pretended to on its behalf. They who, following their miſtaken Notions, (as ſhall hereafter be ſhewn) ſet the moſt up for the *Parliamentary Rights* of it, yet profeſs themſelves not to account it a *proper part*, or *Eſtate*, of that *great Council*; and thereby manifeſtly eſtabliſh this *wide difference* between the *One*, and the *Other* of theſe *Aſſemblies*; that whereas the *One* (by the *Nature* of our *Conſtitution*) by the *King's Writ*, and by the conſtant *practice* of the *Parliament*, is properly a *Member* and *Eſtate* of it; the *Other* is *Not*, but only entituled to *ſome kind* of *Parliamentary Rights*, of which it is yet diſputed, whether any ſuch Rights do truly belong to it, or *No*.

And as the difference on this ſide is apparent, ſo will it be no leſs evident if we take it on the Other. The great *Right* of the *Provincial Convocation*; eſpecially after it began to *Act* as a *Provincial Council* too; [1] was to Charge the Spiritual Revenues of the *Church*, for the *defence* of the ſtate of it; and by fit *Conſtitutions*, in ſuch Caſes wherein the *Church* and *Realm* were mutually concern'd, to provide for the *juſt Rights* and *Intereſts* of it. And therefore when the *Commons* in the *third* of King *Henry* the 6*th*. complain'd to the King concerning *Pluralities*, and *Non-reſidence*; and deſir'd that All *Parſons*, and *Others*, *having Cures*, and *not reſident thereupon*, *might forfeit the Value of their Benefices*, *the One half to the King*, *and the other half to the Patron*: The Anſwer was, *That the King* (by the Advice of his Council) *had deliver'd the* Bill *to my Lord of* Canterbury, *charging him to purview of remedy for his* Province, *and ſemblably would write to the Church of* York *for that* Province.

Sect. 32.

[1] Rot. Parl. iii. Hen. vi. num. 38.

What Authority the Civil Magiſtrate (to whom the Care of the *Church*, as well as of the *State*, within his *Dominions*, is Committed by God) has in this reſpect, I ſhall not here diſpute. It is confeſs'd, that as the *Law* now ſtands, no *Canons* made in our *Convocations*, can be either *promulged*, or *Executed*, without the *King's conſent* firſt had, for the *Publiſhing* and *Executing* of them. And, I think it is as plain, that neither can any ſuch *Canons* be made there, without his Licenſe firſt had, to empower the *Clergy* ſo to do. And how far, he may alone, or together with his *Parliament*, proceed in *Church-Matters*, without any other *Eccleſiaſtical Concurrence*, than that of his *Biſhops* there, is a point too nice

nice for me to presume to meddle withal. Thus much I may affirm, and that is all I shall need to say to the present Argument; that it was always accounted the proper *Right* of the *Clergy*, In their *own Provincial Synods*, and not in their *Parliamentary Convocations*, to make *Ecclesiastical Canons*, and *Constitutions*; and that upon Enquiry it will appear, that while they *sate*, and *acted* in *both Capacities*, in those only they did make them.

I do not deny, but that being met together in *Parliament*, the *Bishops* and *Clergy* may have taken that Opportunity to transact some of their *Church-Affairs* at that time. So Archbishop *Peckham* did in the *Parliament* of 1286. [1] When calling a competent number of *Suffragans* to his Assistance, who were then assembled upon the Account of the *Parliament*, he condemn'd *eight erroneous Opinions* of *Richard* de *Knapwell*, a *Dominican*; as our Antient Histories inform us. The same was the Case in the *Parliament* of *Glouceſter*, *Anno* 1378. The *Archbishop* of *Canterbury* and his *Suffragans*, there assembled upon the occasion of it; made a *Provincial Constitution* about the *Salaries* of *Priests*: But then this they did as an *Ecclesiastical Synod*, not a *Parliamentary Body*; by their *own* and their *Metropolitan's Authority*, not by *Virtue* of the *King's Call*. But that the *Bishops* and *Clergy* in *Parliament*, acting as a *State* of the *Realm*, and in their *Parliamentary Capacity* there, did ever frame *Articles*, or make *Canons*, or *Condemn Heresies*, as they were wont in their *Provincial Assemblies* to do; this I deny, and must beg leave, 'till I am better inform'd, to affirm that they did not.

[1] Chron. *Tho. Wykes*, p. 114.

If therefore these *two Assemblies* had their *different Rights* belonging to each of Them; so that what was the proper Business and Claim of the *One*, was not at all pretended to, nor did belong to the *Other*: If the *Right* of the *One*, was to meet and act Nationally as an *Estate of the Realm* in *Parliament*; of the other *Provincially*, as the *Ecclesiastical Assembly*, or *Convocation* of the *Province*: If in consequence thereof, the Business of the *One* was to *Treat* of the great Affairs of the *Church* and *Kingdom* with the *Lords* and *Commons*; and by *Civil Laws* to *provide* for the *Welfare* and *Government* of *both*; of the *Other*, to consult among themselves for the *Needs* of the *Church*, as it is a *Member* of the *State*, to *contribute* towards its *Defence*, and to make *Ecclesiastical Orders* and *Constitutions* for the *Peace*, and *Safety*, and *Government* thereof; Then it must follow that these *Assemblies* thus *claiming* their several *Rights*, and severally *acting* in pursuance of them, must needs have been altogether *different Assemblies*, and that the *One* cannot with any Reason, be said to be either in *Law* or *Fact*, the same with the *Other*.

Sect. 33. So different were the *Rights* of these two *Assemblies* heretofore, while they both continued to *meet*, and *act*: Nor *Secondly*, Were their *Powers* any less distinct.

The *Convocation* assembled by the *Parliament Writ*, was a proper part of the *Parliament* of *England*; and its *Powers* were therefore *Parliamentary*. But the *Provincial Convocation* was (within its own Bounds) a complete *Ecclesiastical Assembly*, and acted by its own *Ecclesiastical Power* and *Authority*. And how great a *difference* this made between them, a few Instances will suffice to shew.

For 1*st*, The *Parliamentary Convention* (as the *Parliament* it self) had a *Right* to *Debate*; and, with the concurrence of the *Other Estates*, to *Offer* to the *King*, any thing which it thought fit to *establish* for the *Good* of the *Church*. It lay under no restraints, nor ran any hazard of medling with Matters that did not belong to it. But in the *Provincial Convocation*, the *Clergy* were tied up to *Ecclesiastical Causes*, and *Things*: they were not permitted to meddle with any other; or if they had, even in the highest Exaltation of their *Church Authority*, they would have been forced to recede from, and to annull their *Own Acts*. Let me in Proof hereof, offer only one Instance, from the *Acts* of the *Convocation* of 1452, [2] when the *Clergy* seem to have left off coming to the *Parliament*; and to have Assembled only, as now they do, in their *Provincial Capacity*. In the Fourth *Session* of this *Convocation*, the *Prolocutor* of the *Lower House* being asked by the *Archbishop*, whether he had any thing to propose in behalf of the *Clergy*, which needed *Reformation* in the *Church* of *England*; instanced in many things in a learned Oration which he made thereupon. And being Commanded by the *Archbishop* to put them in Writing, and so tender them to the *Fathers*; in the *Eleventh Session* of that *Assembly*, they came to this Resolution concerning them; *That for as much as those things which needed Reformation in the* Church

[2] Regist. *Jo. Kemp.* Arch Cant. *in* Act. Convoc. Feb. 7. 1452. fol. 219, *&c.*

of

of England, *concern'd the* King's Majesty, *and the* Laws *of the* Realm, *and so were not at all subject to the* Definition *and* Sentence *of the said* Council; *the most Reverend the* Archbishop, *and the right Reverend the* Bishops *and* Prelates *there present, should be intreated in behalf of the* Clergy, *effectually to press the* King, *with the* Lords *and* Commons, *for a Reformation of them, in the* Parliament, *which was in a few days after to begin at* Reading: *And* Four *of their* House *were pitched upon by them to solicit, and inform the* Archbishop, Bishops, *and* Prelates *concerning the* Affairs *so to be Reform'd in* Parliament.

This is, I suppose, a clear Proof of the *Difference* between these two *Conventions*, the *Provincial*, and *Parliamentary*: And shews that the *One* had power to *Treat* of, and *Reform* such *things*, as the *Other* was restrain'd from medling withal.

2*dly*. The *Parliamentary Convention*, as it consisted of the *Clergy* of the whole *Realm*, either in *Person*, or by *Representation* present at it; so its *Acts* obliged *both Provinces* indifferently. But the *Provincial Synod* obliged only its *own Members*; and neither *acted for*, nor had any *power* to *conclude any*, beyond the Bounds of its own *Province*.

3*dly*. The *Parliamentary Convention*, as it was summon'd to act with the *Other Estates*, so tho' it might *Debate* by it self, yet could it not *establish* any thing without *them*. The *Lords*, at least, were necessarily to consent to their *Acts*; and even then they signified nothing, unless the *King*, by his *Authority*, Gave *Life* and *Force* to them. Hence, in the *Rolls* of *Parliament*, we meet with the *Petitions* of the *Clergy*; which were, indeed, their *Resolutions* upon such Matters as they desir'd to have passed into *Acts*. But the *Provincial Convocation*, acted wholly within it self: It *Debated*, *Concluded* and *Established* all by its own Authority; and 'till the 25th of *Henry* the 8th, needed no concurrence, of either *King*, *Lords*, or *Commons*, to give force to its *Constitutions*.

4*thly* and *Lastly*, The *Acts* of the *Parliamentary Convention* being pass'd in a *Parliamentary manner*, became *Laws* of the *Land*: They had a *Civil force*; they oblig'd the *Laity* as well as the *Clergy*; and Entituled them to such a *Right*, as nothing but an *Act* of *Parliament* could Repeal. Whereas the *Acts* of the *Provincial Convocation*, were at last but *Canons*, and *Constitutions Ecclesiastical*: They *concluded* the *Clergy only*; they had no other Power but what the *Church* could give them; and how much less that was than the *Authority* of an *Act* of *Parliament*; this one thing may convince us, that if at any time they were contrary to the *Rights* of the *Crown*, or to the *Laws* and *Customs* of the *Realm*; they were thereby look'd upon to be of no force, but were utterly rejected by the *Civil Magistrate*, as void of all *Obligation* [1].

[1] Mich. 20. H. vi. *Ils ont (la Convocation) pouvoir de faire Constitutions provincials perque ceux de seint Egt' sera lies; unlc ils ne poient faire asc' chose qui lier' la temporalte.*

These are some of those *Differences* which plainly distinguish these two *Assemblies* from each Other; with respect to the Power of *Acting*, which they either of them had in *times* past: To which if we add,

Thirdly, The several *Priviledges* too, which belong'd to both; we shall, I think, need nothing more to prove a manifest *distinction* between them. Now the *Privileges* of the *Clergy* in these *Assemblies* may be consider'd under a double respect; as they relate either to their *Persons*, or to their *Actions*: We will take a brief Notice of each of them. Sect. 34.

That the *Members* of the *Parliamentary Convention* always enjoy'd the same *Parliamentary Privileges* for themselves, and their Dependants, that the other *Members* of *Parliament* did; may, from several undeniable Instances, plainly be made appear.

If we look back as far as the time of King *Edward* the 1st, by whom our present *Constitution* seems to have been brought to a Settlement; we shall find a notable Proof of this in the Case of *Oliver Sutton*, Bishop of *Lincoln*; [2] who gave Letters of *Protection* dated 6 *Cal. February* 1291, to *Robert Castle*, whose Barge he had hired to bring his *Provisions* to him from *Henley*, during the *Parliament*, and to the end of the *Provincial Council* of *Bishops*, which was to be held not long after. The same was recognized by his Son, King *Edward* the 2d, in the Case of the *Prior* of *Malton*, who being arrested at *York*, in his Return from *Parliament*, had this *Writ* awarded to the High Sheriff of *Yorkshire*, against the Persons concern'd in it: [3] *That he should cause them to give Security to Answer to the* King, *for what they had done*; upon this remarkable ground; *That those who come to the* Parliament, *where the Publick Affairs of the* King *and* Kingdom *are to be treated of, as*

[2] Regist. Memorand. *Oliveri Sutton.* fol. 52.

[3] *See the* Writ *it self*, Prynne *on the* 4th *Institute.* p. 20.

as well Prelates, Counts, Barons, *as other* Clergy *and* Laity; *and appearing there at the* King's *Command*; *in* coming *to the ſame* Parliaments, *in* tarrying there, *and* returning *from thence, ought to be* protected *and* defended *by him, from all manner of* Injuries, Oppreſſions, *and* Grievances *whatſoever.*

Thus ancient were the *Priviledges* of the *Eccleſiaſtical*, no leſs than of the *Lay Members* of that *High Court*. But now the *Members* of the *Provincial Synod*, had no ſuch *Privilege* for above 200 Years after this; and then it was granted to them no[t] as an Original *Right* belonging to their *Aſſemblies*, but by the *ſpecial Grace* of the King in *Parliament*; and after ſuch a manner as ſufficiently ſhews how different in this reſpect, theſe two *Conventions* of the *Clergy* were. The *Record* of that *Parliament* runs thus: [1] *In this preſent* Parliament, *divers* Petitions *were exhibited to our Lord the* King, *as well by the* Prelates *and* Clergy, *as by the* Commons *of this Kingdom of* England: *The tenour of which, together with the Anſwers of the ſame, follow in theſe Words. Foraſmuch as the* Prelates *and* Clergy, *of the Realm of* England, *call'd to the* Convocation, *and their Servants and Familiars that come with them to ſuch* Convocation; *oftentimes and commonly, be Arreſted and Moleſted, and Inquieted: Our ſaid Soveraign Lord the* King, *willing graciouſly in this behalf to provide for the Security and Quietneſs of the ſaid* Prelates *and* Clergy, *at the Supplication of the ſame* Prelates *and* Clergy; *and of the Aſſent of the* Great Men *and* Commons *aforeſaid*; *hath Ordained and Statuted, that all the* Clergy *from henceforth to be called to the* Convocation *by the* King's Writ; *and their Servants and Familiars, ſhall for ever hereafter, fully Uſe and Enjoy ſuch Liberty or Defence, in Coming, Tarrying or Going, as the* Great Men *and Commonalty of the Realm of* England, *called, or to be called to the King's* Parliament, *do enjoy, and were wont to enjoy, or, in time to come ought to enjoy.*

[1] *Item in præſenti Parliamento diverſæ Petitionesexhibitæ fuerunt Domino noſtro Regi, tam per* Prælatos & Clrum. *quam per* Communitatem *Regni ſui* Angliæ, *quarum tenores, una cum Reſponſionibus Earundem, ſequuntur in hæc Verba.* Rot. Parl. 8. Henr. vi. Jura Cleri. fol. 213.

This is that *Act* upon which the *Parliamentary Priviledges* of the *Convocation* are built: And from the Proceſs and Tenour of which, theſe Three Things, do, I think, neceſſarily follow. 1*ſt*. That this *Statute* being made at the *Petition* of the *Prelates* and *Clergy* in *Parliament*, [2] the *Parliamentary Convocation* yet continu'd to be held; and at their requeſt it was, that this *Priviledge* was granted to them for their *Provincial Aſſemblies*. 2*dly*. That theſe *Privileges* they had no occaſion to deſire for themſelves, as they were *Members* of *Parliament*; for, in that reſpect, they had always enjoy'd them, upon the ſame Right and Title that the other *Members* of *Parliament* had. And therefore, 3*dly*. That the *Convocation*, for which they petition'd, muſt, in thoſe days, have been look'd upon as a *different Aſſembly* in *Law* from the *Parliamentary Convention*: The one being accounted, as it plainly was, a *part* of the *Parliament*; and allowed its Parliamentary *Privileges* accordingly: Whereas the *Other* was not thought to have any Relation to it; nor did therefore enjoy the like *Privileges* with it, 'till by the ſpecial Grace of the *King*, and in conſideration of the large *Supplies* the *Convocation* (but juſt before ſitting) had given to him, he was pleaſed to beſtow this Favour upon them.

[2] *Petitiones exhibitæ per* Prælatos *&* Clerum *in Parliamento: And that as the others were per* Communitatem.

Sect. 5. As for the other kind of *Privileges*, which relate to their *Acting* in theſe ſeveral *Convocations*; theſe alſo were very different, and will therefore infer a difference between thoſe *Aſſemblies*, in which the *Clergy* had ſuch different *Rights* of *Action.*

When the *King* ſummon'd the *Prelates*, and *Clergy* to *Parliament*; the end for which he call'd the *former* thither, was *to treat* with *himſelf, and with the reſt of the* Prelates, Lords, *and* Great Men *about the difficult Affairs relating to himſelf and his Realm, which were to be tranſacted there, and to give their* Advice *concerning them.* This therefore was, and ſtill is, the Great *Parliamentary Privilege*, of the *Lords Spiritual*, to be call'd to the *Great Council* of the *Realm*, and to *Treat* and *give Advice*, concerning the weighty Affairs of the Kingdom in it. As for the *Other Clergy*, ſummon'd by the ſame *Writ*, they were alſo called to *meet* at the *ſame place*; but their *Province* was not to *Treat* and *Counſel*, but to *Do*, and *Conſent*; or, as it ſtill ſtands in the *Parliament Writ*, to *Conſent* to ſuch Things, as by the *Counſel* and *Treating* of the Others, ſhould there happen to be Ordain'd. Now this, as it Entituled them to an *Aſſent* to ſuch Matters as were to be *Treated* of, and *Concluded* in the *Parliament*; ſo accordingly we find, That while they continued to *ſit* with it, their *Conſent* was taken, together with that of the *Lay-Commons*; and that not only wth relation to *Spiritual Matters*, but ſometimes to thoſe which may ſeem to have been the leaſt *fit* for them; nay,

which

which by the *Canon-Law*, they were not permitted to meddle in; and had therefore by our *Ancient Conſtitutions*, a remedy provided for them, to Excuſe them from.

This was the Caſe, with regard to the *Prelates*, in *Cauſes* of *Blood*: In which, tho' by the *Conſtitutions* of *Clarendon*, they were Excuſed from *being preſent*; yet by the *Proteſtations* [1] which they entred on theſe Occaſions, they both Aſſerted and Preſerved their *Parliamentary right* of *Judicature*, with the *Lay-Peers* in all ſuch Matters; and were ſometimes conſtrained to appoint their *Proctors* to Act for them; becauſe that for want of this (as the *Commons* there affirmed) *ſome Judgments had been revers'd*; which plainly argues how juſt a Title they were then accounted to have had, to Act in all kind of *Parliament Affairs*.

[1] Rot. Parl. 11. R. 2. n 9. *Perencheſon que certeins matieres furent mævez en ceſt preſent Perlement que toucherent overtenent Cryme, Lercevesque de* Canterbirs, *& les autres* Prelates *de ſa* Province, *firent une proteſtation en la fourme & peroles qenſuent.* In dei Nomine Amen. Cum de jure & conſuetudine Regni Angliæ ad Archiepiſcopum *Cant.* qui pro tempore fuerit, nec non Cæteros ſuos *Suffraganeos* Confratres, & *Coepiſcopos*, *Abbates* & *Priores*, alioſque Prælatos quoſcunque Baroniam de Dom. noſtro Rege tenentes pertineat in Parliamentis Regiis quibuſcunque, ut *Pares* Regni prædicti, perſonaliter intereſſe, ibidemque de *Regni Negotiis*, ac aliis ibi tractari conſuetis, cum Ceteris dicti Regni paribus, & aliis ibidem jus intereſſendi habentibus *Conſulere*, & *Tractare*, *Ordinare*, *Statuere*, & *Definire*, ac Cetera facere que *Parliamenti* tempore ibidem invenerint facienda, *&c.* *See again* 21 Rich 2. Num. 9.

And the ſame was the Caſe of the *Lower Clergy*, in ſuch other Matters as fell within their *Sphere* of *Action*: They *Aſſented*, together with the *Lay-Commons*, to what was done in the *Legiſlative way*, which was the proper *Parliamentary Privilege*, that by the *King's Writ*, and the *Conſtitution* of our *Parliament*, belong'd to them. So in the ſame Parliament the 21ſt of *Richard* the 2d, we find it expreſly noted: That *the* King *at the Aſſent of all the* Lords Spiritual, *and the* Proctors *of the* Clergy, *repealed the Statute of Commiſſion granted in his Tenth Year, to the Duke of* Glouceſter, *and Earl of* Arundel: *And by the like Aſſent of the Lords* Spiritual *and* Temporal, *and* Procurators *of the* Clergy; *they alſo, together with the* Lords, *having firſt been ſeverally Examined, as to their Opinion in that Matter, the* Acts *of* Parliament *of the Eleventh Year of the ſame* King *were annulled.* And tho' in other Places we do not often find them expreſly mentioned, becauſe, if I miſtake not, they did not Vote as a *diſtinct* State, but had their *Conſents* deliver'd by my *Lords* the *Biſhops* in the Upper Houſe, and ſo were included in their *Votes*; yet that they are to be look'd upon, as comprehended under the *general Name* either of *Prelates* or *Commons*, the very Preface to this *Parliament* ſhews; in which there is no diſtinct mention made of the *Proctors* of the *Clergy*, tho' they are ſo often and expreſly taken notice of in the *Statutes* which follow: But the *Acts* of it are ſaid to have been paſs'd by our *Sovereign Lord the King*, *Of the Aſſent and Accord of the* Prelates, &c. *and* Commons of his *Realm* there Aſſembled. The ſame is the uſual Introduction in other *Parliaments*; and therefore as we are ſure that in this, the *Aſſent* of the *Proctors* of the *Clergy* was expreſly required and taken; ſo we ought to conclude, That it was ſome way or other given in all the reſt. For this was the purpoſe for which they were call'd to *Parliament*; and we need not doubt, but that whilſt they continued to come to it, this was the main buſineſs that they did there. Sect. 36.

But indeed we need not recur to any Conjectures in proof of this, for which we have ſo Authentick an Evidence in the very Records of Parliament. [2] For in the 51ſt of *Edward* the *Third*, we are told that "*the* Commons *finding* "*themſelves aggrieved as well with certain* Conſtitutions *made by the* Clergy "*in their* Synods, *as with ſome* Laws *or* Ordinances *which were lately paſs'd more* "*to the Advantage of the* Clergy, *than of the* Common People; *requeſted, That no* "Act *or* Ordinance *ſhould, from thenceforth, be made or granted on the* Petition *of* "*the ſaid* Clergy, *without the* Conſent *of the* Commons; *And that the ſaid* "Commons *ſhould not be bound in time to come by any* Conſtitutions, *made by the* "Clergy *of this* Realm *for their own Advantage, to which the* Commons *of the* "Realm *had not given* Conſent. For which requeſt, they give this Reaſon, which clearly ſhews what their *Priviledge* then was, "*Car Eux ne veullent* "*eſtre Obligez a null de voz Eſtatuz ne Ordinances faites ſans Lour Aſſent*; That "they would not *be obliged to any of the* King's Statutes *or* Ordinances *made* "*without their Aſſent.* So neceſſary did they think their *Conſent* to be to the

[2] Rot. Parl. 51. *Edw.* iii. N. 46.

paſſing of ſuch *Acts* at leaſt, in which their Rights were concern'd, that they would not ſo much as own the *Authority* of any that had it not; nor yield any Obedience to what was Eſtabliſhed without it.

Sect. 37. How long the *Proctors of the Clergy* here in *England* continued to aſſert, and enjoy this *Priviledge*, I cannot certainly tell. This we know that in *Ireland*, they held it to the very latter end of King *Henry* the *Eighth*'s time, and were then diveſted of it, not by their own *Ceſſion*, (as was probably the Caſe of our *Proctors*, who look'd upon their *Parliamentary Attendance* as a Burden, and an Impoſition; and were never contented till they got rid of it) but by *Act* of *Parliament*; how juſtly I am not concern'd to Enquire. But becauſe I think their Caſe may ſerve not only to clear, and confirm, what I have now been obſerving, but alſo to inform us of the State of our own *Convocation* with relation to its *Parliamentary Priviledges*, in that *Reign*; I will ſtop ſo long as to give a ſhort account of it.

King *Henry* the *Eighth* being reſolved to caſt off the *Popes Authority* in that *Kingdom*, as he had done here in *England*, met with an Oppoſition which our Circumſtances did not enable our *Clergy* to give him. For their *Proctors* having continued not only to be *Summon'd*, but to *Come* to *Parliament*, and claiming a *Right* of *Aſſenting* to ſuch *Bills* as were to *paſs* in it, ſtifly Oppoſed whatſoever was to be done in derogation to the *Pope's Juriſdiction*; and inſiſted upon it, that for lack of their *Concurrence*, no *Act* could legally be made againſt it.

To cut this Knot, which was not eaſy to be untied; it was reſolved at once, by *Act* of *Parliament*, to deprive them of this *Priviledge*; and, if we may depend upon the Account which the *Act* it ſelf gives us of it, to reduce them to the *State* of the *Convocation* at that time in *England*.

28 Hen. 8. c. 12. The Words of the *Act* are theſe: "Foraſmuch as at every *Parliament* begun "and holden within this Land, *Two Proctors* of every *Dioceſe* within the "ſame Land have been uſed and accuſtomed to be *Summon'd*, and Warn'd, to "be at the ſame *Parliament*, which were never, by the Order of the *Law*, "*Uſage*, *Cuſtom*, or *otherwiſe*, any Member or Parcel of the whole *Body* of "the *Parliament*, nor have had *of right* any *voice* or *ſuffrage* in the ſame, but "only to be there as *Counſellors* and *Aſſiſtants* to the ſame, and upon ſuch "things of Learning as ſhall happen in Controverſy to declare their *Opinions*, "*Much like as the Convocation within the Realm of* England *is*, *commonly begun and* "*holden by the King's Highneſs ſpecial Licenſe*, *as His Majeſties Judges of his ſaid* "*Realm of* England, *and divers other Subſtantial and Learn'd Men having groun-* "*dedly inquired and examined the Root and Eſtabliſhment of the ſame*, *do clear-* "*ly determine*; And yet by reaſon of this Sufferance, and by the continuance "of time, and for that moſt commonly the ſaid *Proctors* have been *made* "*privy* to ſuch *matters* as within this Land at any time have been to be *E-* "*nacted* and *Publiſhed*, and their *Advice deſired* and *taken* to the *ſame*, they "now of their Ambitious Minds and Preſumptions, inordinately deſiring to "have Authority, and to intermeddle with every Cauſe or Matter, without any "juſt ground or cauſe reaſonable to the ſame, do Temeriouſly preſume, and "Uſurpingly take upon themſelves to be *parcels* of the *Body*, in manner "claiming, that *without their Aſſents nothing can be Enacted* at any *Parliament* with- "in this *Land* &c. WHEREFORE be it Enacted, Ordained, and Eſtabliſhed by Au- "thority of this preſent *Parliament*, that the ſaid *Proctors*, nor any of them, ſo "Summon'd, or Warn'd to any *Parliament* begun or holden, or to be begun "or holden within this Land, is, nor ſhall be any *member*, nor *parcel* of the "*Body* of the ſame *Parliament*, nor ſhall give, nor have, any *Voice*, *Opinion*, "*Aſſent*, or *Agreement* to any *Act*, *Proviſion*, or *Ordinance*, to be Regarded nor "Enacted within this Land *&c.* And by the ſame Authority, The ſaid *Proctors*, nor "any of them, ſhall be accepted, reputed, deemed, or taken, *from the Firſt* "*day of this preſent Parliament*, as *parcel*, or any *member* of the ſaid *Parlia-* "*ment*, or any other *Parliament hereafter to be holden* within this Land, but "only as *Counſellors* and *Aſſiſtants* to the ſame: *Any Laws*, *Uſage*, *Cuſtom*, "*Preſcription*, *or any other Cauſe or Matter*, *Thing* or *Things*, whatſoever it, or "they, be, in any wiſe to the contrary notwithſtanding.

This is the Sum of that Act; and in which we ought not to wonder, if being reſolved to diveſt the *Clergy* of their *Parliament-Rights*, they were willing

willing to give the faireſt Colour they could, to juſtify their Proceedings in it. To this it is that we muſt aſcribe what is ſaid in the *Prefatory part*, of the *Clergies* never having had any juſt *Right* to a *Voice*, and *Aſſent* in *Parliament*: And which they ſo little cared to depend upon, that in the cloſe of it, they ſeem themſelves almoſt to own the contrary; and therefore take Care, that their Act ſhould not be vacated upon any ſuch account. But however, theſe two things are plain enough, from it, with relation to the *Iriſh Clergy*: 1. That till this time they did *Act* as real *Members of Parliament*: They were *made privy to ſuch things as paſs'd there, had their Advice deſired, and taken thereupon*: And did *in fact*, at leaſt, *give* their *Voice*, and *Suffrage*, to them. 2. That by this *Act* they were *deprived* of this *Priviledge*; yet ſo, as ſtill to continue to be *Choſen*, as they were before; and to be *deem'd*, and *taken*, as *Counſellors*, and *Aſſiſtants*, to the *Parliament*, to *Declare their Opinions upon ſuch things of Learning as they ſhould be Conſulted about*, by the other *Eſtates* there.

Now if herein, as is probable, and as this *Act* ſeems to ſay, they were really brought down to the ſtate of the *Proctors* of the *Clergy*, at that time in *England*: Then, it will from hence alſo farther follow, with relation to our own *Parliamentary Convention*, that tho' it had then diſcontinued to Sit, and Act, in *Parliament*, as formerly it had been wont to do; yet was it ſtill look'd upon as a *Parliamentary Aſſembly*; and *occaſionally Advis'd*, and *Conſulted* with, as ſuch. And then, for ought I know, the *Doctores & Milites in Parliamento*, may have been *Commiſſioners*, the one from the *Clergy*, and the other from the *Lay-Commons* to *Subſcribe* with the *Lords Spiritual* and *Temporal*, in their *Names*: And the other *Inſtruments* which have been produced to prove a *Parliamentary Right* in the *Provincial Convocation*, may truly belong to, and prove a Continuance of ſuch *Occaſional Conſultation*, and *Action*, of the *Clergy*, in their other Capacity, there.

However, thus much, I think, is plain; That while the *Clergy* continued to come to *Parliament*, their *Parliamentary Priviledge* was, to give their *Aſſent* by *themſelves*, or by their *Biſhops*, (if not to *All* ſuch *Bills* as paſs'd there, yet at leaſt, to *All* wherein *they themſelves*, or the State of the *Church* were *concern'd*) and to which they are ſtill *Summon'd* by the *King's Writ*, tho' by a long diſcontinuance they may poſſibly be thought to have loſt their Right, to an *Actual Exerciſe* of it.

But now, ſuch a *Parliamentary Priviledge* as this, the *other Convocations* of the *Clergy* never *had*, never *pretended* to. In them they acted upon another bottom; They did all by their own *Eccleſiaſtical Authority*: The *Lay-Eſtates* of *Parliament* meddled not with their *Acts*; nor did the *Clergy* in thoſe *Meetings*, ever claim any Right, to reſtrain theirs. And if this be not a clear mark of *Diſtinction* between the two *ſeveral Aſſemblies* of the *Clergy*, in *Parliament*, and *Convocation*, I do not ſee what can be ſaid, to prove a *Diſtinction* more plainly, between any *two Aſſemblies*, where the ſame *Perſons*, only under *different Capacities*, do in good meaſure *Meet* and *Act*.

And here, I might conclude my *Second ſort* of *Arguments* in proof of this *diſtinction*; But having thus far touch'd upon what, I take, to have been the great *Parliamentary Priviledge* of the *Clergy* heretofore, while they came and acted with the *other Eſtates* in that *Council*, and of our *Biſhops* ſtill; It may not be unſeaſonable, before I proceed to any new matter, to conſider what thoſe *other Rights* are, which have lately been offer'd, as the main *Priviledges* of the *Clergy* there. Sect. 38.

Now among theſe, we are told in the very firſt place, That *their great Parliamentary Right was to Tax themſelves*: [2] And to which I cannot altogether agree. For tho' it was certainly the *undoubted Right* of the *Clergy*, to *Tax themſelves*, yet that this was their *Parliamentary Right*, I cannot allow; becauſe neither did they alway enjoy it as an *Eſtate* of *Parliament*; nor were they *confin'd* to the *Exerciſe of it* in *Parliament*; and for what other reaſon it ſhould be called their *Parliamentary Right*, I am not able to conceive.

[2] Rights, &c. p. 344.

That before the time of King *John*, our Kings had but little Aſſiſtance (and that in an extraordinary way) from the *Clergy* of their *Realm*; the ſilence of our antient *Hiſtories* in that Particular, may give us juſt grounds to conclude. In his 8*th* year, the *King having* called together the [3] *Biſhops*, *Abbots*, *Priors*, *Earls*, *Barons*,

[3] Vid. Annal. *Waverleienſ.* Ad. Ann. 1207. p. 169.

Barons, and *Lords* of his *Realm*, in the *Octaves* of the *Circumciſion*, held his *Parliament* at *London*, and there deſired the *Biſhops* and *Abbots*, that they would ſuffer the *Beneficed Clergy* to grant him a certain part of their *Revenues*. The *Prelates* refuſing this motion, the Buſineſs was put off to the *Council* of *Oxford*, in the *Octaves* of the *Purification*; where an infinite Multitude of the *Eccleſiaſtical Prelates*, and *Great Men* of the *Realm*, being gathered together, the King again required of the *Biſhops*, and *Abbots*, what he had before Exacted of them. Who having Conſulted thereupon, "the *Archbiſhops* of both *Provinces*, with their "*Prelates* unanimouſly Anſwered, that the *Church of England* could not yield to "that which *had never been heard of in any time foregoing*.

But what King *John* could not, without ſome kind of Violence, get of them, his Succeſſor, King *Henry* the *Third*, obtained, in his *eighth Year*; when Confirming the *Great Charter* and *Charter of Forreſts* in his *Parliament* at *London*, [1] at the Feaſt of the *Purification*; both the *Clergy* and *People*, conſented to a *Fifteenth*, and the *Archbiſhop* and *Biſhops Excommunicated All*, *who ſhould either hinder*, or *defraud* in the *Payment* of it.

[1] Chron. Walt. Coventre MS. Ad An. 1225. Comp. M Par. pag. 323.

The *Clergy* having thus begun to grant *Subſidies* out of their *Church-Revenues*, continued more or leſs to do it, all the time of this *King*; and that indifferently, either in the *Great Councils* of the *Realm*, or in their *Own Provincial*, or *Dioceſan*, *Aſſemblies*. King *Edward* the *Firſt* being return'd from the *Holy-Land*, and having obtain'd a Grant of a *Two Years Tenth*, from the *Pope* upon the *Clergy*; the *Archbiſhop* of *Canterbury*, [2] upon the Receipt of his *Holineſs's Letters*, called together his *Suffragan Biſhops*, and with them agreed to the Payment of it: And directed his *Mandates* to the ſeveral Biſhops of his *Province*, for the *Levying* of it; and to oblige their *Clergy*, by all means poſſible, to comply with it.

[2] Vid. Literas Archiepiſcopi Append. Ad. Ann. 1272.

About Three years after, in his *Parliament* at *Weſtminſter*, the King demanded a *Voluntary Aid* of the *Clergy*. The *Biſhops* made Anſwer, That having neither Called together, nor Conſulted with, their *Clergy* about any ſuch matter, they neither could, or ought to impoſe any *Contributions* upon them; [3] but agreed that every *Biſhop* ſhould *Call* his *Clergy* together within a fortnight after *Eaſter*, and propoſe this Matter to them, and return Anſwer to the King, what they would do in it. What the *Clergy* reſolved upon, I do not find: But in his next *Parliament* [4] held about the ſame time, the *King* had a *Fifteenth* both from the *Clergy*, and *Laity*.

[3] Chron. *Tho. Wykes* Ad An. 1275. p. 103.

[4] Annal. *Waverleiens.* Ad Ann. 1276. p. 231. Et M. Weſtminſter. ad Eund. An.

Kilwarby being removed, and *Peckham* made *Archbiſhop* of *Canterbury*, One of the firſt things done by him, to ingratiate himſelf with the King, was to encourage a *New Contribution* from the *Clergy* to him. And this too was made by the *King*'s and the *Archbiſhop's Letters* directed to every *Biſhop*, [5] who was to manage his *Dioceſe* to the beſt Advantage he could, and to give notice to the *Archbiſhop* at the next Meeting of his *Provincial Council* at *London*, [6] in the *Octaves* of *Hillary*, what their reſpective *Clergy* would grant.

[5] See Append. ad Ann. 1279.

[6] Vid. Regiſtr. *Jo. Peckham.* fol. 165. a.

The year following, the King having obtain'd a *Fifteenth* of the *Laity*, inſtantly demanded the like of the *Clergy*. This he demanded of them in his *Parliament* at *London*, about the Feaſt of *All-Saints*. [7] In Anſwer hereunto, the *Archbiſhop* of *York* firſt agreed with his *Clergy* to grant what was deſired. The *Archbiſhop* of *Canterbury* ſtood out a *while*; but at the next *Parliament* after *Eaſter*, was forced to yield: And then granted a *Tenth* of *Two*, or *Three*, *Years*, as our *Hiſtorians* variouſly report it.

[7] See *Petr.* de *Yckham.* MS. ad An. Comp. *Walt. Hemingford.* MS. ad Ann. 1280. Chron. *Tho. Wykes* ad An.

Upon the *Octaves* of *Hillary* 1282, the very next Year, the *Archbiſhop*, at the inſtance of the *King*, call'd his *Clergy* together at *Northampton*: [8] In that *Synod* the *King* demanded a *Three Years Tenth* of them. Which the *Clergy* not aſſenting to; Another *Convocation* was ordered to be held at the *New Temple*, *London*, three Weeks after *Eaſter*; [9] to Treat further of the ſame matter. Whether that *Aſſembly* which began there, was afterwards removed to *Lambeth*, or a *New one* call'd thither, I do not certainly know: But by a *Mandate* directed to the Biſhop of *London*, to Summon another *Synod* at the *New Temple Three Weeks* after *Michaelmas*; it appears, that they had there agreed to a *Triennial Diſme*; and were to meet in the *Convocation* then appointed, to deliberate upon a farther Supply to be Granted to the *King*. [10] In this *Convocation* the *Clergy* again Granted a *Thirtieth*, or as *Walſingham* ſays, a *Twentieth part* of their *Goods*.

[8] Regiſt. *Peckham*, fol. 82.

[9] Ib. fol. 83. Reg. *Peckham.*

[10] Reg. *Peckham* fol. 88. Comp. Angl. S. Vol. 1. p. 507.

Upon

Upon the 8*th* of *Auguſt* 1286, the *King* by his *Letters* to the *Archbiſhop* of *York* [1] laid claim to a Promiſe made him by the *Clergy* of that *Province*, for a Supply of his Needs; and complain'd that they had not performed it. The *Archbiſhop* thereupon iſſued out his *Mandatory Letters* to the *Biſhops* of *Carliſle* and *Durham*, and to the *Archdeacon* of *Richmond*, requiring them to conſult with the *Clergy* of their reſpective Juriſdictions, and to pay in their Benevolence, according to the Promiſe which the *King*, in his *Writ*, had tax'd them with. The *Clergy*, tho' they diſown'd any ſuch Promiſe, yet Comply'd with his deſire; and Granted him a Thirtieth part of their Revenues, for the three years next enſuing.

[1] Regiſt. *Jo. Roman.* Arch. Ebor. fol. 99.

Thus the Caſe ſtood, when King *Edward* the *Firſt* brought the *Lower-Clergy*, by his *Premunitory Clauſe*, to *Parliament*: After which, tho' they did ſometimes grant their *Subſidies* there; yet ſoon after they fell upon the *Practice* of *Taxing* themſelves in their *Provincial Convocations*; which was the Method that finally prevailed; and, by degrees, brought their *Parliamentary Conventions* into *Diſuſe*.

[2] Vid. 2 *Bradys* Hiſt. p. 59. &c.

In the *Convocation* held at the *New Temple*, *London*, *Anno* 1297, on the day of St. *Edmund*, the King, a *Tenth* was Granted, for Defence of the Kingdom againſt the *Scots*: [2] And the ſame year, in the *Convocation* at *York*, upon the *Eve* of St. *Andrew*, the *King* demanded of the *Clergy* a *Fifth* in their *Synod* there, which they had before refuſed to Grant, but then, as our Hiſtorians ſay, Conſented to it. [4]

[3] Regiſtr. *Hen. Newark* fol. 23.
[4] *Knighton* Col. 2525. *Hemingford* MS. ad An.

This *King* being dead, and his Son, King *Edward* the *Second* having neither the Spirit, nor Reputation of his Father, and being otherwiſe under ill Circumſtances with his People; The *Clergy*, tho' they ſtill continued, againſt their Will, to come to the *Parliament*, yet began to fall off from the Cuſtom of *Granting* their *Subſidies* in it.

[5] See the Kings Writ. apud Pryn. Regiſtr. 1. part. p. 154.

One of the firſt ſteps which they made towards this, was in the *Parliament* held at *Lincoln*, in the *Ninth* of that *Prince*: [5] Where an Aid being demanded of them, they agreed to it, as far forth as in the Abſence of the *Archbiſhop* and ſome others of their Body they had power to do: But added this *Clauſe* to it, that a *Convocation* ſhould be held, in which they might all meet together; and there, in a full Body, take their meaſures concerning it.

[6] Will. de Dene. Hiſt. Roffens. An. 1322. Angl. Sacr. Vol. 1. p. 362, 363.

In his *Fifteenth Year*, the *Clergy* having utterly refuſed to grant any *Subſidy* at all to him in *Parliament*, he thereupon called them together in *Convocation*, [6] to Conſider of an *Aid* to be granted to him there. But he fail'd of his Expectations there alſo, becauſe that the *Pope* had at the ſame time granted him *Two Tenths* upon them, which they ſuppoſed ought to have ſufficed for his Wants; they were ſure it was as much as they were able to bear.

[7] Clauſ. 4. E. 3. m. 3. d. Apud *Prynne* Regiſt. 1. part. p. 234. Comp. Angl. S. Vol. 1. p. 370.

Having advanced thus far in the time of the *Father*, they carried this matter yet farther in the beginning of his Son, King *Edward* the *Third's Reign*, *Anno* 1330. For now they refuſed ſo much as to *Treat* of any *Subſidies* at all in *Parliament*; pretending that in the Abſence of the *Archbiſhop*, they could not make any *Anſwer* to the King upon that matter; but that in a *Convocation* to be held for that purpoſe, thy ſhould Act to his Content. And a *Convocation* was call'd accordingly, for that very purpoſe. [7]

[8] Regiſtr. *Rad. de Salop.* Epiſc. B. & W. Contin. *Polychron.* MS. ad Ann. 1334. Rege tenente *Parliamentum Lond.*— Archiepiſcopus convocavit Clerum ibidem ad S. *Paulum* die *Lunæ* poſt feſtum *Exaltationis S. Crucis*. Et quia nova venerunt ad *Parliamentum* quod Scoti-- inſurrexerunt;— Rex promiſit ſe iturum verſus *Scotiam* pro *Scotorum* malitia refrænanda; populus conceſſit ſibi XXm. denarium de Temporalibus, & de Civitatibus & Burgenſibus Xm. Et Clerus Conceſſit Unam Xm. Conf. Walſ. p. 134.

The ſame was the *Caſe* about *Four Years* after, when the *Clergy*, tho' Summon'd by the *King* to *Parliament*, yet did nothing there; But, in their *Convocation* held a few days after, *Granted* a *Tenth* and (which is again to be obſerv'd) were expreſly *Summon'd* to *Convocation* for that purpoſe. [8] From this time forward, this matter has continued almoſt intirely in the ſame ſtate. The Clergy in their *Provincial Convocations* have made what *Grants* they have thought fit to our *Kings*; with a very few Exceptions, if any, to the contrary. Which being ſo, I cannot imagine why it ſhould be thought any continued *Parliamentary Right*; much leſs their great *Parliamentary Right*, *to Tax themſelves*. It was, indeed, their *Right* not to be *Tax'd* but by their *own Conſent*, and that, I think, by the *Great Charter* more then once Confirm'd to them. As ſuch they continued to exerciſe it without interruption, till our laſt *Civil Wars*: And that, from the time of King *Edward* the *Third*, almoſt without any Inſtance to the contrary, (that is for 350 years laſt paſt) in their *Provincial Convocations*. Upon the return of King *Charles* the *Second*, they reſumed this *Right*; and by vertue thereof granted that *Prince Four Subſidies* in the

Year

Year 1663. How they came to be deprived of it afterwards, I am neither ſufficiently informed, nor would it be proper for me to ſay any thing of it, if I were. It is enough, perhaps too much, that our *Subſidies* have now ſo long been uſed to be granted in another method, that I doubt the *Church* will hardly ever recover her right, of diſpoſing of her own Money again: And, for ought I can perceive, our late pretended Aſſertor of her *Rights*, (her *Parliamentary Rights* eſpecially) does not ſhew himſelf at all concern'd to plead for it. [1]

[1] *See* p. 344. *I meddle not,* (ſays he) *in what follows with what* IS, *or* OUGHT *to be the* Clergy's Right, *or* Privilege *now,* &c.

But not to complain, of what we know not how to remedy; let us ſee what has been offer'd to prove, this Right to have been the *Great Parliamentary Right* of the *Clergy*. [2] *Their* Great Parliamentary Right, *was to* Tax themſelves; *which they did always by ſeparate Grants, not confirm'd by the Laity*; (No, nor yet Granted by the *Clergy* for above 300 years laſt paſt) *in* Parliament. *When therefore in the* Fourth *of King* Richard *the* Second, [3] *the* Commons *proffered a certain Sum,* So *the* Clergy (*he means* upon Condition *that the* Clergy) *who (they ſaid) had the* Third Part *of the* Realm, *would give* as much, (*or rather would bear* their Part, *and pay* one Third *of it:*) *It was Anſwered by the* Clergy, *that their* Grants *never had been, nor ought to be made in* Parliament; (and therefore we may be ſure they thought it not to be any of their *Parliamentary Rights to Tax themſelves.*) *Upon which the Commons Propoſal was withdrawn, and they* Granted *without that* Condition. *The ſame Motion was made again and quaſh'd, after a very remarkable manner, in the Eighth Year of this* King.

Sect. 39.

[2] *Rights,* &c. p. 344.

[3] Rot. Parl. 4. R. 2. n. 13. *Si la Clergie vouſiſt ſupporter le tierce denier de la Charge.*

Had this Gentleman thought fit to have given Us the Anſwer of the *Clergy*, intire as it ſtands upon the *Roll*, we ſhould the better have underſtood their ſenſe, in thoſe days, as to this Matter. Their Reply was fully thus; *That their Grants had never been made in Parliament, nor ought to be: That the* Laity *neither ought, nor could conſtrain the* Clergy *in that particular*; *nor could they the* Laity. *But that however they thought that if either ought to be free, it ſhould be the* Clergy *rather than the* Laity; *and therefore pray'd the* King *to keep the Liberty of the* Church *entire.* Their meaning was plainly this, That they were not to be aſſeſſed by a *Lay-Authority*, (ſuch as the *Authority* of the *Commons* in *Parliament*) which, tho' by a ſide Wind, yet had they yielded to the Propoſal of paying their *part* of what the *Commons* had granted, 'tis evident they would have been. Now this was certainly very true, and it fully confirms what I have before ſaid, That the *Clergy* in thoſe days, were *Maſters* of their own *Purſes*; and not wont to be Aſſeſſed by any but themſelves, and that in *Convocation*, not in *Parliament*. But that this was their *Parliamentary Right* is not yet proved; nor can it, I believe, be Eſtabliſhed by any thing but that Principle, (which I have ſufficiently ſhewn, to be an utter miſtake) that the *Provincial Convocation* is a part of the *Parliament*, and therefore that whatſoever is the *Right* of the One, may for that Reaſon be accounted the *Right* of the Other.

Another of their great Parliamentary Privileges Was *to begin* Bills *by* Petition *from themſelves, in the ſame manner that the* Commons *did.* I ſhould rather have ſaid, to Preſent their *Bills* already begun, (for ſure when *Bills* are drawn up, and prepared to be tendred to the *King* for his *Aſſent*, ſo they muſt have been) to be paſſed by the *King*, with the *Conſent* of his *Great Council* in *Parliament* But why IS not *this*, or Ought It Not To Be the *Clergies* Right or Privilege *now*, as much as ever it was *heretofore*? Do not my Lords the *Biſhops* ſit as much in *Parliament*, and by the ſame *Right*, and *Title* now that they did then? Or are they not as well able to prefer any *Bills* or *Petitions*, on the behalf of the *Clergy* now, as they were in the times of which this *Author* ſpeaks?

Rights, &c. p. 344.

[4] *Rights,* p. 276.

[5] Grand. Queſt. p. 121. 150. Heylin's Tracts p. 708. 789. *Where the Title of his* 1*ſt.* Sect. Chap. vi. *is This. The* Biſhops *and* Clergy *of* England, *not the* Kings, *make* THE THIRD ESTATE.

As much as ſome Perſons may deſire to depreſs the Honour and Rights of that *Order*, to ſatisfie their Reſentments againſt thoſe who are the *principal Members*, and Ornaments of it; and to run into the *Notions* of ſuch as were never thought to wiſh well to our *Church*; Yet I do not think they will venture plainly to deny, but that the *Lords Spiritual* Sit and Act as part (at leaſt) of the *third Eſtate* in *Parliament*. I am not afraid to repeat that Expreſſion, after all that has been ſaid either to cenſure or expoſe it. [4] Some of our *beſt Authors* [5] have uſed it before me, and yet never thought they ſhould have been ſo far miſtaken, or miſ-repreſented; as if they intended thereby to ſink the *Clergy* into the *laſt* and *loweſt* Rank of that *Great Council*. Now if they continue to ſit as a *Third Eſtate* in *Parliament*, and to act (in their *Legiſlative* Capacity) there, in the very

ſame

ſame reſpect at this day, that they did when they compoſed, tho' not the *whole*, yet the *chief part* of the *Body* of the *Parliament Clergy*: I cannot Imagine why this Gentleman ſhould deprive either their Lordſhips of the *Right* of preſenting any *Bill* to the *Houſes* (as our manner now is) for the Advantage of the *Clergy*; or the *Clergy* of the *Benefit* of having any *Bills*, which they think will be for the *Intereſt* of their *Order*, brought in by them to *Parliament*. For tho' the *Eſtate* of the *Clergy in Parliament* be, by Cuſtom, much *Abridged* as to its *Extent*; yet I do not know that the *Rights* or *Privileges* of it are at all leſſened thereby: Nor that any thing prohibits the *Biſhops*, who alone of all that *Eſtate* continue, at preſent, to ſit there, from doing any thing in their *Parliamentary Capacity*, on the behalf of the *Clergy* in this *Particular*, at the Requeſt of their *Clergy* now, that they might have done with the *Advice*, or at the deſire, of their *Parliamentary Aſſembly* heretofore.

It is confeſs'd by this Author, [1] and indeed it was too plain to be deny'd, tho' he has paſs'd it a little more covertly over then he ſhould have done, (I am afraid on purpoſe, that it might not be regarded;) that the *Lower Clergy*, even while they continued to come to *Parliament*, yet preſented their Requeſts oftentimes to the *Prelates of the Upper-houſe*, in order to their being propoſed (he ſhould have added to the *King*) in *Parliament*. But why then among all his Forms of Supplication, had we not one *Inſtance* of this, to clear up this Matter: Such, as for Example, *A noſtre Seigneur le Roi ſupplient ſes humbles Chapleyns* Simon *per divine ſoeffrance* Erceveſque de *Canterbirs & ſes freres Eveſques de ſa Province, pur eux & tote la Clergie:* 25th. of *Edward* the *third*. [2] And again, the 13th of *Richard* the *Second*, *L'Erceveſque de* Canterbirs, *& Lerceveſque Deverwyck firent une proteſtation en plein* Parlement *en la forme quenſuit. In dei nomine*, Amen. Nos *Willielmus* permiſſione Divina Cant. Arch. & nos *Thomas* eadem permiſſione Ebor. Arch. Proteſtamur publice & expreſſe pro nobis, et Suffraganeis noſtris, ac toto Clero noſtrarum Cant. & Ebor. Provinciarum [3] &c. A few ſuch Inſtances as theſe would have ſhewn, that even while the *Clergy* continued to go to the *Parliament*; yet the *Biſhops* oftentimes *Petitioned*, *Proteſted*, and *Acted* for them in that *Council*; and in that would have proved, that ſo they may continue to do now. And why one who would be thought to plead on the behalf of the *Parliamentary Rights* of the *Clergy*, ſhould place this among their *Antiquated Privileges*, and therein do both the *Biſhops*, and their *Clergy*, ſo much Injury; I ſhall leave it to himſelf, upon ſecond Thoughts to Conſider.

[1] *Rights*, &c. p. 346.

[2] Jura Cleri. fol. 34.

[3] Ibid. fol 97

But, indeed, it does not appear to me, from the *Rolls* of *Parliament*, which I have purpoſely peruſed with ſome Care upon this Occaſion; that when the *Name* of the *Clergy* was made uſe of in theſe *Petitions*, they were yet preferr'd any otherwiſe than by the *Biſhops*, on their behalf. The *Lower Clergy* came up but in ſmall numbers to *Parliament*: They were neither *called over*, nor *computed* among the *actual ſitting Members* of it. They met often at *Paul*'s, or ſome other Convenient *Place* by themſelves; and conſulted with the *Prelates* of what was to be done in *Parliament*: And ſo they left it to them to take care of their *Intereſts*, to prefer their *Petitions*, and act, as they *ſaw occaſion*, in their *Name*. And thus their *Lordſhips* may ſtill bring in any *Bills* to the *Houſe*, on the *behalf* of the *Church* or *Clergy*; and that with as much freedom, and to as *effectual* a *Purpoſe*, as they could ever have done heretofore.

The next Point offer'd as the *Parliamentary Right* of the *Clergy* is *to have no* Bills *in derogation, of any of their* Privileges *and* Immunities *paſs, without their* Conſent: [4] Had he ſaid, no *Bills*, in which they of the *Clergy* were concern'd, I ſhould not have diſputed that *Point* with him: But for their Spiritual *Privileges* and *Immunities*, thoſe they claim'd by another tenure; nor would they ever Conſent that the *Parliament* ſhould meddle at all with them.

Sect. 41.

[4] *Rights*, &c. p. 346.

And this his own Inſtances will ſerve to prove againſt him. In the 11th of *Henry* the 4th, a very good Petition was, I think, offer'd to the *King* by his *Commons*, which this Author ſhould have mentioned, as well as the Anſwer to it; *That half the Profits of the Benefices of ſuch Clergy-men as reſided not upon them, but abſented themſelves from their Cure by any Colour or feigned Cauſe*, &c. *might be applied to the King's Uſe.* [5] The *King's Anſwer* was, That *this was a matter that belong'd to the Church*; *and that as for Reſidence, a Remedy was provided for it in the Laſt Convocation.* He look'd upon that matter not to fall under the Cognizance

[5] Rot. Parl. n. 70.

nizance of the *Parliament*, but (according to the Notions of thoſe Days) to be a Caſe in which the *Clergy* and *Convocation* only could properly meddle.

The ſame was the purport of *Richard* the *Second*'s *Anſwer* upon the next *Petition*, the Subject whereof, becauſe it relates chiefly to the *Biſhops* and their *Officers*, this Gentleman has no concern to *hide*; [1] it *related* (ſays he) to the *Extortions* of *Ordinaries* for the *Probates* of *Wills*: *The King will charge the* Clergy *to amend the ſame*, whoſe proper Buſineſs it was to take care of ſuch Matters. But I muſt not paſs by this Inſtance, without obſerving how much this Gentleman has either Miſtaken or Miſrepreſented this whole Caſe, and for which he has neither the *Roll* nor its *Abridgement*, to warrant him. The *Abridgement* is thus: *That a Remedy may be had againſt the Pxtortions of the Ordinaries, by undue Extortions*, p. 288. And the *Roll*, it ſelf has no manner of regard to the *probate* of *Wills*, but to *Suits*: Nor is the *King's Anſwer* exact; as this Author would have found had he been pleaſed to conſult the *Roll*: *Le Roy Plera as Prelates pur faire owele droit as toutz lour ſubgits en le pluis eſee manere qils purront* [2].

[1] *Rights*, &c. p. 346.

[2] Dr. A. *has examined the Roll in his Addit. and ordered the miſtaken Subject of this Petition to be blotted out. He ought at the ſame time to have* blotted *out, or* Corrected *the* Anſwer *too.*

The ſame is the Caſe of all his other Inſtances: When the *Commons* would have had any *Bills* paſs'd in ſuch Matters as concern'd the *State* of the *Church*, and the *allow'd Privileges*, and *Immunities* of the *Clergy*, and were look'd upon to be of a proper *Spiritual Nature*; the *King* refus'd to determine ſuch Matters by *Authority* of *Parliament*, and referr'd it to the *Clergy*, to whom he thought it belong'd, to provide ſuch Remedy among themſelves as was meet in them. But that this was any Particular *Branch* of their *Rights*, as Members of *Parliament*, [3] does not appear; nor indeed was it ſo, any otherwiſe than as the *Clergy* in thoſe days would not allow of any *Acts* to bind them, in any thing wherein they were concern'd, to which they did not give their *Conſent*; of which I have taken ſufficient notice before.

It is true, the *Clergy* have loſt a great deal of their *Parliamentary Privilege*, if ever it was ſuch, in theſe Matters. And with relation hereunto, I can eaſily cloſe with this *Author* [3], "*That our* Conſtitution *is much alter'd in this reſpect*; [4] tho' I cannot altogether go on with him, that, *to ſay the Truth, it was fit it ſhould be alter'd*; ſo much, I mean, as it is. A little more *Authority* than it now has, would, I am ſure, be better for the *Church*, and, I think, for the *Sate* too. However it is to be hoped, that in *Matters* of *Religion*, wherein the *Clergy*, by their *Order* and *Function*, tho' not by any *Parliamentary Right*, ought to be adviſed with; as in the *Articles* of *Religion*, the *Diſcipline of the Church*, and the *Publick Liturgies* of it; They ſhall either be left entirely to do what properly belongs to them; or, at leaſt, that no Laws ſhall paſs in *Parliament*, without their *Advice* firſt taken concerning them. This regard, we muſt thankfully own, has hitherto been paid to our *Biſhops* and *Clergy* (in their *Spiritual*, not *Parliamentary Capacity*:) And we ought to promiſe our ſelves from the Wiſdom and Piety of our *Princes* and *Parliaments*, that this *Liberty* our *Church* ſhall ſtill continue to Enjoy.

[3] *Rights*, &c. p. 348.

[4] Ib. p. 351.

Sect. 42.

But the *Clergy* in *Parliament*, did ſometimes *Proteſt* againſt ſuch Matters as paſſed there againſt their Conſent, [5] as in the 13th of *Richard* the 2*d*, againſt the *Statutes* of *Proviſors*. I grant that they did, and ſo they may ſtill do, in the very ſame manner as they did in the *Caſe* which this Author Alledges; but is not willing his *Reader* ſhould know; I mean by their *Archbiſhops* and *Biſhops* in *Parliament*. I have already given the *Form* of this *Proteſtation* from the *Parliament*-Rolls but juſt before: Yet to ſhew how much to blame this Gentleman was, for not ſpeaking of it more fully out, I will repeat it as it ſtands in the *Abridgement* of the *Record*; *The Archbiſhop of* Canterbury *and* York, *for them and the* whole Clergy *of their* Provinces, *make their ſolemn* Proteſtation *in open* Parliament; *That they in no wiſe Meant, or would aſſent to any* Statute *or* Law *made in the reſtraint of the* Pope's Authority, *but utterly withſtood the ſame*, &c. And I hope this is no Part of thoſe *Rights* of the *Clergy*, which this *Author* gives up, as neither *belonging to them now, nor that indeed ought to belong to them.*

[5] *Rights*, &c. p. 348.

As for his *Petition*, which he fixes as low as the Year 1529, or 30. be it which it will, 'tis no more than what I conceive is the *Clergy's Right* at this day. They may complain to the *Biſhops* of any hardſhips which they think have been put upon them, or by which they find themſelves aggrieved, and deſire their Favour and Intereſt, to interpoſe for the redreſſe of them. And it will be very hard, if this muſt be look'd upon as an *Old Parliament Right too, that they neither have now, nor ought to enjoy.*

But

But of all the *Parliamentary Rights* of the *Clergy*, his next to me is the moſt unaccountable; which was ſo far from being a *Right* of the *Clergy* there, that it was never claim'd as any Right of the *Parliament* at all. "*Beyond all this*, "ſays he, *their* Conſent *in* Parliament *has alſo by way of Condeſcention been ſome-*"*times asked, and admitted, even in Matters wherein they were not particularly* "*intereſted:*" And his two firſt Inſtances are, in the *Ratification* of a *League* by *Parliament*. But, was this any particular Condeſcention, with reſpect to the *Clergy*; or, was it the ſame to the *Parliament* in *general?* If the former, that indeed is to the purpoſe, when it can be poved. But if the *latter*, ſo that the King for certain *Reaſons* of *State*, thought fit to communicate to his *Parliament* (not of Neceſſity, but of Grace) what *Treaty* of Peace he had Agreed upon, and to deſire their Confirmation of it; it amounts to no more than this, which I conceive is their *Parliamentary Right* ſtill; not to be denied the Priviledge of *Hearing*, and *Agreeing* to, ſuch things as are Tranſacted in *Open Parliament*, tho' not of an *Eccleſiaſtical Nature*; and which we need not go back to *Henry* the *Sixth*'s time for Inſtances to prove. Sect. 43.

[1] Rights, &c. p. 349.

What he means by his next Inſtance, from the *Sixth* of *Henry* the *Sixth*, I cannot tell; unleſs it be to ſhew, that the *Biſhops* and *Clergy* ſometimes Agreed to *Bills* not *abſolutely*, but [illegible] ſuch *Reſtrictions*, as they thought the Nature of the Matter to require. A *Priviledge*, that their *Lordſhips*, I dare ſay, do by no means think an *Antiquated Right*, whatever this Author does. But in his laſt, I am ſure, he utterly betrays the ancient *Rights* of the *Clergy*; and in them lays a fair ground, to ſhake thoſe of the *Biſhops* too. [2] In the 21*ſt* of *Richard* the *Second*, he tells us that the *Aſſent* of the *Proctors* of the *Clergy* was alledged to countenance the *Acts* of that *Meeting*, and to give a *Collateral Aſſent* and *Authority to them*, as a (*certain*) *Writer*, (*not much amiſs, I think*, ſays he) *diſtinguiſhes*. Now a *Collateral Aſſent*, may, for ought I know, be proper enough to give a *Collateral Authority*: But neither the *One*, nor the *Other*, will in any wiſe come up to the Right of an *Eſtate* in *Parliament*. And ſuch the *Clergy* have ever been accounted; and, by our *Laws*, are ſtill acknowledged to be. Nay, this very Author, in the next breath, himſelf allows of it, where he Obſerves (and that rightly) that in the Caſe of the *Succeſſion*, in the *Eighth* of *Henry* the *Fourth*, the *Clergy* were allow'd a ſhare in the *Legiſlative Power*, the Succeſſion being ſaid to be ſettled not only *with* their *Conſent*, but by their *Authority*: *Now if they had a ſhare in the Legiſlative Power*, then I hope they gave ſomewhat more than a *Collateral Authority* to what they paſs'd, as part of the *Legiſlature*; and Aſſented to it not *Collaterally*, but in their *Parliamentary Right*; and as both by the *King's Writ*, and by the *Conſtitution* of our *Parliament*, they were Called, and Empowered to do. But we are told that *great Authors*, in *long Works*, may ſometimes nod: And this Gentleman has more than once given us this Ground to Conclude that he is indeed an *Author* of the *firſt Rank*.

Ibid p. 350.

[2] The Roll of that *Parliament* ſpeaks otherwiſe: It joins the *Prelates* and *Clergy* together; and I hope the *Prelates*, at leaſt, had a right to ſomewhat more than to give a *Collateral Aſſent and Authority*, to what was done in *Parliament*. Les Comunes monſtrent au Roy comment devant ces heures pluſeurs jugementz et ordinances faitz en temps des Progenitors noſtre Sr le Roy en le Perlement ount eſte repelles et adnullaz par ceo que L'ESTAT DE CLERGIE ne feuſt preſent en Perlement a la ſaiſaunce des ditz jugementz et ordinances: Et par ceo prierent au Roy que pur ſeurte de ſa perſone, & ſalvacion de ſon Roialme, les PRELATES et le CLERGIE feroient un Procuratour ovec poair ſufficeant pur conſenter en lour Noun as routz choſes et Ordenances à juſtifiers en ceſt Perlement, &c. They conſtituted Sir *Tho. Percie* in theſe words: Nos *Thomas Cantuar*, et *Rob. Ebor.* Archiepiſcopi ac Prelati & CLERUS utriuſque Provinciæ. &c. Ven. Viro D. *Tho. de Percy* militi noſtram plenariam Committimus Poteſtatem, &c.— By Vertue of this Commiſſion: Noſtre dit Sr le Roy et toutz les Srs. Temporelles et Monſieur *Thomas de Percy* eiant poair ſuffiſiante de les Prelates et Clergie de Roialme D'Engleterre, come piert de Record en le dit Perlement adjuggerent et declarerent ceſte Article conuz per le dit Erceveſque par Traiſon, &c. Ib. And from whence, and other Records, our *Church of England* Authors have proved a much higher Intereſt of the *Clergy* in *Parliament*, than to give only a *Collateral Aſſent* and *Authority* to what was done there. See Dr. *Heylin*'s *Tracts*, p. 702, 704.

I have now done with my ſecond *kind* of *Arguments*, from whence I propoſed to ſhew, the manifeſt difference which there is between the *Parliamentary*, and *Provincial Convocations* of the *Clergy of England*. I proceed to the *third* and *laſt ſort*; namely,

(3.) Such as may be drawn from ſome particular Obſervervations in Point of *Law* and *Hiſtory*, to confirm the ſame diſtinction.

Now the firſt which I ſhall Offer, ſhall be taken from the *Language* of our *Laws*, and the manifeſt *difference* which they make between the *One*, and the *Other*. Sect. 44.

I have already taken notice of the Statute of the *eighth* of *Henry* the *Sixth* Chap. 1. as far as concerns the Priviledges thereby granted to the Members of our *Convocations*. I ſhall now only inſiſt upon the *Expreſſions* of it; and ſhew how evidently they diſtinguiſh the *Clergy* in their *Parliamentary Capacity*, from the ſame *Clergy* in their *Provincial*. For which end I muſt obſerve, that the ſubſtance of that *Act* being put into a *Petition* by the *Prelates* and *Clergy*, at that time *Aſſembled* in *Parliament*; the thing which they deſired was, that *themſelves, and their Servants, might enjoy the ſame Priviledges, in coming to, tarrying at, and returning from their Convocation, that the Lords and Commons did enjoy, who were called to Parliament.*

Now that by the *Convocation* there ſpoken of, as diſtinguiſhed from, if not oppoſed to, the *Parliament*, we are to underſtand our *Provincial Convocation*, is not doubted of, or deny'd by any. That this *Convocation* is there mentioned as an *Aſſembly*, wholly *different* from that of the *Parliament*, is plain; becauſe the *Priviledges* of the *One* are ſet forth as the *Meaſure* of what was deſired for, and granted to the *Other*. But the *Biſhops*, and *Prelates*, who were at the ſame time called to *Parliament*, were *actually Members* of that *Body*. They *ſate* and *acted* as proper Members of it; and in that Capacity both in their own and the *Clergies* Name, *prefer'd this Bill*, which upon their *Petition* paſs'd into a *Statute*, on behalf of their *Provincial Meetings*. And therefore as plainly as the *Parliament* it ſelf, in that *Act* is diſtinguiſhed from the *Convocation*, ſo plainly muſt the *Parliamentary Aſſembly* of the *Clergy*, by the *Words* of that *Statute*, be diſtinguiſhed from their *Provincial Convocation*, for which they *Petitioned*; and by their *Petition* obtain'd the *ſame Priviledges* for that, *which the Parliament* (and themſelves as *Members* of it) before *Enjoy'd*.

It were an eaſy matter to purſue the ſame *Difference* of *Expreſſion* in thoſe many *Acts* of King *Henry* the *eighth*, in which the *Parliament* and *Convocation* are at all mentioned; [1] And in all of which, were men willing to be convinced, they are clearly ſpoken of, as Aſſemblies altogether different from one another; and the *Biſhops* are repreſented as Acting in a *different Capacity* in the *One*, and in the *Other*. But I ſhall rather chuſe to mention that famous *Act*, made in the *Firſt* and *Second* of *Philip* and *Mary*, Chap. 8. in which the Diſtinction is ſo evident, that I do not ſee what can reaſonably be Excepted againſt it. For, *Firſt*, It recites, that a *Supplication* had been *preſented to Their Majeſties* by the *Lords Spiritual* and *Temporal*, and *Commons* in *Parliament Aſſembled*. Then it takes Notice, how that conformably to their *Petition*, *The Biſhops and Clergy of the Province of* Canterbury, had alſo *Preſented* to Their *Majeſties* a *Supplication* to the *ſame effect*: And the *Preface* of their *Supplication*, inſerted into the *Act* it ſelf, makes as plain a Diſtinction, as can well be made between any *two Aſſemblies*: *Nos Epiſcopi, &c.* "We the *Biſhops*, and *Clergy of the Province of* Canterbury *being Aſſembled in* "*this Synod*, after our *Uſual Manner*, while the *Parliament* of the *Kingdom* is "celebrated, *&c.*

[1] 22. Hen. 8. c. 15. 23. H. 8. c. 19. 25. H. 8. c. 19. 26. H. 8. c. 1. 27. H. 8. c. 15. &c.

Here therefore let it be conſidered, whether the *Parliament* and *Convocation*, be not evidently ſpoken of as *Two different Aſſemblies*, which *ſeverally Petion* for the *ſame thing*; and the *One* of which takes notice of its being *Aſſembled*, according to Cuſtom, at the *time* that the *Other* was *Sitting?* Now, in theſe *two Aſſemblies* the *Biſhops both Sate* and *Acted*: They Petitioned as *Members* of *Parliament*, with the *Parliament*, and as *Members* of the *Convocation* of the *Province of* Canterbury, with the *Provincial Convocation*. But the *Biſhops* in Parliament ſit as *a part* (and tho' not the *only part* that is ſtill *Summon'd*, yet the *only one* that ſtill continues to *Meet* and *Act* there) of the *Eſtate* of the *Clergy*; and, in that, of the *Parliamentary Convention* of the *Clergy*, in the *Great Council*: And therefore as plainly as in *this*, and all other *Acts*, wherein theſe two Aſſemblies are ſpoken of, the *Biſhops* are repreſented as *Members* of *two different Bodies*, and *acting* in *two different Capacities*, in *Parliament* and *Convocation*; ſo plainly are thoſe *two Conventions* of the *Clergy*, thereby ſet forth as *different* from each other; and to have their *different Conſiderations*, in *Law*, as ſuch.

Sect. 45. From the *Language* of our *Laws*, let us proceed: *Secondly*, To Conſider the *Language* of our *publick Inſtruments*, in which any mention is made of theſe two *Aſſem-*

Aſſemblies; and ſee whether they do not equally keep up the ſame Diſtinction between them. King *Edward* the 2d having ſummon'd his *Parliament* at *Lincoln*, upon the XV of *Hilary*, *Anno* 1315, and by the *Premunitory Clauſe* in the *Biſhop's Writs*, called the *Clergy* to it [1]: To ſtrengthen this *Summons*, the *Archbiſhop* (according to the method of thoſe times) by his *Provincial Writ*, Cited both the *Biſhops* and *Clergy* of his *Province*; (who had before been ſummon'd by the King's other *Writs*) before him, for the ſame purpoſe in the *Cathedral Church* of *Lincoln*, according to the King's *Appointment*. In this *Parliament* the King demanded a *Subſidy* of the *Clergy*, to carry on his War with *Scotland*. The *Clergy* who were there preſent, aſſented to his *Requeſt*, [2] as far as in the Abſence of their *Archbiſhop*, and of ſome others of their *Body*, they could do it; but with this Proviſo, that, *as well they Themſelves, who had ſo conſented, as the reſt of the Clergy of the Province who were not at the Parliament, ſhould, by the Authority of the* Archbiſhop, *be called together to treat before him, in a proper Place, and to conſent to a certain Subſidy to be granted to the* King.

[1] Vid. Regiſt. Henr. Prior. fol. clxiii. Regiſt. Dec. & Capit. Ebor. ſede Vacant. fol. 131.

[2] *Quidam itaque Prælati & alii de Clero provinciæ Veſtræ Cant. quos ad intereſſendum* Parliamento *noſtro apud* Lincoln. *fecimus ſummoneri, ibidem ex parte noſtra ſuper ſubſidio Nobis pro guerra noſtra Scotiæ faciendo requiſiti, ad urgentem neceſſitatem, &c.— ſuæ conſiderationis intuitum dirigentes ad ſubſidium nobis ex Cauſa prædicta faciendum, quatenus vobis Abſentibus, cui ſubſunt, & in quorundam aliorum tam Prælatorum, quam Religioſorum, & Cæterorum de Clero dictæ Provinciæ abſentia potuerunt, Unanimiter conſenſerunt: Ita tamen quod tam* Ipſi, *quam alii de* Clero *Veſtræ Provinciæ, qui in dicto* Parliamento *præſentes non fuerunt, Coram vobis faciendo, in*

The *Clergy*, in *Parliament*, having given this Anſwer, the King, whilſt they were yet ſitting there, iſſued out his *Writs* to the *Archbiſhop* of *Canterbury*, and to the *Keeper* of the *Spiritualities* of the *Archbiſhoprick* of *York*, to aſſemble their reſpective *Clergy* for this end in their *Provincial Convocations*; [3] the *One* upon the *Wedneſday* next after the *Quindene* of *Eaſter*; the other, a *Month* after it: And the *Archbiſhop* of *Canterbury*, and the Keeper of the *Spiritualties* of the *Archbiſhoprick* of *York* accordingly ſummon'd their *Convocations* upon the *Days* which the *King* had appointed.

This was the matter of Fact, as appears from the *King's Writs*, and the *Archbiſhops Mandates*, &c. Let us now ſee in what Terms theſe ſeveral *Convocations* are ſpoken of; and whether it does not evidently appear, that they were not only two diſtinct *Aſſemblies*, but of a *different Nature* and *Conſtitution* too. The Words of the Kings Writ to the *Archbiſhop*, for calling a *Convocation* at *London*, are theſe. "Certain of the *Prelates* and others of the *Clergy* of the *Province*, be- "ing called together, whom we had cauſed to be ſummon'd to be preſent in our "*Parliament* at *Lincoln*, and there required on our behalf, to grant us a *Subſi-* "*dy*—— Conſented, but with this *Proviſo*, that both they, and Others of the "*Clergy* of the *Province* who were not preſent in the ſaid *Parliament*, ſhould be, "in a *fitting Place*, Aſſembled before you.

It is plain, that the *Clergy* who made this *Anſwer* to the *King* at *Lincoln*, were the *Parliament-Clergy*, by the *King's Writs*, and the *Archbiſhop's Mandates*, there Aſſembled in their *Parliamentary*, or *State-Capacity*: No other were called by either of their *Writs* thither; nor did any others appear there.

But to go on with the King's *Writ*: *Wherefore we require and entreat you, to command all the* Prelates, *as well* Religious, *as* Others, *and the reſt of the* Clergy *of your Province, to appear before you at* London, *&c.* (*in the other* Writ *at* York) *at ſuch a time.*

Theſe two therefore were properly *Provincial Convocations*, not Parliamentary, National Aſſemblies: They met within their reſpective *Provinces*, before their ſeveral Metropolitans; or ſuch, as had the *Metropolitical power* committed to them. They Aſſembled neither at the *Place* nor *time* of the *Parliament*; and I think, upon all theſe Accounts, I may venture to ſay, that nothing can be deſired, whether we conſider the *Words*, or *Nature* of theſe two *Conventions*, to prove them to have been altogether *different Aſſemblies*.

[3] Clauſ. 9. E. 2. ib.

ad Tractand. & Conſentiend. Veſtra Auctoritate interveniente de certo ſubſidio nobis, ut præmittitur, Loco debito Convocentur. Rot. Clauſ. 9. Ed. ii. m. 17. dorſo.

Sect. 46.

It were endleſs to inſiſt on all the other Inſtances of the like kind, that might be produced to prove theſe two *Convocations* of the *Clergy* to have been abſolutely different from each other, whilſt they continued to meet at ſeveral times, and in ſeveral Places; as it is confeſſed, that for a long time, they were generally wont to do; and I ſhall have Occaſion hereafter, more particularly, to take notice of it. I will, at preſent, content my ſelf to add but one Inſtance more of this *kind*, in Confirmation of what has now been obſerved.

In the 15th of *Richard* the 2d, *Anno* 1391: The King held his *Parliament* at *Weſtminſter* the 3d of *November*, and, by his *Writs*, ſummon'd the *Clergy*, as well as *Prelates*, to come to it. This *Parliament* ſate 'till the 2d of the next *Month*, and ſo long therefore the *Clergy* muſt have continued to have attended upon the King, in their *Parliament* Capacity there.

About a Month after he had ſummon'd this *Parliament*, he iſſued out other *Writs* for the calling of the two *Convocations*. In that for the Province of *Canterbury*, the time appointed by the *Writ* was the *day* after St. *Martin*, *November* the 12th. But the *Archbiſhop* of *Canterbury* enlarged the time, and order'd it to meet the *Morrow after the Conception of the Bleſſed Virgin*, December the 9th. [1] The *Words* of his *Mandate* are remarkable; and I ſhall therefore take notice of ſome part of it. *He complains of the Obligation which lay upon him by virtue of his Paſtoral Office oftentimes, tho' unwillingly, to treat with the* Prelates, *and* Clergy *of his* Province: *That at preſent, the inſtant great Neceſſity of the Commonwealth, and the apparent advantage of the* Church, *which he hoped for by it; join'd to the* King's *deſire, obliged him, of neceſſity, to call together the* Prelates *and* Clergy *of his* Province, *according to the effect of the* King's Writ.

[1] Regiſt. *Wakefield* Epiſc. *Wigorn.* fol. 85.

This is the ſum of that Introduction which the *Archbiſhop* made to his *Mandate* for this *Convocation*; and it clearly ſhews what kind of *Aſſembly* of the *Clergy* it was, that he thereby intended to call together: That it was an *Eccleſiaſtical Convocation* of the *Prelates* and *Clergy* of his *Province*; which not only in Obedience to the *King's Writ*, but in diſcharge of his *Paſtoral* Office, he call'd before him. And how different that muſt have been from the *State-Aſſembly* of the *Clergy* of the *Realm*, which met the *Month* before, by *Vertue* of the *King's Royal Writ*, in *Parliament*; and was broken up a *Week* before this *Convocation ſate*, I may leave it to any impartial Perſon to Judge.

Sect. 46.

But (3*dly*.) And to proceed to ſome farther Conſiderations. In the *Convocation* of *Archbiſhop Stafford*, [2] *October* 19. 1444: The *Archbiſhop* deliberating with his *Brethren* about ſuch Matters as needed *Reformation* in the *Church* of *England*; two ſort of things were thereupon conſider'd by the *Clergy*, ſome ſuch as fell under the *power* of the *Convocation* to Reform; others ſuch as belong'd only to the *Parliament* to amend. To the former of theſe, the *Biſhop* of *Bath* and *Wells*, in behalf of the *Archbiſhop*, whoſe *Commiſſioner* he was, ſubſcribed his *Reſolutions*, with the Conſent of the *Synod*. And for the others which were to be corrected in *Parliament*, they appointed certain Deputies to ſolicit their amendment there; and ſo the *Convocation* was diſſolved, upon the 26th of the ſame Month.

[2] In Regiſt. *Arundel*, Arch. Cant. Vol ii. fol. 28. *&c.*

The *Parliament* in which theſe Perſons were to ſolicit this *Reformation* on the behalf of the *Clergy* was not ſummon'd, 'till almoſt Three Months after the *Convocation* roſe, and met not 'till the end of *February* following. Before this we find no *Parliament* ſitting for *One*, if not two *Years*: Sir *William Dugdale* tells us, that there are no *Summons* upon Record the two years before; nor have I any where met with any, tho' I have made a diligent ſearch after them. Yet this *Convocation* was called by Order of the *King's Writ*: Money was demanded by the *King* in it, and granted by the *Convocation*: And therefore this muſt be in all reſpects allow'd to have been, ſuch a *Convocation* as we are now treating of. It would be unſeaſonable ſo ſoon, to enquire what Parliament it was therefore that this *Convocation* attended upon; or indeed by what *Convocation*, the Parliament of that Year was attended upon at all? For this *Convocation* roſe three *Months* before that *Parliament* was called; and during the whole Year after there was no *Convocation* held, as by a remarkable Proof, ſhall in due place be made appear. All I ſhall at preſent obſerve from the Tranſactions of this *Convocation* is, That it manifeſtly ſpeaks of it ſelf as of a different Aſſembly from the *Parliament*; that, as ſuch, it referr'd thoſe Affairs which it had not Power to conclude upon it ſelf, to be determined there, and that not after a *Parliamentary manner*, by the *Clergy* preferring their own *Bill* or *Petition* concerning them, which (tis granted the *Parliament-Clergy* were wont to do:) No, but it deputed certain of its Members to ſollicit the *Reformation* which they deſired in behalf of the *Convocation*: And by ſo doing, I conceive, plainly ſhew'd, that that *Convocation* look'd upon it ſelf as no part at all, much leſs as one of the *Chiefeſt Eſtates* of the *Parliament*.

And

And the ſame was the Caſe of the *Convocation* of 1452, of which I have made ſome ſhort mention before. The *Clergy* having ſome things under Debate, which needed *Reformation*, but could not be determined in their *Eccleſiaſtical Synod* [1]; deſir'd the *Archbiſhop* and other *Prelates*, who were to be preſent at the *Parliament* at *Reading* a few days after, to uſe their *Intereſt* with the King; and the *Lords* and *Commons* there to be aſſembled, for the effectual *Reformation* of them; and deputed Four of the *Lower Houſe* of *Convocation*, to Sollicit and Inſtruct the *Archbiſhop*, *Biſhops* and *Prelates*, concerning ſuch *Matters* as were in *Parliament* to be *amended*. Which being done, the *Archbiſhop* the ſame day diſſolved the *Convocation*.

[1] Regiſtr. *Kempe* Arch. Cant. fol. 219.

Three Days after this, the *Parliament* began at *Reading*, and with that the *Parliamentary Convocation* was called to meet. The *Biſhops* and *Prelates* met accordingly, but the other *Clergy* had (it ſeems) left off their *Attendance*, and ſo none of them appear'd there but their four *Delegates*, and thoſe not as Members of *Parliament*, but as the *Deputies* of the *Convocation*, appointed to ſollicit the *Biſhops*, and *Prelates*, and by them the *Parliament*, on their behalf. Which being ſo, I ſhall leave it to any unprejudic'd Perſon to conſider, whether the *Convocation aſſembled* at *Paul's*; diſſolved three Days before the *Parliament* began at *Reading*; in which the *Biſhops* and *Prelates* acted as *Members* of the *Synod* of the Province of *Canterbury*, by the *Mandate* of their *Archbiſhop*, and from thence removed to the *Parliament* at *Reading*, there to attend upon the *King* as *One* of the *Chiefeſt Eſtates* of the Great *Council* of the *Realm*, by vertue of another, and a *Civil Writ*; can in any manner of reaſon be accounted either in *Law*, or *Fact*, the ſame *Aſſembly* with that of the *Parliament*; in which, the *Lower Clergy* had now left off to attend at all, and the *Prelates* did both *Attend* and *Act*, at ſuch a *different time*; in ſuch a *different Place*; upon ſuch *different Affairs*; and after ſuch a *different manner*.

But 4*thly*, There was a time in the Reign of King *Edward* the 3d, when the *Provincial Convocations* of the *Church* and *Parliament* of the *Realm*, ſeem'd to have ſtood in the neareſt relation to *One* another, and from which therefore their dependance upon one another, has, of late, been endeavour'd to be proved; how juſtly we ſhall preſently ſee. For even thoſe very *Writs* upon which this *Argument* is founded, will appear, when duly conſider'd and fairly repreſented, to Eſtabliſh a manifeſt difference between the *Eccleſiaſtical* and *Civil Aſſemblies* of the *Clergy*: And I ſhall accordingly offer one of theſe very *Parliaments* and *Convocations*, as my *next Argument* to prove the *Diſtinction*, I am now aſſerting between them. Sect. 48.

Upon the 18th of *Auguſt*, the 11th of *Edward* the 3d, the King, by his *Parliament Writs* ſummon'd [2] all the *Biſhops*, *Prelates*, and *Parliamentary Clergy*, to appear before him in *Parliament*; the *Friday* before *Michaelmaſs*, at *Weſtminſter*. The cauſe of their Aſſembling, is thus declared in the Body of the *Writs* themſelves: That *being ſhortly about to paſs the Seas* (in order to his *French* Expedition) "and deſiring above all things, that his Peace ſhould in his Abſence be inviolably "obſerved, and his Kingdom be defended againſt the Incurſions of his Enemies; "he did for theſe and other weighty Reaſons, think fit to have a Meeting and "Treaty with his *Biſhops*, *Prelates*, and *Lords*, in *Parliament*.

[2] *See* Dugd. Summonit. Parl. ad An. pag. 195.

To this *Parliament*, by the *Premunitory Clauſe* in the *Biſhops Writs*, all the *Deans*, *Archdeacons* and *Proctors* of all the *Chapters* and *Clergy* of the *Realm*, from both *Provinces* were ſummon'd; and we muſt ſuppoſe, that, according to the Cuſtom of thoſe Times, either by Themſelves, or their Proxies, They did generally cõme to it.

Upon the ſame Day that the King iſſued out thoſe *Writs* for a *Parliament*; he ſent out two other *Writs*, to the *Archbiſhop* of each Province, to Call their *Clergy* together in *Convocation*: In which having taken Notice of his Calling his *Parliament*, for the End and Reaſons before mentioned; he thus accounts for the Cauſe of his deſiring them to ſummon their *Convocations* alſo, about the ſame time with it: [3] "That for as much as the Affairs before mention'd, did ſpeci- "ally touch not only the ſafety and quiet of the Realm, but of the *Church* too, "and of all and ſingular the Members of it; he therefore requir'd them to ſum- "mon the *Prelates*, and *Clergy* of their Provinces, to treat and conſult about the *Premiſes*, with them, and with ſuch other *Perſons* as he ſhould ſend to them; and "to

[3] See in *Pryn's* Regiſt. Vol. 1. p. 40.

" to agree to ſuch things as ſhould be ordain'd by them, for their Publick *De-*
" *fence* and *Advantage*.

To theſe *Convocations*, the *Clergy* of the Province of *Canterbury* were commanded to come, the Morrow after *Michaelmas*, the Day which the King had appointed. In the Province of *York*, the King aſſign'd the *Thurſday* after the *Octaves* of *Michaelmaſs* (the 11th of *October*) but the Archbiſhop of *York* enlarged the time till after St. *Martin*'s, about the middle of *November* [3].

[1] Vid Regiſt. Jo. de *Kyrkeby* Epiſc. Carl. fol. 365.

The King was now in great want of *Money* to carry on his War with *France*; and as this was one of the main things for which he call'd both the *Parliament*, and *Convocations*; ſo the better to ſecure a favourable return from both, he iſſued out his *Letters* [2] a few days after theſe ſeveral *Writs*, to the *Biſhops*, and ſome *Others* of the Principal Perſons in every *County*, and *Dioceſe*, to meet with the *Nobility*, *Clergy*, and *Citizens*, of the ſame; whom he had ordered to come together to the *Place* where they were to *Treat*; and there to ſet before them the *Circumſtances* which he lay under: What Endeavours he had uſed to prevent a *War* with *France*? How he had been refuſed, and what Dangers they were thereby like to be expoſed to? And from all theſe Conſiderations, to Excite them to a liberal Supply of his Neceſſities. At the time appointed, the *Wedneſday* before *Michaelmas* the *Parliament* met, and with that the *Parliamentary Convention* began, conſiſting of the *Biſhops*, *Prelates*, and *Clergy* of the whole *Realm*, who had been *Nationally* ſummon'd to it.

[2] Regiſt. *Hemenhale* Epiſc. Wigorn. fol. 39. Et in Append ad *Ann.* 1337.

As yet neither of the *Provincial Convocations* were Aſſembled: That of *Canterbury*, which was the ſooneſt to meet, being not to be opened till the Morrow after *Michaelmaſs*. In Seven, or, at moſt, in Nine Days time, this *Parliament* roſe: And it was above a Month afterwards before the *Convocation* of *York* met. Let us now put the whole together, and ſee what the reſult, as to our preſent purpoſe, muſt be. The King Calls his *Parliament*; and by his *Parliamentary Writs*, the *Clergy* of the whole *Realm*, to Aſſemble in *Parliament* at *Weſtminſter*, the *Friday* before *Michaelmaſs*. By other *Writs*, iſſued out at the ſame time, he requires the *Archbiſhops* to Summon their ſeveral *Provincial Synods* to meet, neither at the *Day*, nor *Place*, to which the *Parliament* had been ſummon'd. By the *One* he Aſſembles the *Parliamentary Clergy* of *both Provinces* to *Weſtminſter*; by the other the *Provincial Clergy* (a quite *different body*) of each Province, ſeverally to *London*, and *York*. And the *Parliament* being ended, the *Parliamentary Convention* muſt, by conſequence, have been determined a Month before one of the *Provincial Synods* was held. So that theſe two *Convocations* then, were called by diſtinct *Writs*, the One taking notice of the Aſſembling of the Other, and requiring the One to be held as well as the Other. They were held at ſuch times that the One was Diſſolved before the other began: They were held at ſuch *Places*, that the One actually met and ſate at 150 Miles diſtance from the Other: They conſiſted of ſuch different Perſons, that the One was a *National*, the Other but a *Provincial Aſſembly* of the *Clergy*: And yet in the One, more than double the Number cited to appear, than what was called to the Other. The ſame *Biſhops*, and *Prelates*, *Deans*, *Archdeacons*, and (it may be *Proctors* too) both ſate and acted diſtinctly in them both. And if after all this, theſe two be not *different Aſſemblies*, I muſt own my ſelf at a Loſs to know, by what more fundamental *Marks* of *diſtinction*, any one could deſire, that any too *Conventions* ſhould be ſhewn to differ from each other.

Sect. 49. But 5*thly*, And to have done: It is confeſs'd by one who ſeems to have the moſt miſtaken, the *Nature* of our *Provincial Convocations*; [3] that the *Prelates* and *Clergy* ſummon'd by the *King's Writs* to *Parliament*, were thereby, ſtrictly ſpeaking, a *Member of that High Court*: Nor will he, I ſuppoſe, deny, but that being call'd by the ſame *Writs* now that they ever were, and *ſitting* and *acting* as they do in that *Great Council*; the *Biſhops* (who ſtill continue to come to *Parliament*) are ſtill as much, and properly, a Member of it, as ever they were; and make as much a part of one of the Eſtates of it Now, as they were wont heretofore to do.

[3] *Rights*, &c. p. 245.

It is alſo acknowledged, That the *Provincial Clergy* meeting in *Convocation* by vertue of the *King's Writ*; and the *Archbiſhop's Mandate* thereupon, are not, *ſtrictly ſpeaking*, a Member of the *Parliament*, [4] nor do Conſtitute any of the Eſtates of it. Now from theſe two *Principles* put together, this Concluſion muſt, I think, inevitably follow; that then the One of theſe *Convocations* muſt needs be

[4] *Rights*, p. 64, 273. 354, &c.

be in its *Nature*, *Rights*, and *Powers different from the other*: Indeed as different as an *Aſſembly* which *is*, and *has always been* received by our *Law*, for a *proper part* and *member* of the *Parliament*, muſt thereby be accounted to be from another, which *never was ſo accounted*; but is, at laſt, Confeſs'd not to be ſo.

And thus have I done with thoſe Arguments, by which I propoſed to ſhew, the *Provincial Convocations* of the *Clergy* of *Canterbury*, and *York*, to be wholly *different Aſſemblies* in their *Nature* and *Conſtitution*, from the *Parliamentary Convention* of the *Eſtate* of the *Clergy* in that *great Council*; and to have *different Rights*, *Powers*, and *Priviledges*, from one another. And, indeed, ſo evident is the *difference* between *them*, that the only Excuſe I know how to make for attempting any *Proof* at all of it, is, that which we uſually give for ſhewing that the *Elements of Bread and Wine, in the Bleſſed Euchariſt, do continue the ſame, in their Nature and Subſtance, after Conſecration, that they were before*, viz. That there is a certain ſort of Men in the World who *deny* it; Nay, who not only *deny* it, but make it *Hereſie* in us to *affirm* the *contrary*. Who *burn* our *Books*, and where they have it in their Power, the *Authors* too for *Oppoſing* them. And yet amidſt this unhappy Spirit of *Fury*, and *Deluſion*, ſet up for *Infallibility*; and are as ſure, as a mighty Conceit, and a reſolute Obſtinacy can make them, that they are in the right; at leaſt would have the World believe that they are ſo.

I am ſorry to ſay that the *Parallel* holds but too exactly here: That the *Cauſe* and the *Abbettors* of it are but too much alike. But I have been ſo long uſed to the *One*, as not to be at all *Surpriſed* at the *Other*. Their *Anathema's* to me are *both* alike. And the worſt I wiſh either, is a better Mind, and a more Chriſtian Temper: For the reſt, let them think, or ſpeak, as they pleaſe of me.

Let us hear how a late *Author* delivers himſelf upon this Occaſion: *The Air of Aſſurance*, ſays he, [1] *which Dr.* Wake *takes up every where on this Article, would be very amazing to a Man that did not Conſider how doubts dwell uſually in knowing Breaſts; and that thoſe who have the leaſt Skill in things are moſt apt to be poſitive. It is as plain*, ſays he, [2] *as any thing can well be, That the Convocation of the Clergy conſidered as Called by the Parliamentary-Writs, and Sitting by Vertue of them; and the Convocation conſider'd as Summon'd by the Convocation-Writ, and the Order of the Archbiſhop conſequent thereupon, are in their Nature and Conſtitution two different Aſſemblies, and which by no means ought to be Confounded together.* Well, this Dr. *Wake* did ſay; and this he ſtill affirms; and ſubmits it to any indifferent Perſon to judge, whether he has not now ſufficiently proved it. But let us hear what this *Gentleman* Excepts againſt it.

[1] Rights, &c. p. 261.

[2] Authority, &c. p. 226.

By no means indeed, if Dr. Wake's *Cauſe* (he might have ſaid, the *King's Prerogative*, and the *Clergies* true *Parliamentary Rights* and *Priviledges*) *muſt right or wrong be upheld: For the confounding of theſe two Aſſemblies, and making them but One, Confounds, all his little Aims and Reaſonings. However, I have ſhewn that they muſt neceſſarily be, and have always been thus confounded together, whenever the Premunientes and a Royal Writ for the Convocation went out joyntly: And it will puzzle Dr.* Wake, *I believe out of his plentiful ſtore of Uſeleſs Collections, to furniſh us with a ſingle Proof to the Contrary, when the Convocation Clergy call'd by the Archbiſhop at the King's Writ, and thoſe Summon'd by the Premunientes, have Met, Sate, and Acted in the ſame Province, diſtinctly; All which they muſt have done, to be, what he tells us, two different Aſſemblies. 'Tis true,* two ſorts *of* Writs *going out to* Call *the* Clergy *in time of* Parliament, *there is room for a* nice Head, *to diſtinguiſh (as Dr.* Wake *does) between the* Nature *and* Conſtitution *of that* Aſſembly *which relates to the* One, *and the* Nature *and* Conſtitution *of that* Aſſembly *which relates to the* Other. *But theſe* two Aſſemblies *being* In Fact *but One* Aſſembly, *it does us no harm as to the Argument we are upon, to Conſider that* One Aſſembly *under as many* Views, *and* Reſpects *as Dr.* Wake *pleaſes.*

Theſe are his Words; and they contain the *Main*, if not the *Only Ground*, of his *Exception* againſt what I have now been proving. And I do not ſee how I can better Cloſe this *Chapter* than with a brief Examination of it. Now two Exceptions there are which I ſhall take the Liberty to offer in Anſwer to this reaſoning.

(1.) That the *Caſe*, as it is here put, is neither *Full* nor *Concluſive*. Sect. 51.

(2.) That even that being allow'd, his *Arguing* is not *good* upon it.

1. I ſay the *Caſe*, as it is here put, is neither *Full* nor *Concluſive*: For it extends only to *One kind* of *Parliamentary* and *Provincial Meetings*; and therefore Concludes nothing with Relation to any *Other*. "When the *Parliament* and *Pro-*
"*vincial Convocation* meet at the *ſame time*, they have, *in fact*, he ſays, made
"but *One Aſſembly*: And therefore they are not, as I pretend, *two different Convocations*. But how have they done when they have *not met at the ſame time*; as he *himſelf* elſewhere tells us, [1] they very ſeldom did, for near 200 *Years* together: But on the contrary, the *Parliament* met at *One time*, the *Provincial Convocation of* Canterbury *at another*; and that of *York* at a *Third*. Then I hope the *Parliamentary* and *Provincial Aſſemblies were*, IN FACT, two *different Aſſemblies*. Why therefore may I not from thence infer ('tis the exact Parallel of his own *Argument*, only much ſtronger) that they are two *different Convocations*.

[1] Rights, &c. p. 48, 49.

Nay, but this is not the only *Defect* in this *Caſe*: There is yet another, and a much worſe, which will go nigh to Overthrow his whole Argument. "When
"the *Parliament* and *Convocation* met *together*, the *Clergy* of that *Province* in which
"the *Parliament* met, did not *Act*, he ſays, *diſtinctly both in the Parliament*
"*and Synod*; but met only in *One Provincial Aſſembly*, and ſo *Acted for both together*. But what did thoſe of the *other Province* do? Why, "*They ſent De-*
"*puties to the Parliament, to Act for them there*; and they *ſate themſelves at*
"*home in their Provincial Synod*; and by ſo doing, in my apprehenſion, they plainly ſhew'd, that the *Parliamentary*, and *Provincial Convocations*, were two *different Convocations*; not only in their *Nature* and *Conſtitution*, but in FACT too.

Rights, &c. p. 234.

Now if the *Parliamentary Convention* muſt *always* have been thus intirely *different* from *one* of our *Provincial Convocations*, *viz.* that out of whoſe *Province* the *Parliament* has *met*; I will leave it to this Gentleman, to perſwade any reaſonable Man, if he can, that it is not equally *different*, not only in *my notion*, but in *reallity* too, from the *other* alſo. But,

Sect. 52. 2. To quit this Exception againſt his way of Reaſoning in this Caſe, and conſider how he proceeds upon his *own Suppoſition*. The Sum of his Diſcourſe, if I take it aright, is this: That thoſe *two Aſſemblies* cannot be *different Aſſemblies*, which have, in FACT, *Met*, *Sate*, and *Acted together*. Now, to make this generally concluſive, we muſt ſupply the reſt of it thus: But the *Parliamentary* and *Provincial Convocations*, of the *Clergy* of *England*, have *always Met*, *Sate*, and *Acted together*; and ſo, IN FACT, been but *one Aſſembly*: And therefore, they cannot be *different Aſſemblies*. This is his *Argument*, and in Anſwer to it, I reply, That his *Propoſition* is *Erroneous*; his *Aſſumption falſe*; and therefore, his *Concluſion* can be of no *force*.

[1.] That his *Propoſition* is *Erroneous*, every days Experience proves to us. In which we ſee the *ſame men*, and *ſame Aſſemblies*, *Meet* and *Act* in *Different Capacities*; and to be, tho' *in Fact*, the *ſame Perſons*, and *ſame Company*; yet, in the Eye of the *Law*, utterly different both *Perſons* and *Aſſemblies*, in one reſpect, from what they are in the other; and to have *different Obligations*, *different Powers*, *different Priviledges*, *and Advantages*, as ſuch. For proof of which let us take an *Example*, or *two*, and that not in any feign'd *Caſes*, but ſuch as I have my ſelf been Witneſs to, and, in part, concern'd in.

A *Dean* and *Chapter*, are made *Truſtees*, in their *Perſonal Capacities*, for a *Gift* to the *Benefit* of ſome other *Perſons*, or *Society*. Having Buſineſs to tranſact for their *Church* they meet *Capitularly* together, for the doing of it: And at the ſame time, having Occaſion alſo to Act in the *Truſt*, in which they are concerned, they give *Orders*, *Seal Leaſes*, and do ſeveral other things in purſuance thereof. The *Perſons*, the *Place*, the *Time* of *Meeting* are, *in Fact*, the ſame. But yet for all that, they *Act* in very *different Capacities*; and have *Power* in *Law*, to do that in *One*, which they have no *Power* to do in the *Other*. Again:

The *ſame Perſons* are Members of a *Select Veſtry* in *London*, *Juſtices* of the *Peace* for the *County* of *Middleſex*, and *Commiſſioners* for a *Parliament Tax* to the *King*. Being met in their *Veſtry Room*; they do *Buſineſs* in all theſe *Three Reſpects*. Will any Man living ſay, that tho' *in Fact*, they are here again the *ſame Aſſembly*; Yet they are not *really*, and *truly different* in *Law*, and have their different *Rights*, *Offices*, and *Powers* as ſuch. Yet once more:

To ſay nothing of an Author, whom I muſt not be too bold with: I look upon my *ſelf* to be, *in fact*, but *one Perſon*. Is therefore the *Rector* of St. *James*,

and

and a *Canon* of *Chriſt*'s *Church*, but one Perſon in Law too? And will this Gentleman from hence, in good earneſt, affirm, that the *Rector* of St. *James*, and a *Canon* of *Chriſt*'s *Church*, have no *different Rights*, *Powers*, and *Priviledges*, but what are *meerly Imaginary*; and exiſt only in my *nice head?*

In like manner, were it true, (as yet it is not;) that the *Parliament Convocation* and the *Provincial Synod* of *Canterbury*, when the Parliament met at *Weſtminſter*, had been always, *in fact*, but *one Aſſembly*: That they had conſiſted of the ſame *Perſons*; and that thoſe *Perſons* had ſate in the *ſame place*, and *acted* together in *both Capacities*; had *granted Subſidies*, preſented their *Grievances*, made *Orders* and *Ordinances Provincial*, in *One*; and *drawn* up *Petitionary Bills* for the *King* and *Parliament* to paſs into *Statutes* in the *Other*; even this alone would have ſhewn them to have been really and truly two *different Convocations*, in point of *Law*: And all that could have been inferr'd from it would be but this; that being met together, they took occaſion to *act* in both their *Capacities*; but would by no means prove the *Parliament Convention*, to be the *ſame Convocation*, in *Law*, with the *Provincial*; Or the *Clergy* to have the ſame *Rights*, *Powers*, and *Priviledges* in the *One Capacity*, which they were once intituled to in the *Other*.

To clear this matter, if it be poſſible, to this *Author*'s own Satisfaction, I will to the *Inſtances* before mention'd, add yet *one* more, in a Caſe relating to *Convocations*; and, to make it the more Edifying, it ſhall be out of a MS. *Regiſter* too.

King *Charles* the *Firſt*, by his *Writ* to the *Archbiſhop*, Summon'd the Convocation to meet at St. *Peter's York*, *November* the 4*th*, 1640. Before the *day* came, the *Archbiſhop* died; and ſo the *Aſſembling* of the *Convocation* fell with him.

The *Dean* and *Chapter* having taken upon them the Charge of the *Affairs* of the *Archbiſhoprick*, as *Guardians* of the *Spiritualties*, the King upon the 11*th* of *December*, iſſued out his *Writ* to them, under that Character, to hold the *Convocation* of that *Province*, with all convenient ſpeed.

Being Aſſembled thereupon in *Chapter*, and the *King's Writ* being read to them; the *Preſident* of the *Chapter*, *by*, *and with*, *the Conſent of his Brethren*, *and fellow Canons*, *decreed that they would proceed with the* Convocation, *according to the King's Command*, and appointed the 4*th* of *January* next following, for the Opening of it. This being reſolved; he next of all, *with the Conſent of his Brethren*, *as before*, Order'd a *Citation* of the *Dean* and *Chapter* of *York*, to appear in the *Chapter houſe* on *Tueſday* the 22*d* of *December*, to chuſe a Proctor for the *ſaid Chapter*, to appear before the *Guardians* of the *Spiritualties* in the *Convocation*, which was, in the beginning of *January*, to be held by them.

They met, and choſe their *Proctor* accordingly; and made return of *him* to *themſelves*, as *Keepers* of the *Spiritualties*; and he appeared before them in the *Synod*, on behalf of the *Chapter*, as ſuch.

Here now we ſee the ſame Capitular Body, Acting in their *own Chapter houſe*, under two very *different Capacities*. As *Guardians* of the *Spiritualties*, they *receive* the *King's Writ*, *decree* a *Convocation* to be *held*, *appoint* the *time*, *Cite themſelves* to *appear*, by their *Proctor*, before *themſelves* in it. And as the *Chapter* of the *Church*, they *fix a day* for *chuſing* their *Proctor*, they *Meet*, and *Elect* him, they *make return* of him, and finally *appear* in *Convocation* by him. Let this *Gentleman* tell, us whether the *Dean* and *Chapter* here, did not Act under two very *different Capacities* in *Law*; and had not very *different Powers*, as *Guardians* of the *Spiritualties*, and as the *Capitular Aſſembly* of their *own Cathedral Church*: And whether he would not be ridiculous who ſhould affirm the *Rights*, *Powers*, and *Priviledges*, of the *Guardians* of the *Spiritualties* of the *Archbiſhop* of the *Province*, and of the *Dean* and *Chapter* of *York*, to be all one; and that in diſcourſing of the *Rights* of *both*, it would be only a *vain Speculation* and *Niccty*, to diſtinguiſh between what belonged to thoſe Gentlemen in the *One*, and what in the *other Reſpect*; ſo long as it was agreed, that the ſame *Capitular Body*, during the Vacancy of the See, had a *Right* to them all.

[2.] But to leave his *Propoſition*, and come to his *matter of Fact*: That which he affirms is, That when the *Parliament* and *Convocation met* at the *ſame time*; the *Provincial Convocation* of that *Province*, in which the *Parliament ſate*, was Sect. 53.

always In Fact the *ſame Aſſembly* with the *Parliamentary*. And he deſies Dr. *Wake*, out of his *Plentiful Store of* Useless Collections, to bring but a *ſingle proof* to the contrary.

Will this Gentleman give me leave to ſay, (in the firſt Place) that I think he here puts more than he ought to do upon me: For that the *Proof*, in this Caſe, lies upon him. I have proved, and that I am perſwaded, beyond his power to contradict, that theſe *two Convocations* have all along been *called* by *different Writs*; to *meet* at *ſeveral Places*, and to *Act* with *different Perſons*; and therefore, that, without running Counter to the *Writs*, by which alone they have been Empowered to *meet at all*, They muſt have *met*, and *acted*, in *ſeveral diſtinct Aſſemblies*. Now from hence, I conceive, I have a juſt *Right* to conclude, that they did *meet* and *act* in ſuch a *manner*, as they were required by their *Writs*; and indeed, as alone they could *legally meet*, and *act*, in. If this *Author* will have us believe that they met after *another manner*, let him make his Proofs of it: I have ſhewn that, of *Right*, they *ought* to have *met diſtinctly*; let him ſhew, if he can, that, *in fact*, they *did not* do ſo.

However, to quit this Exception too; and ſubmit to any Terms, that he pleaſes; (for indeed his Argument is not ſo formidable, that I need be afraid to deal with him in his own way:) And therefore, *Secondly*, Will he allow that the *Convocation* which *ſate* and *acted* at *Weſtminſter*, muſt have been, *in fact*, diſtinct, from that which *ſate* and *acted* in *London?* If ſo, then he muſt grant theſe *two Convocations* to have been diſtinct, *in fact*, from one another: For the *Parliamentary Convention* he affirms to have *ſate* at *Weſtminſter*, and *pities* my *Ignorance* for but *ſuppoſing* the *contrary*: And I will undertake, at any time, out of my *Collections* (uſeleſs as he thinks them) to prove, that the *Provincial Convocations*, during the whole time that the *Clergy* were wont to come to *Parliament*, did not ſit there; and therefore that they muſt, *in fact*, have been two *different Aſſemblies*.

'Tis true, I have ſhewn his Opinion as to the *Place* where the *Parliament Clergy met*, and *debated* together, to be not only void of all Ground, but utterly *falſe* too. I have proved that when the *Parliament* ſate at *Weſtminſter*; they met, for this end, at *Paul's*, as well, as for their *Provincial Conſultations*. But yet thus far my Argument will ſtill hold good, not only aganſt this *Author*, but in *proof* of the *Point* under Debate; That upon the *Opening of the Parliament*, at the *Paſſing* of *Bills*, and, in general, in *all* their *Parliamentary Concluſions*, properly ſo called, when the *King* and the *Three Eſtates*, met and acted together according to their *Writs* of *Summons*, and in form of a *Parliament*, the *Parliament Clergy* were obliged to come to the *place* of the *Parliament*; Whereas the *Provincial Convocation* was neither *Summon'd* to, nor had any *Authority* to *meet* at it; nor, *in fact*, ever did *Aſſemble there*: And therefore, that they muſt have always been, *in fact*, as well as *Law*, two *diſtinct Convocations*.

This then, ſo long as they continued to *come* to *Parliament*, we may preſume, they did, upon theſe Occaſions, every *Parliament*, do. And therefore this, I hope, will Anſwer even his own demand, unreaſonable as it is; and ſatisfy him, that in every *Parliament* throughout *all* the ſeveral *Reigns*, from K. *Edward* the *Firſt*, to K. *Henry* the *Sixth*; the *Parliament Clergy*, and the *Provincial Convocation*, *met*, and *acted*, *diſtinctly* from *one another*, even when *both* ſate at the *ſame time*; which was the thing he deſired might be ſhewn.

If in Anſwer to this he ſhall ſay, That the *Provincial Clergy* upon theſe Occaſions, *Came* and *Aſſembled* with the *other Eſtates* in *Parliament*; He will Excuſe me, if I deſire ſome farther proof, than his bare Aſſertion of it. For beſides that this one half of the *Provincial Clergy* had no *Authority* to do; I mean the *Regulars* of *each Province*; who were neither *Summon'd* by the *King's Writ* to *Parliament*, nor *premoniſhed* by the *Biſhops*, nor otherwiſe at all Empowered to *meet*, or *act*, with the *Biſhops*, *Prelates*, and *Clergy* there; there is this reaſon to move me to conclude, with ſome degree of Aſſurance, that they did not do it; That we find them very Jealous of their *Priviledges*, in this particular, and uneaſy to come, even at the *King's Summons*, to it: They uſed all the Intereſt they could to get themſelves diſcharged from all *Parliamentary Attendance*; and procured *Patents* of *Releaſe*, from the *King*, to that Purpoſe. Now to imagine that, after all this, they would thruſt themſelves into an *Aſſembly* when they were *not call'd* to it, to be *Exempted* from *which*, they uſed all this Care and Induſtry; is, I think, very unreaſonable; and we ought to have

ſome

ſome plain Proof of it, to make us believe it. If in this I am too ſcrupulous, I hope 'tis a good Sign that I grow wiſer; for *Doubts*, he ſays, *dwell uſually in knowing Breaſts*; and for the ſake of his own Remark, I deſire him not to be poſitive in this Caſe, without ſome good Authority to bear him out. But

Thirdly, And to purſue the Conſideration now alledg'd: I cannot imagine why this Author affirms the *Provincial Clergy*, and the *Parliamentary*, to have been but One Aſſembly in Fact; or how he hopes ever to perſwade any Body to believe him; when 'tis ſo evident both from the Times of their ſeveral Meetings, and from the *Perſons* who were ſummon'd, and came to both, that they could not poſſibly have been ſo. As for the Time of their Meeting, he has himſelf allow'd that the *Parliament* and *Convocation*; and (by Conſequence) the *Parliamentary* and *Provincial Aſſemblies*, even when they met the neareſt together, yet neither begun, nor ended the ſame day: The *Parliament* being commonly both Opened and Concluded, a day or two, at leaſt, before the *Convocation*. Now this neceſſarily infers a Diſtinction in Fact between theſe two *Aſſemblies*, at every ſuch Beginning and Ending of each: The *Parliament Convocation* uſually ſitting before the *Provincial* can be legally held; and the *Provincial* continuing to ſit on, after the other is *legally diſſolved*.

And then, as to the Other Circumſtance, the Members of them both; it is certain that the *Provincial Aſſembly* of the *Clergy* in either *Province*, was compoſed of at leaſt double the Members that the Parliamentary was; and thoſe ſupernumerary Members were chiefly the *Regulars*, who (as I have before Obſerv'd) ſo induſtriouſly avoided having any thing to do with a *Parliamentary Attendance*. Now what probability is there, that they who ſo earneſtly declined the *King*'s *Summons*, would be brought in by a Side-Wind, upon the *Archbiſhop*'s *Mandate*, to make a part in an *Aſſembly* in which they had no Concern; and ſo, at the ſame time, both Act as *Members* of the *Parliament*, and yet ſtand upon their *Exemptions*, of having nothing to do with the Parliament.

Nay, but by what *Authority* could they have done it, if they would? They had no *Writ* to Empower them any more to debate of, or *draw up Bills* for the *Parliament*, than to preſent them by *Petition* when they had done. Or ſhould we, for Argument ſake, ſuppoſe them, being met with the reſt of the *Clergy* in *Convocation*, to have tarried as *Counſel*, or *Aſſiſtants* to them, when they proceeded to *Act* in their other *Capacity*; yet ſtill that will not make them *Members* of the *Aſſembly*. So long as they had no *Right* of *Voice*, no Power of Determination, in any *Parliamentary Affairs*, tho' we ſhould allow them to have been *preſent* (which yet is more then can be proved, or I believe is true) yet ſtill this would not prove them to have continued the ſame *Aſſembly* that they were before; but rather would ſhew an actual *Difference* (even in *Fact*) between the two *Convocations*: In the Affairs of One of which, the *Regulars* were not only *preſent*, but, as Members of the *Aſſembly*, *Voted* and *Determined* together with the other *Clergy*; But, when it came to any Buſineſs which belong'd to the *Parliament Convention*, they only kept their *Places*, and gave their *Advice*, (like the Judges or Maſters of *Chancery* in the Houſe of *Lords*) but had no power of *Action*, as before they had; nor were therefore any *proper part* of the *Synod*, as before they had been.

But this is indeed a *Suppoſition* only for *Argument* ſake, without all ground; and muſt alſo be plainly proved, before it can reaſonably be allowed of. 'Till then, it will be enough that we are ſure theſe two *Conventions* were, *in Fact*, Compoſed of *different Members*, to warrant us to Conclude, that they were alſo, *in Fact*, different *Aſſemblies*.

In the mean time, *Fourthly*, We muſt not forget what this *Author* allows, and might evidently be made appear, if, upon ſecond Thoughts, he ſhould think fit to retract it: That the *Clergy* of the *Province*, out of which the *Parliament* was held, ſent their *Deputies* to appear for them in it, when the *Provincial Synod* was held at the ſame time in their Own *Province*. It is a Caſe that rarely happen'd in *Ancient* times, whilſt the *Clergy* paid an *Actual Attendance* upon the *Parliament*; and when it did, they had their *Liberty*, and might indifferently have come to either of them themſelves, and have ſent their *Proxies* to the Other. Now theſe *Deputies*, he tells us, they ſent to the *Lay-Aſſembly* (the Parliament) to Conſent for them, according to the *King's Writ* of *Summons* there: Let me add, and otherwiſe to *Act* according to their *Powers*; as to join in *Petitions* for the *Paſſing* of their *Bills*, and the like. What thoſe of the Other *Province* did,

by their *Proxies*, if they came not themſelves; the *Clergy* of the ſame *Province* did, in their own Perſons: And ſo however they may have debated aſunder, each *Province* by it ſelf; yet in all thoſe Caſes wherein they agreed together, to *Conſent* or *Petition*, we muſt ſuppoſe, that in order thereunto, after having *deliberated apart*, yet they had their common *Meetings*; a *Committee*, at leaſt, of each *Province*; and in that came to a joint Reſolution concerning what was to be Propoſed, or Granted, or Denyed, when they ſhould come All together before the *King*, with the Other *Eſtates* in *Parliament*.

In the 18th of *Edward* the 3d, the *Clergy* of both *Provinces* preſented their *Petitions* to the *King* in *Parliament*, [1] in VII *Articles*, which they thought ſo Conſiderable, as to deſire to have the *King's Anſwer* under his *Seal* to them; with this Circumſtance inſerted, that in *Conſideration thereof, they had granted to him a Triennial Tenth.*

[1] Rot. Parl. xviii. Edw. 3. num. 23.

In the 1ſt of *Richard* the 2d, they did likewiſe [2]: In his 13th, the two *Archbiſhops* proteſted in their own behalf, and on the behalf of the *Clergy* of both their Provinces [3]: In his 21ſt they conſtituted a Common *Lay-Proctor* to *Act* for them: [4] In the 2d of *Henry* the 4th, They preferr'd a Common *Parliamentary Petition* againſt *Hereticks* [5]: In the 8th of *Henry* the 6th, they, in like manner, preferr'd the *Petitionary Bill* for the *Priviledges* of their *Convocations*: [6] And I doubt not, but that the ſame was done by them on other Occaſions.

[2] Ibid. num. 112.

[3] Ib. num. 24.

[4] Ib. num. 9, 10.

[5] Ib. num. 48.

[6] Ib. num. 32.

Now to imagine that they did all this, without ever meeting together, when they were all at hand, in the ſame *City*, and poſſibly in the ſame Place; would, I think be very unreaſonable; nor ought we, without ſome very clear proof of it, to ſuppoſe, but that however ſometimes they might *deliberate* apart Provincially, even in their *Parliament Affairs*; yet they *came together in Common*, to Conclude of what they had to do; as well as we are ſure they did *Act* ſo with the *Other Eſtates* in Parliament.

[7] *And this Dr. A. is forced himſelf, after all, to acknowledge.* p. 57. *He tells us*, That the Inferior Clergy join'd Occaſionally with the Laity, and attended the King together with the States of Parliament, either at the firſt Opening, or Diſſolution of it, or at other ſolemn Times, when the King came to the Houſe of Lords, and ſomething was to be done *en plein Parlement*, i. e. in a full Aſſembly of the Clergy and Laity, as that Expreſſion ſometimes in the Elder Rolls ſeems to imply. *For this he refers us to* Rot. Parl. 6. Edw. 3. n. 9. *This Proof would have been more Convincing, had he added, that in the ſame Parliament*, Rot. n. 11. *Upon the* Saturday *next after the firſt day of the Parliament, when the King gave leave to the Knights, Citizens, and Burgeſſes to depart; He gave leave to the* Lower Clergy *too by Name, & auxint la Clergie, but retain'd the* Prelates *and* Lords *with him. Now at this time there was no* Convocation *ſitting; but only the* Parliament Clergy *aſſembled both by the* Premunitory *Clauſe, and the* Provincial Parliamentary Writs. *And therefore the Clergy here ſpoken of, muſt of neceſſity have been the* Parliament Clergy *Nationally ſummon'd to* Weſtminſter, *and meeting there in Obedience to the King's Command.*

But let them have debated, as they Will; this is plain, that when they acted the moſt properly in their *Parliamentary Capacity*; when they came and appear'd before the *King* as an *Eſtate* of the *Realm* in *Parliament*; then they always met *conjunctly with one another.* And I think 'tis as plain, that when they did ſo, the *Provincial Convocation* of the *Province*, in which the *Parliament* met, and the *Parliamentary Convocation* of the *Clergy*, muſt have been in FACT, as well as in their NATURE, and CONSTITUTION, two very *different Aſſemblies.*

[7] Here therefore it is that I fix my ſelf; and upon this ground, I utterly deny all his pretence of FACT, as well as of RIGHT, in this Caſe. The *Parliament* is the *Great Council* of the *Realm*, either Perſonally, or by Repreſentation preſent, in the Three *Eſtates*, with the *Sovereign* at their Head. The *Writs* by which it is ſummon'd, call theſe *Eſtates* to *Act*, not *ſeparately*, but *together*; and no *Act* is properly a *Parliamentary Act*, but what paſſes in this manner. *The* Lords *and* Prelates *are call'd to* Treat with one another *about the* Great Affairs *of the* Kingdom, *and to Adviſe the* King *in them. The* Commons *are ſummon'd to do and Conſent to ſuch Things, as by the* Common Council *of* England *ſhall happen to be* Ordain'd *there. The* Inferiour Clergy *are premoniſh'd to give attendance at the ſame* Time *and* Place *with their* Biſhops, *to* conſent *to ſuch Things as ſhall there be in like manner* Ordain'd. *Accord-*

His

He has yet a Third Inſtance, which plainly overthrows his Own Aſſertion, as the other two before had done. Rot. Parl. 7 & 8 H. 4. n. 128. *The* Clergy *in* Parliament *Petition, with the* Laity, *againſt ſome Proceedings of the* Sheriffs, *with which they were aggrieved. The* Clergy *here,* (*ſays Dr.* A.) were the Lower Houſe of Convocation, pag. 58. *But that is impoſſible; for there was no* Convocation *at that time either* ſummon'd *or* Sitting. *There were Three* Seſſions *of that Parliament of* H 4. *With the Second, the* Convocation *of each Province concurrently met and ſate: But tho' the* Parliament *were* prorogued only *from* June 19. *to* October 15. *The* Convocation *was* Concluded, June 18. *and did not re-aſſemble that I can yet find. Upon* December 22. *that ſame Year, the* Petition *which Dr.* A. *Cites, was made: The* Clergy *therefore which join'd with the* Lay-Commons *in it, muſt have been the* Parliament-Clergy *which came up thither upon the* Premunitory Summons; *and that of* both Provinces, *Nationally* Aſſembled; *for no other Summons went forth to call them together, either at* Weſtminſter, *or to any other Place at that time.* See Regiſt. Arund. par. 1. fol. 67. *What other Inſtances are offer'd by him, ſhall be conſider'd in their Order of Time, as they Occur hereafter.*

Accordingly their Proctors *being choſen by the* Chapters, *or* Clergy *for this* Aſſembly; *are empower'd to appear before the* King *in* Parliament, *and to Treat with* the Prelates, *and* Nobles *of the Realm, about the* Affairs *to be handled there; and to Conſent to all, and ſingular ſuch things as ſhall be Eſtabliſhed for the Publick Good by them.*

Hither they come, and here they *begin together* their *Parliamentary Aſſembly:* If afterwards they ſeparate to *Debate* each *State* by it ſelf, yet that is only in order to the better diſcharge of their *Duty*, when they meet in the *proper Form* of a *Parliament.* Thus they preſented their *Petitions*, got *Laws made* for themſelves, and conſented to ſuch *Laws* as were paſſed for the *Good* of the *Nation*: And thus it is that they are to be look'd upon, if not alone, to Act *Parliamentarily*; yet, I am ſure, the moſt properly, and moſt agreeably both to their *Writs*, and *Powers*, ſo to do. In their ſeparate Debates, if the *Parliament*-Members of both Provinces meet together, 'tis but like a *Houſe of Lords*, or a *Houſe of Commons*, in a *Houſe of Convocation.* If only thoſe of *One* Province *meet* and *Conſult*, I know not well what to *Call* it, 'tis not ſo much as an *Eſtate of Parliament*; 'tis, at moſt, but a part of One; a *Committee* of the *Province* that ſo Aſſembles, for Treating of ſome *Parliament* Affairs. But, conſidering the *Biſhops*, and *Prelates*, and *Clergy*, as one of three *Eſtates* of *Parliament*, fully and properly Aſſembled in that *Great Council*, and meeting and acting as they are called to do, with the other *Eſtates* there; I do abſolutely affirm, that the *Provincial* and *Parliamentary Aſſemblies* of the *Clergy*, not only were not always in *Fact* the ſame *Aſſembly*; but never once were, or could have been ſo: And I do, in my turn, challenge this *Poſitive, Over-bearing Author*, out of his plentiful Store of his Own or Other Mens Collections, to produce but the leaſt ſhadow of an Authority to prove the contrary.

Having ſaid thus much in Anſwer to his *Premiſes*, I ſhould not need to trouble my ſelf at all with his *Concluſion*, but that 'tis indeed ſo very extraordinary, that I cannot but deſire the *Reader*, to ſtop with me a little, and conſider it. *'Tis true, two ſorts of* Writs *going out to call the* Clergy *in time of* Parliament, *there is Room for a Nice Head to diſtinguiſh, as Dr.* Wake *does, between the* Nature *and* Conſtitution *of that* Aſſembly, *which relates to the* One, *and the* Nature *and* Conſtitution *of that Aſſembly which relates to the* Other. *But theſe two* Aſſemblies *being*, in FACT, *but one* Aſſembly, *it does us no harm as to the Argument we are upon; to conſider that one* Aſſembly *under as many* Views *and* Reſpects *as Dr.* Wake *Pleaſes.* Well, the *Argument* we are upon is, I take it, this; to ſtate the *Rights, Powers*, and *Privileges* of an *Engliſh Convocation.* Now two ſuch *Convocations*, or (at leaſt *Aſſemblies*) there are, concerning which the *Enquiry* may be made: The *One* a *Parliamentary Convention*, ſummon'd by Vertue of the *King's Parliament Writ* to the *Biſhops*; the *Other* a *Provincial*, ſummon'd by the *Archbiſhop* of each Province, upon the *King's Writ* directed to him ſo to do. The One of theſe being a *proper Member* of the *Parliament* of *England*, had (whilſt it met) *Parliamentary Rights, Powers*, and *Priviledges*; and particularly, a *Right* not only to be Summon'd, but to Sit and Act with every *Parliament*, and that during the whole Seſſion of it. The other being only a *Provincial Convocation* of the *Clergy alone*; had no ſuch Rights, 'till by King *Henry* the 6th (about the time that the *Lower Clergy* began generally to withdraw from that *Council*) they were by *Act* of *Parliament* Entituled to ſome of them. Sect. 54.

This *Author* ſuppoſes (how truly we have before ſeen) that poſſibly the ſelf ſame Perſons might be Members of both theſe *Conventions*, and meet together ſometimes under *both Capacities* at the ſame time. And that then being in *Fact*

but

but One Aſſembly, *he affirms it does no harm to the Argument we are upon, to conſider that One Aſſembly, under as many Views and Reſpects as I pleaſe:* Which is, I think, (in effect) to ſay, That becauſe in ſuch a Caſe the ſame Perſons, meeting under both Capacities, would have had a Right to the Privileges of both; therefore the *Convocations* alſo muſt have the ſame Rights, and Powers, and Priviledges too. And again, becauſe the *Clergy* when they Sate, and Acted in a *Parliament Capacity*, would have had *Parliamentary Powers* and *Priviledges*; therefore they ought to have them ſtill, tho' they do not now, either meet or act in *any ſuch Capacity*, but only as *Members* of their own *Provincial Convocations*. And by the ſame Reaſon, (or rather much greater) he may affirm, that becauſe the *Houſe* of *Commons*, and a *Committee* of the whole *Houſe*, are the ſame Perſons, and meet in the ſame Place, and at the ſame time, therefore the *Rights*, *Powers*, and *Privileges* of the *Committee*, are the ſame with thoſe of the *Houſe*. Becauſe the ſame Perſon is in *Fact*, both a Father and a Son; therefore a Father and a Son are all One: And 'tis no great matter, in diſcourſing of the Duties or Rights of each; to diſtinguiſh which belongs to a Man in *One Capacity*, and which in the Other, ſo long as they all belong to the ſame Man.

But let this *Gentleman* argue as he Pleaſes: If he will not *diſtinguiſh* in this Caſe, the *Law* will; and ſhew him upon Occaſion what a ſlender Topick it is to prove the *Provincial Convocotion* to have a Title to *Parliamentary Rights*, &c. becauſe the ſame Perſons who are the *Members* of it, in *another Capacity*, once had them; and the moſt conſiderable *Members* of it, (the *Biſhops*) without all Controverſie, ſtill have them. Let this Author, the next time the *Parliament* meets, ſee whether he can carry his point, and perſwade ſome of his *Friends*, who are *Members* of *Parliament* to Meet in *Convocation* after the King has *prorogued* it; Or to Act without a *Licenſe* as he would have them do: He may then perhaps find, that, tho' as *Members* of *Parliament* they were not *Adjourn'd*, nor needed any *Licenſe* to *debate* of any *Matter* that came in that Capacity before them; yet, as Members of the *Convocation* they were, and did. And that it will hardly protect them againſt the danger of a *Premunire*, to ſay that they have a double Capacity as a proper part of the *Parliament*, and *Convocation*; and therefore that being free to Meet, and Act without any Licenſe in One, they ought not to be Cenſur'd for Meeting and Acting as freely, without any *Licenſe* in the Other.

Sect. 55. I have now done with what I propos'd in this Chapter, I have ſhewn, the two *Conventions* of the *Clergy* of *England*, the *Provincial* and the *Parliamentary*; to be in their *Nature*, *Frame*, and *Conſtitution*, *different Aſſemblies*; and to have *different Legal Rights*, and *Powers*, and *Priviledges*, as ſuch. And I have conſider'd the Argument (ſuch a One as it is) by which my late Oppoſer has endeavour'd, with greater ſcorn, than either Reaſon or Truth, to explode my *Aſſertion*, and to confound them with one another. I ſhall only draw an Inference or two from what I have proved, with Relation to the Matter under Debate, and ſo Conclude this Chapter.

[1] Rights. pag. 251. *The Original Deſign of their* (the Convocation Writs) *iſſuing out together with the* Biſhop's Writ, *being only to ſecure an Obedience to the* Premunitory Clauſe, *&c. And* p. 254. *He ſays, that the* Writs *for a* Convocation *were deſign'd purely to* ſecond *and* enforce *them: And to be a double tie upon the* Clergy *to come to* Parliament.

And *Firſt*, If theſe two *Convocations* be utterly different in all theſe reſpects, from one another, as I have now ſhewn; then we may conclude, without any further Enquiry, that it muſt be ridiculous to ſuppoſe, that the *Provincial Convocation Writ* ſhould have been deſign'd only to *ſtrengthen* the *Parliamentary*; that is to ſay, that a *Writ*, whoſe purport it is to call the *Clergy* to meet at *York*, ſhould be intended to ſtrengthen a *Writ*, whoſe end it is to call them to meet at *Weſtminſter*.

That theſe two *Writs* were both deſign'd to ſtrengthen the *King's purpoſes*, and to *Co-operate* together to his *Ends*, I can readily agree; becauſe, that between both, they anſwer'd all that he had for the *Clergy* to do. What they would not agree to in *Parliament*, they commonly did conſent to in *Convocation*; and in the One or the Other, he ſeldom fail'd to obtain what he deſir'd of them. But that the *Writ* to call a *Convocation* ſometimes a Month, two, or three, before the *Parliament met*, and ſometimes as many after it: That a Writ to Summon the *Convocation* of *Canterbury* at one time, and of *York* at another, was deſign'd to ſtrengthen the Premunitory Clauſe in the *Biſhop's Writ* for their coming to the *Parliament* at a third time; nay, and it may be at a third Place too; muſt, I think, be both falſe and unreaſonable: And I doubt not but every impartial Perſon will concur in the ſame Opinion with me.

Secondly,

2*dly*, Seeing theſe two *Convocations* have ſtill continued to be diſtinctly *Summon'd* by the *King*, and have, in good meaſure, been kept up ſo too by the *Clergy*; the *Biſhops*, the *principal Members* of *each*, ſtill *actually meet* in *both*; and the *other Clergy* have, from time to time, not only received their *Writs* to *come* to *both*, but have *choſen* their *Proctors*, and made *Returns* of their *Elections*, and given their *Procuratorial Powers* diſtinctly for *both*: It will alſo follow, that the *one* of theſe cannot reaſonably be look'd upon to have *ſucceeded* into the *place* of the *other*; and ſo to have had a kind of *Devolution* made to it, of the *Rights* and *Priviledges* of it. On the contrary, the *Clergy* are ſtill called by *diſtinct Writs*, both to *Parliament*, and *Convocation*. My Lords, the *Biſhops*, by vertue of the ſame *Writs* that they ever did, *meet* and *act diſtinctly* in *both*. The reſt of the *Clergy*, tho' they have now no *actual place* in the *Parliament*, yet both by the *King's Summons*, and their own *continued Execution* of them, had a *Right* to *come* to it; and that *Right* was not vacated, either by their *Summons* to, or *ſitting* in, *Convocation*. And I cannot but wonder, that when the *Clergy* have ſo apparently a double *Right* to *both* theſe *Meetings*, one who ſets up for an *Aſſerter* of their *Rights*, ſhould make it his great Buſineſs to prove, that they have a *Right* only to *one* of them. Sect. 56.

Had the *Clergy* indeed, never been call'd to *Convocation*, till after they had left off to come to *Parliament*; and had the *Premunitory Clauſe* been ſtruck out of the *Writ* to the *one*, from the time that the *King* iſſued out his *Writs* for the *other*; there might then have been ſome colour of truth for this pretence. But ſince *both* theſe *Aſſemblies* were anciently held together, and that diſtinctly from one another; and the *Clergy* actually *came* to, and *ſate* in *both*: Since their *Writs* continue the ſame now that they were then, when by vertue thereof they did *meet* and *act*, both in *Parliament* and *Convocation*: Since the *Biſhops* to this day, by Authority of the ſame *Writs*, take their *place* diſtinctly in *both*; and the *Clergy*, tho' they have left off to *ſit* in *one*, do yet in conſequence thereof keep up a *right* to *ſit* in *both*; I cannot conceive but that theſe *two Convocations* muſt ſtill be look'd upon to remain, as they ever were, two *diſtinct Convocations*; and to have each of them their *proper Buſineſs*, and *Rights*, and *Priviledges*, as ſuch.

I ſhall cloſe up all, with a ſhort *Caſe*, relating to this matter; and the reſolving of which would, in my Apprehenſion, go a good way towards the ſettling of our *preſent Controverſie*. Sect. 57.

It is, I conceive, allow'd on both ſides, that to make a compleat Repreſentation of the *Realm* in *Parliament*, the whole *Three Eſtates* of the *Nobility*, *Clergy*, and *Commons*, muſt be look'd upon to be either in Perſon, or by Repreſentation, preſent there. When this *Conſtitution* was ſettled, the *Clergy* was called thither, by the *particular Writs* iſſued out to the *Biſhops* and *Prelates*; and by the *Premunitory Clauſes*, for the *Lower Clergy*, inſerted into the *Biſhops Writs*. Theſe *Writs* are the *ſame* now that they anciently were, and are iſſued out in the very ſame manner, that for ſeveral hundreds of years paſt, they were wont to be. When therefore the *Biſhops* ſit in *Parliament*, they ſit in the ſelf ſame *Capacity now*, that they *ever* did: And what that *Capacity* is, is the *Queſtion* I would propoſe to Conſideration?

Do they *ſit* and *act* in *Parliament*, as part of the *Eſtate* of the *Clergy*; and the *only part* that now *comes actually* to it? Or, do they, in that *Capacity*, ſit and vote in the *Upper-houſe* of *Convocation*; and there, with their *Clergy*, make up the *Third Eſtate* of the *Realm* required, by our *Conſtitution*, to compleat our *Parliament*.

If the *Biſhops ſit* and *act* in *Parliament*, not only as a part of the *Baronage*, but as the great remainder of the *Eſtate* of the *Clergy* there; then, 'tis plain, they muſt *ſit* and *act* in ſome other *Capacity*, in *Convocation*: And be look'd upon to *ſit* there only as *Suffragan Biſhops Aſſembled* under their reſpective *Metropolitans*, in a *Provincial meeting* of the *Clergy*, to diſpatch ſuch Affairs as properly relate to their Juriſdiction, after a *Spiritual* or *Canonical manner*; which is what I affirm. But if they *ſit* in *Convocation* as *Members* of the *Eſtate* of the *Clergy* in *Parliament*; and, in the *Upper-houſe* of *Parliament*, only as *Spiritual Barons*, and *Peers* of *Parliament*; then it will follow, that our *Parliament* is not a *perfect Repreſentative* of the *Realm* without a *Convocation*: That *all Acts* which have been *paſſed* without the *Conſent* of the *Biſhops*, meeting with their *Clergy* in *Convocation*,

Dr. *A.* himſelf owns that they ſit in *Parliament* both as *Spiritual Prelates*, and *Barons* of the *Realm*. Rights, &c. p. 235.

Dr. *A.* in some kind of Laws, affirms this: That the "*Consent* [of "the *Convocation*] is re- "gularly to be "had to *all* Rights, p 351.

cation, as well as *Voting* with the *Lords* in *Parliament*, have been *passed imperfectly*; only by the *King*, and *Two* of the *Three Estates*: That the *Bishops* and *Clergy*, in *Convocation*, ought to have (as every distinct *Estate* of the *Realm* *suting* and *acting* distinctly in *Parliament*) a *Negative* on the *Other two*; And so nothing can pass Authoritatively in the *one* (at least nothing wherein the *Clergy* are concern'd) that is not *Consented* to by the *other*.

Laws relating to *Faith*, or *Church discipline*; whenever the *Parliament* shall please to *Enact* any. If the *Act* of *Toleration* therefore relates to *Church-discipline*; or the latter Act for *Restraining Profaneness*, &c. to *Faith*; these *Acts* for want of the *Convocations* concurring, have been *Irregularly* pass'd.

How these *Opinions* will appear to those *honourable Persons*, who now make up our *Great Council*, and to whom the *Author*, against whom I am here Arguing, so warmly appeals at every turn in this matter, I shall humbly submit to themselves, (if they please) to Consider. But if this be once allow'd, that the *Bishops* and *Clergy* in *Convocation*, and not the *Bishops*, in the *Upper-house*, (with the *Lower-Clergy* still *Summon'd*, tho' not still *acting*) be the *Third Estate* of *Parliament*; one of these two things must, in my Apprehension, necessarily follow; either that the *King* and *Two Estates* make up the whole *Parliament* of *England*, and have the *Legislative Power* in this *Realm*: Or, if that be be not allow'd (as I believe our *Law* will not bear it;) Then, *2dly*, That a great part of our *Laws*, which have certainly been pass'd without the Concurrence of the *Convocation*, either Ask'd, or Given to them, stand upon a very defective Bottom; and, to use a *Modern Term*, much in Fashion with some men, are only *Laws de facto*, and so (like *de facto* Kings) are to be *submitted* to only, because they *pass* for *Laws*, and *have Power* on their *side*; tho' otherwise they have no just *Right*, nor *Title* to our *Obedience*.

CHAP. III.

The First Question *Stated: What* Authority *our* Kings *have, by* Law, *to allow the* Convocation, *when* Called, *to* Sit *and* Act; *or to* Prorogue *it from time to time, without suffering it to* Sit *or* Act, *as they shall think fit.*

Sect. 1. After so large an Account as has been given in the foregoing *Chapter*, of the *Difference* between the *two* sorts of *Conventions* of the *Clergy* of our *Realm*, the *Parliamentary Assembly*, and the *Provincial Convocation*, it will be no hard matter to come to a clear *state* of the *first Point*, which I proposed at the beginning to Consider, *viz.* What the *Convocation* is, concerning which we are now discoursing? And, indeed, the thing it self is so plain, as to admit of no doubt; that it must be the *Provincial Convocation*: For in such only our *Clergy* either *now do*, or for more than 150 years past, have been wont to *Assemble*, and *Act*. *Provincial Councils*, properly so called, we have had none, since the time of the *Reformation*. *Diocesan Synods* have not only in like manner fallen into disuse, but would have otherwise been short of what we are now disputing about. As for the *Parliamentary Convention* of the *Clergy*, that, in the Principal *part* of it, the *Bishops*, still continues not only to be constantly *called* with every *Parliament*, but to *meet* with the other *Estates*, and there *do* its *Parliamentary Business* with them. And for the *other part* of it, the *Lower Clergy*, they are still *Summon'd* by the King as they have ever been wont to be, by the *Premunitory Clause* in their *Bishops Writs*. This is all that has been done by our Kings, as to this matter, ever since the time of K. *Henry* the *Eighth*, and more than this, we are told, they neither *do*, nor *ought to pretend to*, in that behalf: The *Provincial Convocation* then, as distinguished both from the *Parliamentary Convention*, and the *Provincial Council*, properly so called, is the *Convocation* which we are here to Consider; And the *Interests* of which are to be the subject of the following Discourse.

I proceed, in the *Second Place*, to Enquire, What thoſe *Rights*, *Powers*, and *Priviledges* are, which are either *affirmed*, or *deny'd*, to belong to this *Convocation*?

Now thoſe may, in general, be reduced, to the Two *great Points* which I am here therefore to Conſider;

Firſt, Its *Right* of *Sitting*. And,

Secondly, Its *Power* of *Acting*.

And *both* theſe to be taken with relation to Two ſeveral *Periods* of *time*:

1. Before the *Act* of *Submiſſion*, 25*th* of *H.* VIII.: And,
2. Since the Paſſing of it.

Sect. 2.

I have already obſerved, that before the time of King *Henry* the *Eighth*, the *Archbiſhop* of each *Province* was poſſeſſed of an undoubted *Right* of *Aſſembling* his *Provincial Clergy*, whenever he thought it neceſſary to the Circumſtances of the *Church* or *State* ſo to do; and needed not any *Writ* from the *Prince* to Empower or Juſtify him in the doing of it. This, *in fact*, each *Archbiſhop*, within his *Province*, did do; and the *Canons* of the *Church* then received among us, not only *Commiſſioned*, but required them on certain Occaſions, to *Call* their *Biſhops* and *Clergy* together to their *Councils*.

For, however thoſe *Canons* as to any *Conſtant* or *Regular holding* of *Provincial Synods*, never obtained among us; yet as to the *Power* of the *Metropolitans* to *Summon* their *Clergy* to their *Council*, whenever either the *Prince* required it, or their *Suffragan Biſhops adviſed* them, or they *themſelves accounted* it *proper* ſo to do, they were both *received* and *obey'd*; and our *Archbiſhops* were look'd upon to have had an undoubted *Right* in this particular.

Now this *Right*, our *Archbiſhops* continued to Exerciſe to the very time of King *Henry* the *Eighth*; in whoſe Reign *Warham Archbiſhop* of *Canterbury*, is ſuppoſed by his *own Mandate* to have *Summon'd* his *Provincial Synod*, without any *Writ* from the Prince to Authorize his ſo doing; We are ſure the Archbiſhop of *York* did ſo. 'Tis true tho' they had not the King's Writ, yet we may reaſonably preſume that they had the *King's Conſent* for what they did: [1] And ſo far, I conceive the *Authority* of the *Prince* had for ſome time before prevailed; that the *Archbiſhops* did not uſually aſſemble their *Clergy* even for *Eccleſiaſtical* purpoſes, without making them firſt acquainted with it; and asking their *Leave* for it. But this being done, unleſs the *Prince* thereupon forbad them to proceed, they went on by their own Authority to *Summon* them to their *Council*; and that, except in the caſe of *Convocations*, without any *particular Precept* from the *King* to Warrant them ſo to do.

[1] See the *Appendix*. Ad An. 1517.

It muſt be confeſſed indeed, that for above 100 years befor the *Act* of *Submiſſion* this was but rarely done by them: Not only our *Church Hiſtorian*, Mr. *Fuller*; but his Learned *Animadverter* Dr. *Heylin* [2] tells us, that they began to reſtrain the *Exerciſe* of their *Authority* in *this particular* from the *paſſing* of the *Act* of *Premunire*: Upon ſuch good Authority I thought I might ſecurely venture, [3] till I ſhould be better inform'd, to cloſe in with the *ſame Remark*: And accordingly the *thing* I agreed in; but without one word to intimate that I approved of the *Reaſon*; which yet not only Mr. *Fuller*, but ſeveral other *Authors*, had given; as one [4] who cannot be ſuſpected of any *Partiality* in this *Caſe*, has informed us. On the contrary having Occaſion, elſewhere, to take notice again of the *ſame matter*, I profeſs my ſelf *not to be ſatisfied of the reaſon*, [5] which Mr. *Fuller had brought for it*. Yet for all this, a *late Author* having with his accuſtomed *Scorn*, *Cenſured* our *Church Hiſtorian* for his *Opini-*

[2] *Heylins* Tracts. p. 2. Antiently the *Archbiſhops* of the ſeveral *Provinces* of *Canterbury* and *York*, were veſted with a Power of *Convocating* the *Clergy* of their ſeveral and reſpective *Provinces*, when, and as often as they thought it neceſſary for the *Churches* Peace. —— But Ordinarily —— eſpecially after the *firſt Paſſing of the Acts* or *Statutes* of *Premunire*, they did Reſtrain that Power, to the good Pleaſure of the *Kings* under whom they lived, *&c.*

[3] Authority, p. 230. How long our *Archbiſhops* went on by their *Own Authority* to call *theſe Convocations*, I am not able preciſely to determine. —— It is no improbable Conjecture of our *Church-Hiſtorian*, that about the end of *Arundel*'s time the King began wholly to *Aſſume* this *Power*, &c. Which is all I there ſay.

[4] Dr. *Heylin*'s Animadverſions on Mr. *Fuller*, p. 94.

[5] *Authority*. p. 240, 241. It was about the year 1393 that the famous *Statute* of *Premunire* was paſs'd: —— It *has been* SAID *by* SOME that from this time forward *our Archbiſhops* did leave off to *Summon Convocations* by their *own Authority*, and called them only at the *King's Command*. But tho' *I am* NOT *altogether* SATISFIED *in this* PARTICULAR, yet that they now began to be more moderate in the *Exerciſe of their Power*, I do eaſily Believe, &c.

[1] Rights, &c. p 18. After the 8th of *Hen.* VI. the *Clergy*, if they met, by the *K's Letter*, had the benefit of the *Act of Parliament of that year: And therefore, I suppose usually desired it to gain the Parliamentary Protection; not, as* Fuller, *idly Conjectures to avoid a* Premunire. *In the* Margin; *And Dr.* Wake *from him.* In which yet he is afterwards forced to acquit me. p. 440, 441.

on, is pleased to represent me as his *humble follower* in it; [1] With what *Justice* or *Ingenuity*, let the *Reader* judge.

The Truth is, both Mr. *Fuller* and Dr. *Heylin* were mistaken in this Matter: And this *Author* is as unhappy in his *own Conjecture*, as he supposes our *Church Historian* to have been in that, which he is pleased to impute to me, tho' indeed, I did never approve of it. Our *Archbishops* still continued, as they had ever done, to the very last, 25*th H.* VIII. to Call their *own Provincial Councils*, by their own *Metropolitical Authority*. The *Convocations* held at the *King's Writ*, tho' they were *Provincial Assemblies*, yet were they *Assemblies* of a very *different Nature* from the *others*, and designed for a *different Purpose*. And it was only the rarity of these *Provincial Councils* for meer *Ecclesiastical Affairs*, in those latter Reigns, that led our *Historians* into their Mistake; as when I come to pursue the History of these *Synods*, I shall more plainly make it appear.

Sect. 3. Thus then I look upon this matter to have stood before the *Act* of *Submission*: The *Power* of *Assembling* their *Provincial Clergy* was lodged, as it had always been, in the hands of the *Metropolitans*. Their *Convocations*, they called in *Obedience* to the *King's Command*, and by Authority of his Writ. If sometimes they did it without any *Writ directing*, or *requiring* them so to do, yet this was but very seldom: And even then we may presume, they did it by the King's *Command*, tho' without the formality of his *Writ*, as at other times. As for their *Ecclesiastical Councils*, they neither *needed*, nor *depended* upon the *King's Authority* in Convening of them. Sometimes indeed they advised with their *Suffragan Bishops* in those Cases; but that was matter of *Prudence*, or *Respect*; not of *Necessity*. They neither accounted themselves obliged to *Call* them whenever their *Bishops* desired it; nor yet to be hindred from *Summoning* them, if they were not of *Opinion* that they should *meet*.

It has I know, of late, been affirm'd that the *Canons* of the *Church*, which directed the *Calling* of *Provincial Councils*, not only *Authorized* the *Metropolitans* to *Assemble* them, but gave the *Inferiour Clergy* also a *Right* to be *Assembled*, at certain times, by them. And if *they* had such a *Right*, much more must their *Bishops* be presumed to have had a *Tie* upon the *Metropolitan* in that *particular*. Now if by this it be meant that the *Canons* of the *Church* obliged the *Metropolitans* in Obedience to the *Ecclesiastical Authority*, to *Call* such *Synods* at the *times* appointed by them, I readily agree that they did in such *places* where those *Canons* were *received*, and *allowed* of; and so the *Metropolitans* were *concluded* by them. But for any other *Right* of the *Suffragan Bishops*, much more of the *Inferiour Clergy*, to be thus *Summon'd*; It will then be soon enough to believe it, when it can be shewn that upon the *Neglect* of the *Metropolitan* to *Assemble* his *Province*, the other *Bishops* and *Clergy* were *Canonically* Empowered to *Assemble themselves* without him; or that some other Provision was made to Enable them to *Constrain* their *Metropolitan*, in such a Case, to *Assemble* them against his *Will*. If this can be proved, then indeed the *Clergy* may be said to have a *Right* to be *called*, as well as the *Metropolitan* a *Right* to *call* them. Otherwise, both the *Power* of *Assembling* these *Provincial Councils*, and the *Exercise* of that *Power*, must be look'd upon to have been wholly Committed to him: And that tho' he would have *Sinn'd* in the *Neglect* of his *Duty*, if Willingly or Obstinately, he should have *Neglected* it, yet the *Clergy* had no *Right*, by the *Canons* of the *Church* to *meet* in *Council*, but only when he thought it to be *Convenient* that they *should*, and therefore *Required* their *Attendance*.

Such was the *ancient Powers* of the *Metropolitan* to Assemble his *Provincial Clergy*; and thus was he allow'd to *practice* it in our Country. He had the *Right* of *Assembling* them in his hands; and he was under no *constraint*, (except what the *Prince* by his *Writs*, laid upon him in the business of our *Convocations*) to *Assemble* them, but only at such *times* as himself, with the advice of his *Suffragan Bishops*, thought fit so to do. The *Inferiour Clergy*, had no part either in *Advising* or *Constraining* of him: Nay, let me add (tho' I know I must be so unfor-

unfortunate to displease some Men by it) that in our *Church* they were not accounted so much as any *Necessary Members* of such *Church Synods*; but only of the *State Convocations*, where the *King* had need of their Assistance, and therefore required them to come to them. If they *came*, and *had any Business* there, they were *Admitted*; If they *did not*, they were not thought to be at all *Wanted*.

Sect. 4. The *Clergy* being thus freely *Assembled* by the *Metropolitan*; went on as *freely*, (only with his *Direction*,) to *do* any *Business* that properly belonged to them; without *Expecting*, or otherwise *Needing* any *License* or *Permission* from the *Civil Magistrate*, in that particular. And tho' our *Kings* often sent to our *Provincial Councils* their *Royal Prohibitions*, not to meddle with such matters as concern'd the *Laws* of the *Realm*, or their *Own Crown* or *Dignity*; yet (before the 25*th* of *Henry* the *Eighth*) there was no restraint laid upon them in such things as regularly fell under their *Cognisance*; but they were left at their full Liberty, to *Make*, *Promulge*, and *Execute* any *Canons*, or *Constitutions*, which they thought needful for the Good of the *Church*; and by which they did not contradict the *Laws* of the *Realm*.

Sect. 5. But this *Act* of *Submission* made a great Change in our *Constitution* in both these respects; and limited in some measure the *Authority* of our *Synods*, tho' much more that of our *Metropolitans*: So that whereas before they were at Liberty to *Assemble* their *Clergy* whenever they pleased, now they cannot call them without the *King's Consent*: He must issue out his *Writ* to Empower *them*, before they can send forth their *Mandates*, to require their *Bishops* and *Clergy* to *Come* to their *Council*.

The *Power* of *Assembling* the *Clergy* of the *Realm*, being thus put into the hands of the *Prince*, carried all such other *Rights* along with it, as were *Necessarily Consequent* thereupon. So that whereas before, the *Archbishop* intirely *Governed* their *Sessions*; *Prorogued* them as he *pleased*; and *Dissolved* them when he *thought fit*; he is now altogether *deprived* of the *One*, and very much *limited* and *confined* in the Exercise of the *Other*. For the Clergy being *Assembled* by their *Archbishop* in Obedience to the King's Command, His *Writ* obliges the *Metropolitan* to continue their *Sessions* till the *King* shall think fit by *Another Writ* to allow of his Dismissing of them. They came not together by the *Sole Authority* of the *Ecclesiastical Power*, but as that *Power* was its self *Influenced* by the *King's Writ*: And therefore tho' the same *Ecclesiastical Power* which *Assembled* is also to *Dissolve* them, yet the Exercise of that *Power* must herein again be directed by the same *Authority* of the *Prince*; and the *Archbishop* must be guided by it in Both alike.

Whilst the *King* thinks fit they should *sit*, the *Archbishop* still keeps, and exercises his *Power*, of *Holding*, or *Continuing* their *Sessions*, as he was wont to do. But if the *Prince*, by his *Writ*, orders them to be *Prorogued*; and thereby *Suspends* his first Act, of *Calling* them together; 'tis no more than what his *Legal Power* of *Assembling*, and in that of *Continuing* their *Sessions*, intitules him unto; and the *Archbishop* must herein again submit his Authority to the *King's Direction*.

This has been the Practice, as far as I can Observe, ever since the time of King *Henry* the *Eighth*; and this, I take, to be the *Legal Ground* upon which it is built.

Sect. 6. How far our *Convocations*, being thus Assembled, are limited in their *Power* of *Acting* by the *Authority* of the same *Statute*, will more properly be shewn, when we shall come to consider that *part* of our *Argument*. In the mean time from has been now laid down, I shall endeavour to give a plain account of the *first point* propos'd; as far as concerns my *Opinion* of it; and so proceed to Examine the *Exceptions* that have been made against it.

And, 1. Whereas *before* the *passing* of this *Act*, the *Archbishop* of each *Province* might, by his own *Ecclesiastical Authority*, have *Assembled* the *Synod* of his *Province*, without any *Commission* from the *King* so to do; he is now (as I conceive) by the Tenour of this Act, wholly *tied* up in this particular to the *Pleasure* of the *Prince*: So that neither may he *Summon* his *Clergy* in any wise, without the *Authority* of the *King's Writ*; nor the *Clergy* Assemble upon his Summons, unless it shall appear that the *Archbishop* does require them; not only by vertue of his *Own Authority*, but also in pursuance of the *King's Command*, to come to it. The *Civil* and *Ecclesiastical Power*, must both concur

to

to Warrant their *Assembling*; and they must be satisfied as well that the *King* has Authorized the *Archbishop* to *Call* them, as that the *Archbishop* does *Require* them to *Come* to his *Convocation*. For so I take the *Words* of the *Act* to Run; both in the [1] *Recital* of the *Clergies Submission*, and in the *Enacting Clause* framed thereupon: In both which, they are the *Clergy of the Realm of England* of whom the *Act* speaks, who had *knowledged, according to the Truth, that the Convocations of the same Clergy, are, always have been, and ought to be, assembled by the King's Writ*; and of whose *Convocations* the *Statute* declares, that they should *always be Assembled by Authority of the King's Writ.*

[1] 25 H.8. c.19.

When therefore the Power of Assembling the *Convocations* of the *Clergy* of the Realm, was thus, in effect, put absolutely into the *King*'s Hands, tho' the Authority of the *Metropolitan* alone was directly abridg'd by it, yet the Consequence of it reach'd to the other *Clergy* too: So that should the *Archbishop* Call a Provincial Assembly without the King's *Writ*, and the *Clergy* come together thereupon; they would be liable to the Penalty of this Act for *Obeying*, no less than their *Metropolitan* for Issuing out of such Summons. For it is not said that the *Archbishop* shall not Call a *Convocation* without the *King's Writ*, but that the *Convocation shall always be Assembled by the Authority of it*; and therefore every such *Convocation as Assembles without the Authority of the King's Writ, Assembles* contrary to the Purport of this *Statute*, and must thereby expose its self to the *Danger* of it.

Sect. 7.

2. This *Statute* having not determined any Certain or Fix'd *Times*, wherein the King shall be oblig'd to exercise that Authority which was hereby committed to *Him*; I do suppose he must be look'd upon to have been left to the same *Liberty*, in that respect, by this *Act*, which he *enjoy'd before* the *making* of it. If therefore he was not determined by any *Law* of the *Realm* to *require* the *Archbishops* to *Summon* their *Convocations* at any *set times* before; but might have done it *when*, and *only when*, he *pleas'd*; then it must follow that he is left to the same *Liberty* still: And that he was *intrusted* by the *Parliament* to *exercise* this *Power*, freely, and without restraint; as he should judge to be most for the Publick Welfare of the *Church* and *Realm*.

Now that before the making of this *Act*, the *King* was not confined in the *Exercise* of this *Authority*; that he freely *Issued* out his *Writs* to the *Archbishops*, to *Summon* their *Convocations* whensoever he thought fit, and was determined by no *Law* of the *Realm* to do otherwise; both our *Histories* shew, and those who are the most concern'd to prove the Contrary, have not yet been able to make out any such *Obligation* as they pretend; as will evidently appear when we shall come to consider what has been offer'd by them to this *purpose*. In the mean time, this is plain, that this *Statute* which gave the *King* the *sole Authority* of *Assembling* our *Convocations*, gave it to him *Absolutely*, without any *Tye* or *Limitation*; and therefore that if there be any *Restraint* lying upon him in the *Exercise* of it, it must arise from some other Ground, than either the *Submission of the Clergy*, or the *Words* of this *Act*; in neither of which, any such thing is declared, or so much as hinted at. But,

Sect. 8.

Thirdly, [2] Tho' this *Statute* determines the *King* to no certain *Time* of *Calling* the *Convocations* of the *Clergy*; yet our Princes, of their *own free* and *voluntary Choice* have, ever since the Passing of it, accustom'd themselves to Issue out their *Writs* for the *Assembling* of them, at such *Times* as they have called their *Parliament* to meet: And so, in Obedience to the King's Authority, both the *Civil* and *Ecclesiastical Councils* of the *Realm*, have usually met at the same time.

[2] Authority, p. 140.

What *Authority* such a *Custom*, by long continuance, may be supposed to have now Obtain'd, and how far the *King's Prerogative* shall, in *Law*, be look'd upon to be limited by it, I shall hereafter particularly enquire. But as there was a Time when this *Custom* first began to be introduced, and when (by Consequence) it could be of no force to oblige the *Prince*, whatever it may be thought to do now; So that ever any such *Custom* did at all prevail, was by the *meer Will* of our *Kings*, who for *Reasons* of *State*, best known to themselves, thought it Convenient to hold their *Convocations* together with their *Parliaments*; tho' then to be sure (however the Case be now) they were at their *Liberty*, and might have *held* them, or not, at such times as they pleased.

And this I ſay upon Suppoſition, that there was no *poſitive Law* of the *Realm*, which requir'd the *Prince* to call them at thoſe times. For if there were, then it muſt be granted that the *King* by this *ſubſequent Act*, was only inveſted with a *Miniſterial Power*; and had, in reality, nothing but a meer *ſhew* of *Authority* conferr'd upon him; if at ſuch certain times the *Convocation* muſt be called whether he will or no: And ſo the *Prerogative* of the *Crown* be reduced to this, that the *Archbiſhop* ſhall not call his *Convocation* without the *King's Writ*; but neither ſhall the *King* be at liberty to *Grant*, or *Refuſe* his *Writ* to him, but ſhall be Obliged to iſſue it out, at ſuch Seaſons as the *Convocation* is (otherwiſe determined by ſome other *Law*) to be held, whether he thinks fit or no to do it. A *Prerogative* which the *Keeper* of the *Great Seal* does, in effect, *ſhare* with him; and who may almoſt as properly be ſaid (if this be the *Caſe*) to have the *Authority* to Aſſemble the *Convocation*, as the *King* himſelf has. But,

4*thly*, Tho' a *Cuſtom* has therefore prevail'd ſince the *Paſſing* of this *Act*, not (as I conceive) by any *Legal neceſſity* lying upon our *Princes* in that Caſe, but meerly through their *own Royal Pleaſure*, to *Aſſemble* the *Convocations* of the *Clergy*, at the ſame time that the *Parliament* is to meet; [1] yet ſtill our *Kings* have kept both their *Sitting* and *Acting* wholly in their own *Power*; by Aſſerting to themſelves a double *Right*, which by the ſame *Statute*, was inveſted in them, *viz. Firſt*, Of Comdanding the *Archbiſhops* from time to time to *Prorogue* their *Synods* ſo *Aſſembled*, as has been ſaid, as they have thought fit. And, *Secondly*, Of *granting* them, or not, a *Licenſe* to *Act*; without which, very little there is (as ſhall hereafter be ſhewn) that can now be done by them in their *Convocations*. Sect. 9. [1] *Authority*, &c. p. 141.

Here therefore, I have affirm'd, (and muſt again beg leave to affirm) that the *King's Power* is ſtill Intire: He has a *Legal* Right to permit the *Convocations* to *Sit* and *Act*, or not; and he has from time to time, ſo far aſſerted that *Right*, both by *Proroguеing* of their *Aſſemblies*, and by ſometimes *Granting*, but oftner *witholding* his *Licenſe* from them; that tho' they have been ſummon'd by his *Writ*, yet they have frequently done nothing; nay, for the moſt part, have had neither *Power*, nor *Opportunity*, to do any thing.

Now this *Power* and *Prerogative* is that, and *All that* in this *Firſt Queſtion* I have undertaken to *Aſſert*: That the King is inveſted with a *Legal Authority*, to *prorogue* the *Convocations* of the *Clergy* from time to time, as he pleaſes; and may *Grant*, or not *Grant* them his *Licenſe* to *Act*, as himſelf, by the Advice of his Council, ſhall judge to be moſt fitting for him to do. If in this, his *Authority* be reſtrain'd, and having called them by his *Writ*, they have, from that thenceforth, a *Right* to *ſit*, at their own *Pleaſure*, ſo that he cannot *Legally adjourn* them; and if, being ſate, either no *Licenſe* at all is *needful* to *Empower* them to *Act*; or, if there be, ſuch *Licenſe* ought of Right to be granted to them; let this be proved, and I ſubmit. But if in this he be left at liberty, ſo that the *Right* of *Proroguеing*, and *Licenſing* the *Convocation*, is intirely at his *Own Pleaſure*: If neither this *Statute*, nor any other *Law*, nor even *Cuſtom* it ſelf, has laid any Reſtraint upon the *Prerogative* in this Particular; then I conceive my *Firſt Poſition* will remain good in *Law*, That the *Sitting* and *Acting* of the *Convocation*, does depend upon the *Pleaſure* of the *Prince*; and that he may *permit*, or *refuſe* it, to *Sit* and *Act*, as he ſhall think fit.

But then, 5*thly*. Tho' the King has (I conceive) ſuch an *Authority*, by *Law*, over our *Convocations*, That he may *prorogue* them when he will; and *Grant* them a *Licenſe* or not, to *Act* as he pleaſes; yet ſtill I have affirmed [1], and I ſee no Cauſe to retract my Aſſertion; that this *Authority* he is *obliged* in *Conſcience* to *Exerciſe* for the *Publick good* of the *Church* and *Realm*; and therefore ought not either to hinder their *Sitting*, or to reſtrain their *Acting*, when it would be for the Advantage of either, that they ſhould *meet*, and *do* the *Work* that belongs to them. Sect. 10. [2] *Authority*, &c. p. 143, 144, 145.

As therefore in the *Civil Affairs* of the *Realm*, the *Prince* has his Other *Council* to *Adviſe* him, and upon their Deliberations proceeds to *Act*, not only with greater *Advantage* to the *Publick*, but with a better *Satisfaction* to himſelf likewiſe: So in thoſe which concern the *State* of the *Church*, I make no doubt but that it is the *Duty*, as well as *Wiſdom* of a *Chriſtian King*, to Conſult of all theſe Matters with thoſe who have the *Government* of it committed to them by *God*; and by their Direction and Aſſiſtance, to manage himſelf in the *Exerciſe* of this *Great Branch* of his [3] *Royal Supremacy*: And neither obſtinately to refuſe the [3] *Authority*, &c. p. 268, 284.

Clergy

Clergy Liberty to Aſſemble, when they think it would be for the *Service* of the *Church*, and the Benefit of *Religion* to *come together*; nor yet unreaſonably require their *Attendance*, when there is nothing at all, or nothing of any Conſequence to be done by them.

Sect. 11. But however, *6thly*. Should it ſo fall out, (as yet it is to be hoped it ſhall not, in a *Chriſtian Kingdom*) that the *Prince* ſhould neglect his *Duty* in this Particular; and ſo not give his *Clergy* the Opportunity of *Meeting* and *Acting*, when it would be of a Real Benefit to the *Church* that they ſhould Aſſemble, and provide for the Eſtate of it; In that Caſe, I conceive, it would be the Duty of thoſe who are the *Fathers* and *Governours* of it, to *apply* to him for his *Permiſſion* to come together; to remonſtrate with Humility, but yet with a *Chriſtian Freedom* too, the *Neceſſities* of the *Church*; the *Evils* that are to be remedied; and the reaſon they have to hope that, by their Aſſembling, they may provide ſome *Remedy* for them: And to preſs him in the *Name* of *God*, and in purſuance of that *Truſt* which the *Publick* has *repoſed* in him, to give a favourable *Anſwer* to their *Requeſts*.

[1] *Authority*, p. 268. When this is done, if the [1] *Prince* ſhall ſtill continue deaf to their *Remonſtrances*, and refuſe them the Liberty they ſo reaſonably and dutifully deſire of him; then indeed they may have juſt cauſe to complain that he abuſes his *Authority*; and to conſider what is next to be done for the *Honour* of *God*, and the *ſafety* of his *Church* committed to them. But otherwiſe, I cannot but think it too ſoon to *Complain* of the *Prince*, that he does not ſuffer the *Clergy* to Meet and Act; whilſt they have not ſo much as once *applied* to him for his *Permiſſion*, nor done any thing to *convince* him, that it is *Needful* for them ſo to do.

How far this laſt may be our *Caſe*, I ſhall leave it to thoſe who have been the moſt *Clamorous* for the *ſitting* of our *Convocations*, to conſider. For my own part, as I have this Confidence in the *Good Affections* of my *Royal Maſter* towards the *Church* of *England*, as to be firmly perſwaded that he would not refuſe his *Biſhops* and *Clergy* the *Opportunity* of *Meeting*, and *Acting*, if they deſired it of him; or that he thought it would conduce to the better *Eſtabliſhment* of *Religion*, and *Piety* among his *People*; ſo I have never heard that any Attempt has been made ſo much as to *ask his Permiſſion* in this Particular. And where *Princes* are concern'd, 'tis, I think, a great *Rudeneſs*, not to give it a worſer Name, loudly to complain of a *Grievance*, where none is *intended*; nor have thoſe, who the moſt *complain* of it, done any thing to *procure* a *Redreſs* of it. For I am pretty ſure, that if any Addreſs of this kind has been made to the King, it has been only thoſe which ſome Aſſuming Authors have been pleaſed to ſend to him from the *Preſs*; in which, they do not ſo much beſpeak his Favour, as *invade* his *Prerogative*; and ſo both in the manner and ſubſtance of their Remonſtrances, take the readieſt way to hinder the Obtaining of that *End*, which they would appear the moſt Zealouſly to purſue.

Sect. 12. However, *7thly*, And to Conclude theſe Particulars; Should we ever be ſo unhappy under a *Chriſtian Magiſtrate*, as to be deny'd all Liberty of theſe *Aſſemblies*, tho' the Governours and Fathers of the *Church* ſhould, with all their Care, and Intereſt, endeavour to obtain it; ſhould he ſo far abuſe his *Prerogative*, as to turn it not only to the *Detriment*, but to the *Ruin* of all true *Religion* and *Morality* among us; and thereby make it *abſolutely neceſſary* for ſomething *Extraordinary* to be done to preſerve both: [2] In ſuch a Caſe of *Extremity*, I have before ſaid, and I ſtill adhere to it; that the *Biſhops* and *Paſtors* of the *Church*, muſt reſolve to hazard all in the Diſcharge of their Duty: They muſt *meet*, *conſult*, and *reſolve* on ſuch *Meaſures* as, by God's Aſſiſtance, they ſhall think their unhappy Circumſtances to require, and be content to ſuffer any *Loſs*, or to run any *Danger* for their ſo doing. For then the *Prince* would only have the *Name* of a *Chriſtian*, but would *Act* like an *Infidel*; and ſo having thrown off the *Care* and *Protection* of the *Church*, it would naturally reutrn to the *Biſhops*, and *Paſtors* to whom Chriſt committed it, to take upon *themſelves* the *Care* and *Protection* of it.

[2] *Authority*, p. 43.

Theſe are the *Principles* which I formerly laid down: To theſe I ſtill adhere; and, as immoderately as ſome may Pretend, I ſet up the *Prince*'s *Authority*, yet, I hope, by God's Grace, ſhould things come to ſuch a paſs, I ſhould Act as firmly in *defence* of my *Religion*, and the *Church*, by theſe Principles, as any of thoſe who now talk with ſo much bitterneſs againſt me.

Let

Let us ſee what thoſe of the other ſide have ſaid as to this *Queſtion*; and what they have to except againſt the *Principles* I have here laid down. Now the Sum of what has been offer'd in this Matter, may, I think be reduc'd to theſe Three *General Heads*. Sect. 13.

1. That the *Convocation*, conſider'd only as a *Provincial Synod*, has, by the *Canons* of the *Church*, a *Right* to be *frequently Aſſembled*; and (being *Aſſembled*) to *Sit* and *Act* for the Good of it. CHAP. iv.

2. That, as a *neceſſary Attendant upon our Parliaments*, (if not a *direct part*, and *member* of them) it has a *Legal Right*, by the *Conſtitution* of our *Government*, not only to be called as often as a *Parliament meets*, but to *ſit* whilſt the *Parliament* continues to *ſit*; and within the compaſs of what it Lawfully may, to do any Buſineſs which the *Members* of it ſhall *think needful* to be done by them. CHAP. v, vi, vii, viii.

3. That this *Right* has, by a perpetual *Cuſtom*, been *Confirm'd* to our *Convocations*; So that 'till this preſent *Government*, they were always allow'd thus to *Sit* and *Act*, as they now Deſire, and indeed, Demand as their Right, to do. CHAP. ix.

And of theſe in their Order.

CHAP. IV.

The Argument drawn from Canonical Authority *Examined: That the* Canons *which require any ſtated times of holding* Provincial Synods, *never were conſtantly* Obſerved *here*; *and are now utterly* Abrogated *by the* 25th *of* K. Henry *the* 8th. *The* Rights *of the* Biſhops *Vindicated, againſt the* levelling Principles *of Dr.* A.

HOW far this Author deſign'd to extend the Force of his firſt Argument; whether to prove (according to his firſt Propoſition) [1] *a Right of meeting, and ſitting in our Convocation, as often as a New Parliament meets and ſits*; Or only to ſhew from the Liberty which the *Church* heretofore enjoyed of holding frequent *Provincial Councils*, the reaſonableneſs of our continuing to do the ſame, I cannot tell. If the *Latter* of theſe were his Intention, he will have no Adverſary of me in this Particular. I have freely profeſs'd, and I do ſtill declare it; that tho' the *Law* of *England*, has (as I conceive) put the whole *power* of *Aſſembling* our *Convocations* into the *King's Hands*, yet it was with a Suppoſition that he ſhould uſe that *Power*, to the good of the *Church* and *Realm*, which intruſted him with it. That in Order thereunto, he is obliged both as a *Chriſtian*, and a *King* [2], not to hinder our *Biſhops* and *Clergy* from Meeting, and Acting, whenever it would be for the Benefit of the *Church* ſo to do. And that in *judging* of this, he ought to have a ſpecial regard to the *Advice*, and Requeſts of the Fathers and Governours of the *Church*; and not *Lightly* to refuſe them the Liberty of Convening, as often as they ſhall humbly deſire it of him. Sect. 1.

[1] *Rights*, &c. p. 2.

[2] See King *Charles* the 1ſts Declarat. before the 39 Articles.

Indeed as to any *Certain time* of their *Aſſembling*, neither do his own Proofs define it, nor do I think it neceſſary to reſtrain it to any determinate Periods. At firſt, when the *Provinces* were but *ſmall*, and the *Neceſſities* of the *Church* very *Great*; when our *Religion* was not yet commonly received, nor its *Diſcipline* ſetled; when the *Church* ſtood ſurrounded with Enemies on every ſide, and the Civil Magiſtrates were ſo far from lending any help to it, that they Oppoſed and Perſecuted it; very neceſſary it was that both the *Governours*, and *People* ſhould meet often together, to conſult and agree upon ſuch Meaſures as ſhould be thought expedient for the better Safety and Conduct of it. Under theſe Circumſtances it was, that they firſt ſetled the Rule of holding their *Provincial Synods twice every year*; and which, tho' it continued to be the *Rule* for ſome time after the *Empire* became *Chriſtian*, yet they ſoon met with great Trouble, and Inconveniences, in the Obſervation of it. Sect. 2.

To avoid this, [3] they firſt contrived, that the *Biſhops* of the *Province* ſhould be divided, and *one half* meet at One of the *Synods*, the other at the *Other*; and ſo none be oblig'd, ordinarily to leave his *Church*, above Once in the *Year*.

[3] Vid. Garner. Diſſert. ii. de *Synod.* in Cauſ. Pelag. cum Mario Mercat p. 182.

After-

Afterwards they thought fit to break in upon the firſt Eſtabliſhment, and to reduce the *Meetings* themſelves to but Once a Year. When even this was found to be inconvenient, they Enlarged it farther; in ſome *Churches* to Two, in others to Three Years diſtance: Which laſt meaſure, Eſtabliſhed by the *Council* of *Baſil*, *Anno* 1433. in the End prevailed, and became the ſetled time for the *Canonical holding* of *Provincial Synods* in the *Weſtern Churches*.

Sect. 3. Under this Uncertainty of *Time*, within which it has been determined, that *Provincial Synods* ought to be held, 'till it ſhall be ſhewn that our *Conſtitution* has declar'd it ſelf for any One *fix'd Period*, it muſt, I think, be left to our *Governours*, to whom the *Laws* have committed the *Aſſembling* of our *Convocations*, to Reſolve when to *Convene* them; and to the *Circumſtances*, and *Neceſſities* of the *Church*, to ſuggeſt to them, *how often*, and, *at what ſeaſons*, they ought to be *Convened*. And all that can be infer'd, from the *Canons* of the *Church* in this matter will be only thus much, which I readily agree to; that our *Eccleſiaſtical Governours* ought to conſider the needs of the *Church*; and to apply to the *Prince* for *Liberty* to *meet*, whenever they ſhall find it expedient to *Aſſemble*: And the *Prince* (unleſs he has ſome very great reaſon to the contrary) ought to Grant them the *Liberty* which they *deſire*.

Sect. 4. If therefore this were his meaning, that the *Church* ought not to be refuſed to hold ſuch *Aſſemblies* as theſe, when Occaſion ſhall require; I agree with him in his Concluſion, and only except againſt the ſubject of his Diſcourſe. For what is this but to intimate either that the *King* had utterly *Refuſed* the *Church* a Liberty of *holding any Provincial Synods*; or that our *Church Governours* had neglected to ask it of him; and that I had made my ſelf an *Advocate* for ſuch their *Neglect*, or *Refuſal*. And yet this, as falſe and diſingenuous as it is, is the *Uſe* which himſelf ſeems ſometimes to make of this Argument. Let us hear how he ſums up the deſign, and force of it, p. 28. *Thus does our* Right *to theſe* Aſſemblies *ſtand by the* Law Eccleſiaſtical: *Which* Law *has been Conſidered by it ſelf for the clearer Evidence of the Arguments, and not in any Oppoſition to the Temporal Government. It not following from hence that ſuch Aſſemblies ſhould be held contrary to the Will of the Sovereign Power; but that the Sovereign Chriſtian Power ſhould be deſired to permit, or rather to Encourage them.* At proper Seaſons, I agree that the *Sovereign Power* ſhould be thus *deſired*; and I doubt not but it will be. And I am perſwaded, that being ſo *deſired*, his Majeſty will not refuſe our *Biſhops* and *Clergy*, the Liberty of Aſſembling; but on the contrary will give all fitting *Encouragement* to their *Meeting*. In the mean time, I muſt beg leave to ſay, that ſuch Reflections as theſe are neither modeſt, nor juſt; till it can be ſhewn that either our *Spiritual Governours* have been apparently Negligent in *deſiring* the *King* to *permit*; or the *King* been manifeſtly *Obſtinate* in Refuſing them the Opportunity of Coming together, according to their Deſires. And when that ſhall appear, I do aſſure this Gentleman they ſhall both ſeek for ſome other Advocate, to defend their Proceedings.

But, indeed, tho' I doubt not but that this Inſinuation was one great part of what he deſign'd in this firſt Proof; yet both the method of his Work, and his own Expreſſions in other Places, ſhew that he intended to carry it a great deal farther; and to build upon this Foundation, a *Right* for our *Convocation* to *meet* at ſuch *determinate times*, as he is pleaſed to affirm, it ought to do, whether the *Sovereign Chriſtian Power* in our *Realm*, approves of it, or no.

Sect. 5. Our Learned Biſhop *Stillingfleet*, having ſaid of our *Convocation*, conſidered as a *Provincial Synod*, that it was an *Occaſional Aſſembly*; This Author in great Indignation, falls foul upon him; and taxes him with *Unskilfulneſs* for ſuch his Aſſertion. He pronounces it to be not an *Occaſional*, but a *Stated Aſſembly*: [1] *In ſome meaſure Stated* (ſays he) *as a* Provincial Synod, *ſimply in its ſelf conſider'd*: —— And that for this Reaſon, becauſe, that *as a* Provincial Council, *the Rules of the* Church *received in all* Chriſtian States, *and particularly in* Ours, *direct that it ſhould be Annual*. And even in the *Paſſage* before mentioned, where he ſeems to ſoften it all he can, yet he ſufficiently intimates this to be his meaning; when he tells us, That [2] *thus does our* RIGHT *to theſe* Aſſemblies *ſtand by the* Law Eccleſiaſtical.

[1] Rights, &c. p. 214.

[2] Ibid. p. 28.

Here

Here therefore muſt be our main Enquiry : Whether by the *Law Eccleſiaſtical*, produced by him for this purpoſe, it does appear, that our *Convocation* has a *Right*, at ſome certain times, to *meet*, and *ſit*, ſo that the *King* has not a *Legal Power* at thoſe times to hinder it from ſo doing; For that is the *Queſtion*, and the *Only Queſtion* between us, as to this matter. And that it does not, I affirm upon theſe two Grounds :

I. That ſuppoſing this *Law Eccleſiaſtical* to have once *Obliged* here, yet ſince the 25*th* of King *Henry* the *Eighth*, it has ceaſed ſo to do.

II. That it does not appear, that it ever did *Obtain* in this *Church* before.

It was the Judgment of one of our moſt Eminent *Lawyers*, and as high an Aſſerter of our *Churches Rights*, as ever ſate upon the *Bench*; concerning the *Law*, upon which this Argument proceeds ; [1] *If the* Canon Law *be* made part *of the* Law *of this* Land, *then it is as much the* Law *of the* Land, *and as well, and by the* ſame Authority, *as any other* part *of the* Law *of the* Land. *And if it be not* made *the* Law *of the* Land, *then hath it no more* Effect *than the* Law *of* Utopia. If ſuch be the Caſe as to this *Law*, that it has no manner of force with us, unleſs it be *Received*, and *made part of the Law of the Land*; then it muſt follow upon the ſame *Principle*, that neither can it have any *Effect* any *longer* than it is ſo *Received*; and yet much leſs, when it ſhall not only ceaſe to be *Received*, but ſhall be expreſly *Rejected*; and a *contrary Law* be *Eſtabliſhed* in the room of it. Now this I affirm to be the Caſe in the point under Debate : Thoſe *Eccleſiaſtical Canons*, on which the preſent *Argument* is built, ſuppoſing that they did ever obtain here, (which ſhall hereafter be Examined) have all been *Abrogated* by *Act* of *Parliament*; and thereby render'd of no more *Effect*, *with us*, *than a Law of* Utopia. Sect. 6.

[1] Lord *Vaughan's* Reports. p. 21.

The *Canons* of which this *Author* ſpeaks, and particularly that of the *Fourth Lateran Council*, [2] which he tells us *was in force here*, and upon which therefore he muſt eſpecially build his *proof*, is to this Effect : " That the *Metropolitans* ſhould " not fail to hold *Provincial Councils*, with their *Suffragans*, every year. But now this our *Archbiſhops* have it not in their Power to do: 'Tis an Authority which our *Parliament* has thought fit to take out of their hands, and to intruſt only the *King* with ; And by ſo doing has utterly *Abrogated* all ſuch *Canons* as require this of the *Metropolitans*; as thoſe *Canons* which relate to the yearly *Aſſembling* of *Provincial Synods*, all of them plainly do. And this *Author* may as well alledge the *firſt Canon* of this *Council* to prove our Obligation to *Believe Tranſubſtantiation*; or the *Second* for the *Right* of the *Church* to *Excommunicate*, and of the *Pope* to *Depoſe Heretical Princes*; as (under our preſent Circumſtances) produce the *Fifth*, for any *force* or *effect* in *Law*, to Aſſert the *Right* of holding *Provincial Councils*, at thoſe *ſtated times* of which he ſpeaks; or indeed at any other : Our *Principles* being not more changed in the *two firſt* of theſe *Inſtances*, than our *Law* is in the *Third*. Sect. 7.

[2] Rights, &c. P. 7.

To ſet this Argument in a yet clearer light, I muſt obſerve, that by the 25*th* of *Henry* the *Eighth* Chap. 19. all that part of the *Canon Law*, which *Obliged* in our *Church*, was intended (and that, at the requeſt of the *Clergy* in *Convocation*) to be utterly *Abrogated* ; and a *New Syſtem* of *Eccleſiaſtical Laws* to be *Compiled* and *Eſtabliſhed* in the ſtead of it. But becauſe this could not preſently be done, and, in the mean time, ſome *Law* was neceſſary to be in force; therefore it was provided in the *Act*, " That ſuch *Canons*, *Conſtitutions*, *Ordinan-* " *ces*, and *Synodals Provincial*, being already made, which were not *Contrariant* " nor *Repugnant* to the *Laws*, *Statutes*, and *Cuſtoms* of this *Realm*, nor to the *Da-* " *mage*, or *Hurt* of the *King's Prerogative Royal*, ſhould now ſtill be *uſed* and " *executed*, as they were afore the making of this *Act* : And as for any others, they never were in truth allow'd of ; nor could, by *Law*, ever have been *Executed*; and therefore needed no particular Declaration to be made againſt them ; or, if they had, they would yet, by this *Clauſe*, have now been ſufficiently Rejected. Sect. 8.

This then is our Rule, with relation to theſe *Laws Eccleſiaſtical* : If within the Compaſs thereof, thoſe *Canons* which this *Author* has produced may be Received ; and if it does appear, that they have been *commonly Uſed* and *Executed* (and ſo *Allowed* of) in *this Realm*; then the Argument will hold good, and Infer a *Right* to our *Convocations* to be *Aſſembled* according to the *Tenour* of them.

But elſe, if they be either *Contrariant*, and *Repugnant to the* Laws, Statutes *and* Cuſtoms *of this* Realm; *or to the Damage or Hurt of the* King's Prerogative Royal, *or if they were not* wont *to be* Uſed *and* Executed, afore the making of this Act; then they muſt be adjudged to be of *no force*, and by Conſequence to have been impertinently alledged in order to ſuch an *End.*

Here then let us try the ſtrength of his Argument: The *Council* of *Lateran*, recieved (as he pretends in this particular) here, requires the *Metropolitans* of every *Province*, to *hold* their *Provincial Synods once every Year.* The 25*th* of *Henry* the *Eighth*, *forbids* the *Metropolitan* to *hold any Synod*, but by *vertue* of the *King's Writ*; which the *King* is left at liberty to iſſue out at his own Pleaſure for that Purpoſe; and ſubjects him to a *Premunire* in caſe he ſhall do otherwiſe. The *Metropolitan* having *Summon'd* it; by the *Lateran Canon*, every Perſon who *refuſes*, or *neglects* to come to this *Council*, is to be *Suſpended* from his *Office* and *Benefice.* By the *Laws* and *Statutes* of this *Realm*; If the *Metropolitan Summons* a *Synod*, of his *own Will*, without the *King's Writ*, the *Clergy* are forbid to come; and ſhall incur a *Premunire* if they *Aſſemble* at his *Inauthoritative Command.* This *Canon* therefore is *Contrariant* and *Repugnant*, to the *Laws* and *Statutes* of the *Realm*; and being ſo, is utterly *Abrogated* by them.

Again, The *Lateran Canon* either puts the whole *Power* of *Aſſembling* theſe *Councils* into the hands of the *Metropolitan*, or, at leaſt, ſuppoſes it to be in them. The *King's Prerogative*, as by *Law Eſtabliſhed*, lays Claim to the *Supreme Authority* in this caſe, and will not ſuffer the *Archbiſhop* to *Aſſemble* any *Synod*, but when he Authorizes him, by his *Writ*, ſo to do. The *Lateran Canon*, determines a *certain time* when this *Synod* ſhall be held; *Once every year.* The *King's Prerogative* is *free*, and *unbounded*; he may *Call* it when he pleaſes; and he is not *limited* to any certain time for the doing of it. This *Canon* therefore is *againſt* the *King's Prerogative*; and by being ſo, is, for that reaſon alſo, of no force by the *Law* of this *Realm.*

In ſhort the *Lateran Canon*, requiring *Stated Provincial Councils*, *every year*, was not *Uſed*, nor *Executed* in this *Realm*, before the *making* of *that Act.* On the contrary, ſuch *Synods* as were *purely Eccleſiaſtical*, met but very rarely; and that not by vertue of thoſe *Canons* which eſtabliſh'd ſuch regular, *Annual Synods*; nor in Obedience to the *Authority* of them. Thoſe *Canons* then were not *Uſed*, nor *Executed*, at the time that this *Statute* of the 25*th* of *Henry* the *Eighth* was made. [1] And being not *Uſed*, nor *Executed then*, they were not allow'd by this *Act* to be *Executed afterwards*; and upon this third Account alſo, (were the others wanting) they would have no *force* nor *effect* in *Law* among us.

[1] See Dr. *Coſens* Expoſit. of this branch of that Act, in his *Anſwer* to the *Abſtract. Epiſt.* to the *Book.*

Suppoſing therefore that the *Law Eccleſiaſtical* of which he ſpeaks, had ſometime *Obliged*, before the 25*th* of *Henry* the *Eighth*; yet ſince the *Paſſing* of that *Act*, it would have ceaſed ſo to do; and have been now, by vertue of it, of no manner of *Authority*, or *Validity* in this *Realm.*

Let us Enquire II*dly*, Whether the *Canons*, of which he ſpeaks, did *Obtain* in our *Church before?*

Sect 9. And here, I am not at all concern'd with any of thoſe Proofs, which he brings either from the *Imperial Conſtitutions*, or the *Canons* of the *Ancient Church*, as to this matter. It is not deny'd by any Body who knows any thing of theſe matters, that a Proviſion was made by the moſt Ancient *Councils* for the Stated holding of *Provincial Synods*; or that the *Roman Emperors*, from the time that they became *Chriſtians*, did give both *Countenance*, and *Authority*, to thoſe *Canons.* The Queſtion is, whether thoſe *foreign Laws*, or *Canons*, were *Received*, and *Practis'd* here; and by *what Authority* they were ſo? And becauſe it is a *Rule* in theſe Caſes, [2] *Quod facta non præſumuntur*, "Matters in fact are not intended to be done, till "they be proved ſo; if this *Author* will have us admit that theſe *Provincial Canons*, ever were of *Authority* with us, he muſt ſhew either by what *Authority* they were ſo; or, at leaſt, from a ſufficient number of *facts*, muſt prove, that they did indeed *Obtain* in our *Church.*

[2] Dr. *Coſens* Ib.

Now this I the rather inſiſt upon, becauſe this very *Author* himſelf ſeems to allow of it; and for that Reaſon prefers [3] the Authority of the *Lateran Canon* for *Yearly Synods*, before that of *Baſil* for *Triennial*, becauſe the *One was not*, as he thinks, received in *England*; whereas the *Other*, he tells us, *was of force here.* And yet, as much as this *Author* values this *Canon*, ſome of our beſt *Hiſtorians* ſpeak but very lightly of the *Decrees* of that *Council.* They repreſent

[3] Rights, &c. p. 7.

ſent them, not as the *Definitions* of a *General Synod*, but as the *Pope's own Decrees*, and thoſe Publiſhed in a very Arbitrary manner by him in the *Council*; and of which all that *Mat. Paris* ſays is, that *to ſome they ſeem'd reaſonable, to others burthenſome.* [1] And to this Day, many of the moſt Eminent *Writers* of *All ſides*, will not allow them to be of any *Authority*.

That the whole *Body* of thoſe *Canons* (in general) was not received here, we are very ſure, becauſe ſeveral of them were *contrary* to the *Laws* and *Cuſtoms* of the *Realm*; and being ſo, did never obtain among us. Such were, for Example, The [3*d* Can.] *That the* Goods *of* Clergy-Men *being Convicted of* Hereſie, *ſhould be forfeited to the* Church: The [18] *Canon*, which *prohibits Clergy-men to pronounce Sentence of Blood; or to be preſent where ſuch Sentences were pronounced; or to dictate, or write any Writs for that purpoſe.* The [23*d*] *That* Cathedral *or* Regular Churches, *ſhould not be* vacant *above three Months; and that then a* Lapſe *ſhould incur.* The [25*th*] *That no* Election *ſhould be valid, which was made by any* Secular Power. The [29*th*] *That no one ſhould have* two Benefices, *with* Cure. [The 45*th*] *That if any* Patron kill'd *or* maim'd *a* Clergy-man, *he ſhould loſe his* Right *of* Patronage. The [46.] *That no* Governours *of* Cities, *or other* Lay-men, *ſhould Exact any* Aids *or* Subſidies *of their* Clergy: And poſſibly ſeveral Others there may have been of the like kind.

That this *Canon* in *Particular*, was not accounted of any *Force* amongſt Us; we have this ſtrong Preſumption to perſwade Us, That it does not appear that it was ever regularly *Obſerved*; but on the contrary, as far as Our *Hiſtories* give us any light into this matter, we are ſure that it was not. *Jo. de Acton*, whom this Author, for ought I know, rightly places 100 Years after the time of this *Council*, Confeſſes, that in his Days, the *Provincial Synods* were diſuſed among Us. And another to whom this *Gentleman* will, I believe, pay a yet greater Deference in this Caſe, even himſelf, (tho' [2] here he would have it thought otherwiſe) yet elſewhere ſpeaks expreſly to the ſame purpoſe: He derives the Diſcontinuance of theſe [3] *Yearly Provincial Synods* among us from the very *Saxon Times*; and tells us that the *Church-Affairs* were tranſacted by the *Clergy* in their *State-Meetings*. As for *Synods properly Eccleſiaſtical*, he ſays, they were *Occaſional Aſſemblies*; and *Rare* in compariſon of the *Other*. And in that he ſays the Truth; tho' not much to the Advantage of his preſent *Argument*.

But how then does it appear, that this *Canon* of the *Lateran Council* was ever Receiv'd among us? Why, for that he caſts himſelf upon the ſole Authority of *Jo. de Athon*, as he calls him. The Words of the *Canoniſt* are theſe: *Which kind of* Provincial Councils *are Commanded to be Celebrated every Year, tho'*, in Fact, *they are not*. And for that he refers to two *Texts* of the *Canon Law*; in One of which, the *Canon* of the *Council* of *Chalcedon*; in the other, a *Canon* of the IVth *Lateran*, is Recited. Now this does indeed ſhew, that he thought the *Canon-Law* had the General Force of a Precept in this matter; tho' it proves at the ſame time, that it was not obſerved among us in this Particular. But that the *Canon* of the *Lateran Council* was of any force in our Country; either by any *Authoritative Acceptance*, or by any *Conſtant* and *Allow'd* Uſe of it; he ſays not one Word: Nay he does not ſo much as refer to the *Canon* of that *Council*, which ſetled this Point; but to another about the *Jews*; [4] in which this Matter was only occaſionally mention'd, and which was all that the *Canoniſt* ſeems to have known of that *Synod*, as to this *Matter*.

All then that this Gentleman has produced in Proof of his Aſſertion, that the *Canons* which require *Yearly Provincial Synods* were of *Force* with us is, at laſt, but this, that a certain *Canoniſt* tells us, that his Foreign *Canon-Law* required the holding of them. But that ever that *Law* prevailed here in this *Realm*; that ever theſe *Councils* were regularly and ſtatedly *held* according to the Direction of it, this *Author* ſays nothing; but on the Contrary, both himſelf, and his *Canoniſt* freely owns the *Fact* to have been otherwiſe: Which I am ſure is a fairer preſumption, that thoſe *Canons* were not looked upon to have been in *force* here, than any he has yet alledged; or, I believe, will ever be able to alledge, to prove that they were.

The reſult then of this whole Matter is this: The *Canons* of the *Church* which required the *ſtated meeting* of *Provincial Councils every Year*; were never,

[1] Mat. Paris. p. 272. Platin. Vit. Innocent. iii. Naucler. ad Ann. 1215. Bp. *Andrews* Tort. Torti. p. 212. *Roffens.* de poteſt Papæ lib. 1. c. 7. p. 84. &c. A. Bp. *Bramhall.* Tom. 1. p. 328. Sir R. *Twyſden.* Hiſt. Vindic. &c. ch. viii. n. 37. Barclai Exam. Prolegom. Bellarm. p. 114. F. *Walſh.* iv. Letters p. 363. &c.

[2] *Rights*, &c p. 8.

[3] Ibid. p. 215, 216.

[4] V. Decretal. de Judæis cap. Cum ſit. §. or Sect. ſiquis.

for ought appears, either *Confirmed* by any *Civil* or *Eccleſiaſtical Authority* of this *Realm*; nor by any *Cuſtomary Uſage* brought into *Force* in it.

Suppoſing that they had once Obliged, yet the *Statute* of the 25th of *Henry* the 8th, which took the *Power* of *Aſſembling* theſe *Synods* out of the Hands of the *Metropolitan*, and placed it in thoſe of the *Prince*, would have effectually deſtroy'd their *Obligation*; and have render'd them, from thenceforth, of no manner of *Force* in our *Realm*.

In alledging therefore theſe *Canons* (if that were his Deſign) to prove a *Right* of our preſent *Convocations Meeting* and *Sitting* at any certain times; he alledges ſuch a *Law*, as concerns us no more than the *Law* of *Utopia*: If he had any other Meaning in it, which has not already been accounted for; 'twill then be time enough to Conſider it, when he ſhall pleaſe to let us know what he intended to prove by it.

Having thus taken off the Force of any Argument that may ſeem to have been urged againſt me in this *Chapter*, I might here conclude my *Reflections* upon it: But becauſe there have been ſome things farther offer'd, which tho' of little Conſequence to the *Queſtion* in hand, may yet help to clear the nature of our *Church-Aſſemblies*; I ſhall ſtop ſo long as to make a few neceſſary *Remarks* upon them.

[1] *Rights*, &c. p. 7.

And 1*ſt*, Concerning the *holding* of theſe kind of *Synods* every *Year*; [1] it is ſaid, *That this was provided for by a* Canon *of the* Council *of* Herudford, *held* Anno 673, *under* Theodore, *Archbiſhop of* Canterbury, *which took care not only to* Eſtabliſh *the* Practiſe *for the* Future, *but alſo to* affirm *the* Antient Uſage; *it being at the very entrance of the* Acts *of it expreſly ſaid, to* ASSEMBLE *in* VERTUE *of the* OLD CANONS. So this Author relates this Matter; how accurately, we will now Enquire.

[2] *See* Bed. Hiſt. Eccleſ. l. iv. c. 5.

For 1*ſt*, Will this *Gentleman* pleaſe to tell us, how [2] *Juxta* MOREM *Canonum Venerabilium*, comes to ſignifie, *In vertue of the* OLD *Canons?* Or how either the *One* or the *Other*, *affirm* the *Antient Uſage* of *Yearly Provincial Synods?* All that the *Acts* of that *Synod* ſay, is this; *That it pleaſed us to come together to treat of the neceſſary Affairs of the Church, according to the manner of the Venerable Canons*; That is, after a *Canonical manner*, in an *Eccleſiaſtical Council*, or *Synod*. And how this *Affirms* any *Uſage* but that of the *Biſhops meeting in Council*, when any *Publick Affairs* of the *Church* were to be *treated* of, I cannot vnderſtand.

But what if this *Cuſtom* be ſo far from making for him in One point, that it utterly contradicts, his next great Pretence in Another? It is one of the main Deſigns of this *Chapter* to prove, that the *Authoritative part of theſe kind of Synods, were* Biſhops *and* Presbyters; whom he would have us believe not only to have been *Both* preſent, but to have *Both acted* upon an *Equal Right* of *Juriſdiction*, in them. Let us ſee how this *Synod*, in which *Theodore* tells us they met, according to the *Cuſtom of the Canons of the Church*, anſwers this Pretence. *We came together* (ſays he, at ſuch a Time and Place:) *I* Theodore, Dorovernenſis Epiſcopus, *which, with this Gentleman's leave, I will render Biſhop of* Canterbury; *and our moſt Reverend Brother, and Fellow-Prieſt*, Biſi, Biſhop *of the* Eaſt-Angles; *with whom was alſo preſent by his Proxies*, Wilfrid, *Biſhop of the* Northumbrians. *There were alſo preſent, our Brethren and Fellow-Prieſts*, Putta, *Biſhop of* Rocheſter; Leutherius *of the* Weſt Saxons; Winifred *of the Province of* Mercia. *And being Aſſembled together, and ſate down, every one according to his Rank*; Theodore *began to addreſs himſelf to them.* Theſe are the Perſons who compoſed this *Synod*; to theſe the *Archbiſhop* ſpake; *Rogo dilectiſſimi Patres:* Theſe *agreed* to what he *propoſed*; *Conſacerdotes noſtri reſpondentes dixerunt, Placet:* Theſe *Subſcribed* what had been *Defined*; *Placuit ut quæque definita ſunt unuſquiſque noſtrum manus propria ſubſcriptione Confirmaret.* But of this Gentlemans *Fellow-Prieſts*, his *Presbyters*, we find no notice taken in all the *Acts* of this *Aſſembly*.

[3] Beda. Hiſt. Eccleſ. loc. cit.

Perhaps he will ſay, that tho' they are not to be found in the *Acts* of the *Synod*, yet the [3] Hiſtorian has given ſome hint of them; Where he ſays, that *Theodore* called a *Council* of *Biſhops, together with thoſe who both loved*, and *knew the Canonical Decrees of the Fathers*; *Magiſtris Eccleſiæ Pluribus.* Now that among theſe, there might be ſome *Presbyters*, I will not deny; tho' 'tis plain, they were called not under that *Character*, but as Perſons who *Underſtood the Decrees of the Church*, and whoſe Counſel therefore might be of Uſe to them on ſuch an Occaſion. But be they whom they will, the *Acts* of the *Synod* take no notice at all

all of them, and therefore we may be ſure that tho' they ſhould have been preſent, which I ſhall not deny, yet they were not accounted any part of the *Council*; much leſs did they Act in an *Equal Authority with the Biſhops in it.*

But this is only by the Way; to return again to our Author: The next thing he adds is, that this *Synod* not only *affirmed* the *Antient Uſage*; but *Eſtabliſhed* the *Practice* (of *ſtated Provincial Synods*) *for the future.* By which, if he means that this *Synod Decreed*, that they would meet *all together, once every Year upon the Firſt of* Auguſt, *at Cloveſhoo*; I allow that they did reſolve it; but then, by his Favour, this is not to *Eſtabliſh* a *Practice*, but to make an *Order* for a *Practiſe* to be *Eſtabliſhed* upon: And before it can be affirmed that the *Practiſe* was *Eſtabliſhed*, we muſt enquire what the Reſult of their *Definition* was. Now that was ſo far from *introducing* any ſuch *Practiſe*, that we do not find it was ſo much as *once Obſerved*: Nor in Seventeen Years that *Theodore* himſelf liv'd Archbiſhop of *Canterbury* after this, does either *Bede*, or any other of our *Hiſtorians*, mention more then *two Synods* that were held by Him; and neither of them in Conſequence of this *Definition.*

So little to his purpoſe does this *Synod* of *Theodore* make; and ſo lame an Account, has he thought fit to give us of it. But

2*dly*, Another point there is relating to the *Aſſembling* of theſe *Synods*, in which I cannot altogether agree with him; and that is where he aſſerts, [1] *That the* Biſhops, *or as he more ambiguouſly Expreſſes it in the next Page, the* Provincial Inferiours *had as much* Right *by the* Canon-Law *to* DEMAND *ſuch a* Meeting, *as the* Metropolitan *had* Authority *to* Aſſemble *it*; *and that the* Obligation *ran* Reciprocally, *tho' the Power did not.* Now to *Demand*, is a Word not only of *Vehemence*, but of *Law* too: It implies not only an *urgent Claim* of *Right*; but ſuch properly where the *Law* has provided a Remedy in caſe of *Refuſal*: Nay, when uſed in its *Legal Senſe*, as this *Author* here does, it ſignifies a *Complaint* made againſt the Perſon who Injures us; not to himſelf, but to ſome Other, who has the *Power*, and *ought* to *Right* us. Sect. 13. [1] *Rights*, &c. p 22, 23.

If therefore by the *Ancient Canons* the *Provincial Inferiors* had a *Right* of *Demand* againſt their *Metropolitan* in this Caſe; they muſt have had ſome *Proviſion* of *Remedy* too againſt him: At leaſt their *Demand*, muſt have had ſome influence, to ſubject him to a *Canonical Cenſure*, in caſe he ſhould not comply with their *Demands.* If therefore in all the Ancient Canons there be nothing of this to be found; If they give no *Remedy* to the *Suffragans* (much leſs to any Other *Provincial Inferiours*) againſt him; If they allow them no *power* to meet without him; nay, if they do not ſo much as intimate, that in Caſe of a *Neglect* in him to *Call* them together, they ſhould *admoniſh* him of his *Duty*; as they do Empower the *Metropolitan*, not only to *Admoniſh*, but to *Cenſure* them, if they ſhould be backward in attending upon his Summons; I think ſome *ſofter word* might have ſerved than that of *Demand*; and more agreeable, not only to that reſpect which *Provincial Inferiours*, in thoſe Days, were wont to pay to their *Spiritual Governours*, but to the very *Senſe* and *Language* of the *Canons* in this behalf.

That where theſe *Canons* were *Received* and *put* in *Execution*, the *Metropolitan* was obliged to the Obſervation of them; and, except upon ſome juſt occaſion, which the *Law* may be preſumed to have allowed of, would have ſinn'd by a Careleſs, Obſtinate Intermiſſion of theſe Aſſemblies, I do confeſs. That in ſuch a Caſe, the *Provincial Biſhops* might modeſtly have repreſented to him both his Own Duty, and the Neceſſities of the Church (if it lay under any) and in conſequence of both, have deſir'd him to call them together, I agree too: And if this be all he means, tho' his Expreſſion be a little harſh, yet I can readily comply with him in his Meaning, that they had a *Right*, in this Senſe, to *demand ſuch a Meeting.* But ſtill it was in the *Metropolitan*'s *Power* whether he would *Aſſemble* them or no; and for ſeveral Hundreds of *Years*, there was not ſo much as any Proviſion made by the *Canons* for the *Biſhops* to Admoniſh him of his neglect; much leſs to call him to an Account for his Refuſal, if he ſhould not be moved by them. The *Third Council of Orleans*, was one of the firſt that inflicted any *Canonical Puniſhment* upon the *Metropolitan* upon this Occaſion, and that reached only to the *Gallican Church*: Nor 'till the *Second Council* of *Nice*, was there ſo much as any Pretence of a *General Proviſion*, in caſe of ſuch a Neglect. Sect. 14.

And

And when all was done, what were theſe *Provincial Inferiours* the better for it? They could not *Aſſemble* but at the *Metropolitan*'s *Summons*. For ſeven hundred Years together he was not ſo much as Accountable for his Refuſal of *Calling* his *Synod*: After that, he was liable to be *puniſh'd Canonically* for it; but ſtill the Matter reſted there, and they were never the more in a Condition of meeting for all this.

Here therefore a Remedy was provided by the Council of *Baſil*; (the firſt *General Council* that ever did provide any *Remedy* for it,) and which this Author therefore ſhould, by all means, have found out to have been received in Our *Church*: For by the *Canon* of that *Council*, not only the *Archbiſhop* was puniſhable in Caſe of a Neglect to hold his *Synod* once in three Years; but the *Biſhops* of the *Province* were enabled to meet without him; and to Aſſemble together whether he would or no. Now this indeed gave them a *Right* to Demand a *Synod*; in the *Legal Propriety* of that Word: But 'till then, they had only a *Right* of *Petition*; a *Right* (if it muſt be ſo call'd) to *Admoniſh* their *Primate* of his *Duty*; and this being done, they muſt reſt content, if he would not *Summon* them upon ſuch their *Admonition*.

Sect. 15. But be this alſo as it will: Our *Metropolitan* has no *Power*, and therefore to be ſure, no *Obligation* to call his *Synod* at any time, but only when the *Prince* ſhall think fit to *Require*, (at leaſt) to *Empower* him ſo to do. The *Prince*, by *Law*, (as far as yet it appears) is not determined to *Exerciſe* this *Power* at any certain Times, but is left to his Diſcretion, to Require, or *Suſpend* their *Meeting*, as he ſhall think fit. And therefore to turn his own Reflection upon himſelf, 'till the *Obligation* of the *Prince* ſhall be ſhewn, to *Call* our *Convocations* at ſome certain Seaſons; and to permit them to ſit, whether he approves or not of it; One *good Reaſon* which may move the *Superior* (in this Caſe) to *Refuſe to let them meet*, may be, that *his Right of hindring it*, is *Queſtion'd*; and he is openly charged with *Abuſing* his *Prerogative*, by his paſt *Prorogations* of them. What Influence ſuch a Conſideration may chance to have upon his Majeſty, I ſhall not preſume to Conjecture; but ſure I am the Matter is now brought to ſuch an Iſſue, that he muſt reſolve either to *Aſſert*, or to give up his *Prerogative* in this Particular. Nor do I ſee how he can poſſibly allow our *Convocations* to *Meet* after the manner that this *Author* requires, or rather Challenges him to do; until it be determined whether he has or has not, a *Legal Power to Aſſemble* and *Prorogue* them at his *Own Pleaſure*: And when that is done, we ſhall be able, on both ſides, the more ſurely to Judge; this *Author*, what *Legal Right* the *Clergy* have, in his free way of Speech, to DEMAND ſuch a *Meeting*; I, what *Power* the *King* has, by *Law*, to *Refuſe* it.

Sect. 16. I ſhould now have done with what relates to the *Meeting* of our *Convocations*, but there is one ſingular Conſideration made Uſe of by him, to induce his Majeſty to Conſent to their Aſſembling, which ought not by any means to be paſſed by: The *Scotch Kirk*, He ſays, have been allow'd the *Liberty* of *Aſſembling*:

[1] *Rights*, &c. p. 25. &c. [1] *Nor have thoſe of the* Presbyterial *and* Congregational *Way*, *been leſs* indulged *at home*. *Nay*, *the* Privilege *we* Claim, *is not deny'd to any the moſt* Wild *and* Extravagant Sect *among Us*. *Even* Quakers *themſelves have their* Annual Meetings *for Eccleſiaſtical Affairs*, *and are* KNOWN *to have*, *and* ALLOWED *to* hold *them*.

To ſay nothing of thoſe abroad, who have their *Own Laws*, and *Act* under the *Power* of the *Civil Magiſtrate*, by vertue of them. Does this Gentleman, in good earneſt, believe what he here ſo confidently affirms, that the *Presbyterians*, *Independants*, and *Quakers*, have had the *King's Writ*, or Otherwiſe been *Legally Empowered* by the *Government*, to *hold* (as he calls them) their *Convocations*? Or does he hope, by a diſingenuous Repreſentation of the Caſe, to make ſome unwary People believe that they have? This muſt be his meaning, or he muſt mean nothing at all in what he ſays: There being nothing more extravagant, then to Argue in this Caſe, upon the *true ſtate* of the *Matter*; that the *Diſſenters*, againſt *Law*, without either the *Leave*, or *Approbation*; probably, without the Knowledge of the *King*, have held their *Conventicles* (for I will not ſo far debaſe a Word, that has been applied to a *Legal Purpoſe*, as to call them *Convocations*) Therefore the *King* has no *Right* in *Law* to binder our *Biſhops* and *Clergy* from holding their *Synods*; or, at leaſt, if he has, he ought not to make uſe of it.

Had

Had indeed our *Royal Sovereign* indulged the *Diſſenters* in *this particular*; as this Gentleman's Expreſſions plainly *Charge* him to have *done*; and yet, at the ſame time, after having been ſuitably Applied unto, and deſired to permit the *Eſtabliſh'd Church* to *hold* her *Synods*, had *Refuſed* her the *Liberty* ſo to do; I confeſs there might have been a *juſt Ground* of *Complaint*; that ſuch *Sectaries* ſhould be *Countenanced*, and *Licenſed* by the King, to *Meet* againſt *Law*, (if yet the *King* has *Power* ſo to *Licenſe* Them) and the *National Church*, at the ſame time, be denied to *Aſſemble* according to *Law*. But when neither of theſe is true; when neither have the *One* been *indulged* in any ſuch *Aſſemblies*, nor the *Other* been *refuſed* them; when it is certain the King has neither *Given* any *Toleration*, to this Effect, to Them; nor, does it appear, that he has ever *Refuſed* any ſuch *Liberty* to Us; to Repreſent theſe *Illegal Meetings*, as the *Acts* of the *Government*, at leaſt as the Reſult of its *Indulgence* towards them; and thereupon to Complain as if we had been *deny'd*, what they have been *favour'd in*; this, is, in my Apprehenſion, to *Libel* the *Government*; to *Affront* the *Prince*; and *Impeach* his *Juſtice*, under a pretence of *beſpeaking* his *Favour*.

But, 3*dly*, From that part of our *Author's Diſcourſe* upon this Subject, which relates to the *Meeting* of the *Provincial Synods*, let us go on, to another, and of a more conſiderable Importance; that which concerns, the *Members* of which thoſe *Synods* were anciently wont to be, and are, at this day, *Compoſed* among us. And here I do not deny but that the *Presbyters* were, from the beginning, permitted to be preſent at the *Conciliary Aſſemblies* of the *Church*. That they were oftentimes Conſulted with by the *Biſhops*; and had their *Advice*, and *Opinions* taken, in ſuch matters as were Debated in them: Or that, laſtly, in Teſtimony of their *Concurrence* with, or at leaſt, *Submiſſion* to, what was done there, they ſometimes *Subſcribed*, after the *Biſhops*, to the *Acts* of them. All this not only the *Presbyters*, but the *Deacons* too, have been allow'd; to ſay nothing of the *Laity*, who were ſometimes indulged the ſame *Liberty*. In the [1] *Synod* of *Rome*, againſt *Novatus*, beſides *Sixty Biſhops*, a greater number of *Presbyters*, and *Deacons*, were Aſſembled. In that [2] of *Carthage*, about *Re-baptizing* of *Hereticks*, *Anno* 256. the *Provincial Biſhops* met, together with the *Presbyters* and *Deacons*, *præſente etiam Plebis maximâ parte*: In the [3] *Council* of *Antioch* againſt *Paulus Samoſetanus*; all theſe were not only preſent, but, after the Pattern, of the *Synod* of *Jeruſalem*; they joyned in the *Synodical Epiſtle*, which was ſent abroad, to the *Biſhops* of *Rome* and *Alexandria* firſt, and then to all other *Parts*. In the [4] *Council* of *Eliberis*, beſides the *Biſhops* and *Presbyters*, the *Deacons*, and *People* were preſent: In that [5] of *Rome*, under *Pope Hilarus*, the *Biſhops* and *Presbyters ſate*, and the *Deacons ſtood*: In the [6] *firſt*, of the ſame place, under *Pope Symmachus*, the *Presbyters*, and *Deacons* were not only *preſent*, but *ſubſcribed*, together with the *Biſhops*: And ſeveral other Inſtances might be alledged of the ſame kind.

Sect. 17.

[1] *Euſeb* Hiſt. Eccleſ Lib. 6. Cap. 43.
[2] Apud S. *Cyprian.* p. 229.
[3] *Euſeb.* Hiſt. Eccleſ. Lib. 7. Cap. 30.
[4] Concil. Lab. Tom. 1. p. 969.
[5] C. T. 4. col. 1060.
[6] Ibid. T. 4. col. 1315.

But this is not that which either this *Author Affirms*, or I *Deny*: The Point in which I look upon him to have had leſs Regard to the *Rights of the Epiſcopacy*, than a *Divine* of the *Church of England* ought to have had, and upon which therefore I muſt take the Liberty to Aſſert its Prerogative, in this Caſe, is; Whether *Presbyters* have an *Equal Right* of *Authority*, in *Provincial Synods*, with the *Biſhops*; and whether this is verified by the *Canons*, or *Practice*, of the *Ancient Church*? Both which he is pleaſed to affirm; And in *both* which I conceive he is miſtaken. His *Words* are theſe: [7] "The *Authoritative part* of theſe *Meetings*, "were compoſed of the *Biſhops* and *Presbyters*: Before whom the *Deacons*, and "the *People* ſtood, being little more than *Witneſſes* of what paſſed at the *Synod*. "[8] Some of the *Presbyters* the *Biſhops* were *Obliged* to carry along with them "to the *Council* of the *Province*; and there, *I ſay*, they *ſate*, *deliberated*, and *voted*, upon all matters that came before the *Aſſembly*. And even, in *General Councils* (he tells us) that the *Biſhops* "were deputed thither by *Provincial* "*Synods*, and brought along with them the *Reſolution*, and *Conſent* of the ſeveral "*Churches* from whence they came; and the *Presbyters* therefore, having *Voices* "in theſe *Leſſer Synods*, their *Conſent* alſo was in the *Definitions* of the *Greater*, *preſumed*, and *included*.

Sect. 18.

[7] Rights, &c p. 5.
[8] Ibid. p. 6.

And laſtly; he alledges, and approves of the Reſolution of ſome of our *firſt Reformers*, which, [9] he ſays, "allow'd them not only a *Conſultive*, but *Deciſive* "*Vote* alſo, in *Synods*; and that *derived from Primitive Practice*.

[9] Ibid. p. 15.

Here

Here therefore is the *Point*, which, in *Defence* of the *Rights* of that *Venerable Order*, I ſhall beg leave, tho' foreign to my own Buſineſs (as in truth the whole *Chapter* is) with ſome Care to Examine: And if from the Authentick Records, and Hiſtories of the Primitive times, I can make it appear, that neither by the *Canons* of the *Ancient Church*; nor by the *Practice* of it upon thoſe *Canons*; the *Presbyters* had any ſuch *Privilege* allow'd to them, as he pretends; If the *Biſhops* only were, Ordinarily, *Summon'd* to theſe *Councils*, and *Acted*, *Authoritatively* in them; ſo that the *Presbyters*, had no Prerogative above the *Deacons*, and *Laity*, as to the *Deciſive part*, of what *paſs'd* there, in the *times* of which he ſpeaks: If laſtly, the *Change* that has been made, in this Reſpect, was an Encroachment of *Latter Ages*; begun by the *Abbots*, and *Priors* firſt; Carried on by the *Digniaries* of the *Cathedrals*, and *Dioceſſes*; and ſo, laſt of all, obtain'd by the *Rectors* of *Parochial Churches*; then it will follow, that this *Gentleman* has here again not only impoſed upon his *Reader*, but injured that *Venerable Order* too; and given a freſh inſtance of what a then *Learn'd Presbyter*, afterwards an *Eminent Prelate* of our *Church*, obſerved upon this very Occaſion; [1] "At firſt (ſays he) even *Provincial Synods* were *only held* by *Biſhops*, and *Pres-* "*byters* had no *Intereſt* in the *Deciſion*: However we have, of late, *ſate ſo near* "*Biſhops* in *Provincial Aſſemblies*, *that we have* SATE UPON THE BISHOPS SKIRTS. "*But my Lords the* Biſhops *have a Concerning Intereſt in this*; *To them I leave it.*

[1] Bp. *Taylour* Epiſcopacy aſſerted. Sect. 41. Biſhops only did Vote in Councils, and neither Presbyters nor People.

To begin with the *Canons* of the *Church*: The 37th of the *Apoſtles*; the firſt that determined the *Yearly Aſſembling* of *Provincial Synods*, directly calls them *Synods of Biſhops*; and directs that they ſhould ἀλλήλως, *among themſelves*, *Judge* of the *Doctrine* of *Religion*, and *determine* ſuch incidental *Controverſies*, as related to *Eccleſiaſtical Matters*. And the *Greek Canoniſts*, in the ſame Language, Expound the Senſe of it; that for theſe Reaſons it ſeem'd neceſſary τὺς ἐπισκόπους ἑκάστης ἐπαρχίας συνέρχεσθαι; for the *Biſhops* of every *Province* to *meet together*. Not a Word either in the *Canon*, or *Comment*, of the *Presbyters* either *Coming*, or *Judging* with them.

This Canon thus paſſed before the *Empire* became *Chriſtian*, was Confirmed by the [2] *firſt General Council* that was held after: That every Year, in every *Province*, *Synods ſhould be held*, ἵνα κοινῇ πάντων τῶν ΕΠΙΣΚΟΠΩΝ ἐπὶ τὸ αὐτὸ συναγομένων, *That ſo the* BISHOPS *of every Province being gathered together*, the *Cauſes*, of which the *Canon* ſpeaks, might be Examined by them. And the *Canoniſts* here again talk of the BISHOPS coming together, to their *Primate*; That by the *Sentence* of *all* the BISHOPS of the *Province*, every *Eccleſiaſtical Controverſy* might be *Ended*; but of the *Presbyters*, either *Coming*, or *Acting*, not one Word.

[2] Concil. *Nican.* Can. 5.

But the [3] *Council* of *Antioch* (the next in Order) ſpeaks, if poſſible, yet more fully to the ſame purpoſe. It determines, Σινόδους τῶν ΕΠΙΣΚΟΠΩΝ γίνεσθαι, that there ſhould be "*Synods* of the *Biſhops* held in every *Province*; the *Metropolitan admo-* "*niſhing* his *Suffragans* to *Come to it*. *That ſo*, ſays the *Canon*, the *Presbyters*, and "*Deacons*, and all *Others*, who *think themſelves* to have been *injured*, may come "to the *Synod*, and have their *Cauſes heard*, and *judged by it*. This was the *End* for which the *Presbyters* were then allow'd to *Come* to theſe *Aſſemblies*; not to *Judge*, but to be *Judged*; not to *Sit with* the *Biſhops* in them, but to *bring* their *Cauſes*, if they had any, *before them*.

[3] Concil. *Antioch.* Can. 20. Vid. Comment. *Græc.*

But yet notwithſtanding all theſe Orders, theſe *Provincial Synods*, Σινόδοι τῶν ΕΠΙΣΚΟΠΩΝ, ſoon grew into diſuſe. To Revive them therefore, and cauſe them to be more punctually obſerved; [4] the *Fourth General Council*, Renew'd the *Decrees* which had before been made concerning them. It order'd τὺς ΕΠΙΣΚΟΠΟΥΣ, the *Biſhops*, *twice* in the *Year to come together*; And commanded τὺς μὴ συνιόντας ΕΠΙΣΚΟΠΟΥΣ, the *Biſhops* that came not, to puniſhed.

[4] Concil. *Chalced.* Can. 19.

The ſame is the Language of the [5] *ſixth* and *ſeventh general Councils*, where they ſpeak of theſe *Meetings*. They are ſtill the ΠΡΟΕΔΡΟΙ, and the ΕΠΙΣΚΟΠΟΙ, and the ΑΡΧΙΕΡΕΙΣ, that are to come together; the *Meetings* themſelves are called Σύνοδοι ΕΠΙΣΚΟΠΩΝ and Συνελεύσεις τῶν ΕΠΙΣΚΟΠΩΝ, *Synods*, and *Conventions* of the *Biſhops*. But neither in the *Canons*, or their *Comments*, is there any thing to perſwade us that the *Presbyters* had any *Authoritative Concern* in them.

[5] Concil. in *Trull.* Can. 8. Concil. 7. Can. 6.

And as this was the Language of the *Canons* of the *Church* with relation to theſe *Aſſemblies*; ſo was it that of the *Laws* too by which they were inforced. *We Command*, ſays the *Emperour*, [6] *the moſt bleſſed Archbiſhop*, *once or twice in e-* *very Year*, *to call before him* τὺς ἐπισκόπους the moſt *holy Biſhops*. And

[6] Novel. 123. C. 10.

in

in [1] another *Law*, he calls them Συνόδους τῶν ὁσιωτάτων ΕΠΙΣΚΟΠΩΝ, *Synods* of the *moſt holy Biſhops*: And Commands that ſuch as were *Ordain'd* immediately by the *Patriarchs*, and had not a *Right* to *Ordain Others*, ſhould *Appear* before *them*; and that *ſuch* as were *Ordain'd* by the *Metropolitans*, ſhould *Come before them*.

This was the *Language* of the *Greek Church*; and the ſame is the Account which the *Latin Codes* give us of theſe *Aſſemblies*. [2] *Martin* of *Braga*, thus renders the *Canon* of the Council of *Antioch*: "That the *Metropolitan* ſhould *Call toge-* "*ther all* the *Biſhops* of his *Province*; and that all the *Presbyters*, and *Deacons*, or "*ſuch* of *them* as thought they had any *Injury done them*, ſhould *Come* to the *Coun-* "*cil*; that ſo their *Cauſes* being *Examined* in the *Council*, they might be brought "to a *juſt Determination*.

The ſame is the Language of the ancient Collector publiſhed by [3] *D'Achery* in his Account of this *Canon*; and what kind of Perſons he ſuppoſed theſe *Synods* to have been formerly Compoſed of, [4] his own Account of them in the beginning of his Collection, ſufficiently ſhews.

Pope [5] *Leo* the *Firſt*, in his *Epiſtle* to the *Biſhops* of *Theſſalonica*, calls them *Concilia* EPISCOPALIA: The [6] *Ancient Code* of the *Roman Church*, Stiles them in like manner EPISCOPORUM *Concilia*: It ſpeaks of the BISHOPS *Coming together* out of *every Province*; and appoints [7] that the BISHOPS of *every Province*, ſhould *Come together*, *twice every Year*, where the *Metropolitan Biſhop* ſhould *appoint*; and *Correct* all things that ſhould ariſe to be *Amended*.

And now, can it reaſonably be ſo ſuppoſed, that if the *Presbyters*, in thoſe times, had been allow'd an *Equal Right* of *Meeting*, *Debating*, and *Determining*, in theſe *Church-Aſſemblies*, with the *Biſhops* themſelves (as this *Author* is pleaſed to *Aſſert*) we ſhould have had no hint, no intimation given of it, in all theſe *Canons*, for almoſt *Eight hundred years* together? That no *Directions* ſhould have been *Eſtabliſhed*, for their bringing ſuch a *certain number* of their *Presbyters* along with them; had they been indeed *Obliged*, as he, again, pretends, to *Carry them* to the *Synod* of the *Province*? That theſe are the *Chief*, if not the *Only Canons*, that could have Obliged them to do this, during the *Period* before-mentioned, is certain; becauſe they are the *Chief*, if not *Only Canons*, by vertue of which theſe *Provincial Synods* were *Anciently Eſtabliſhed*. Yet, in all theſe, not a *Syllable* is to be found of any Right in the *Presbyters* to *Come* to them; of any *Obligation* in the *Biſhops* to bring them thither.

But it may be, the *Practice* of the *Church* may have given ſome Right in this particular, which 'tis evident the *Canons* of it, did not. Let us therefore Enquire how that ſtood, during theſe times in all the ſeveral *parts* of the *World*, into which the *Church* was diſperſed; in the *Eaſt*, the *South*, and the *Weſt*; and ſee what *Perſons* were *Called* to theſe *Aſſemblies* in the *Greek*, the *African*, and the *European Councils* heretofore.

(1.) Among thoſe of the *Eaſtern Church*, as the moſt *Ancient* of which we have any Notices remaining, were the *Synods* which *Euſebius* tells us were *Aſſembled* upon the Account of the *Paſchal Controverſy*, ſo the Character he gives of them, in General, is this; that [8] *Synods and Aſſemblies of Biſhops were held about it.* And thoſe which he particularly takes notice of, Confirm this Character; as is plain both from what himſelf tells us of them; and from what the *Synodical Book* delivers concerning them.

In thoſe of *Paleſtine* [9] *Theophilus* Biſhop of *Cæſarea*, and *Narciſſus* Biſhop of *Jeruſalem*, preſided; and the One conſiſted of *Twelve*, the Other of *Fourteen Biſhops*, Aſſembled for that Debate.

In that [10] of *Pontus*; *Palma*, with *Fourteen* other *Biſhops* met: In that of *Oſroene*, *Eighteen Biſhops* Aſſembled: In that of *Corynth*, *Bacchillus*, and *Eighteen* other *Biſhops* were *Convened*.

Theſe are the *Synods* of which *Euſebius* ſpeaks; and in all theſe we find no *Presbyters* Called; none but *Biſhops* that either *Sat*, or *Acted*, in them.

I might to theſe add thoſe other [11] *Synods*, which we are told met in the *Greek Church* about the ſame time; at *Hierapolis*; in *Aſia*; in *Meſopotamia*; in *Other Places*: And, in which, again, we meet with no Account of any but *Biſhops* that were Aſſembled in them. But I ſhall rather go on to another great Diſpute that happen'd in the Church, about the *Baptiſm* of *Hereticks*; and concerning which, ſeveral *Synods*, in all parts, were Convened.

[1] Novel. 137. c. 4.
[2] Append. ad Juſtel Tom. 1. p. 18. Comp. Cod. Eccleſ. Roman. apud Leon. M. Edit. Queſnel. Tom. 2. p. 231.
[3] Spicileg. T. 11. Lib. 2. c. 48.
[4] Præf. l. 1. p. 10. Ipſa Canonum decreta præcipiunt ut bis in Anno per ſingulas Provincias EPISCOPORUM celebretur Concilium; & *plenariam Synodum* dicunt eſſe ubi cum ſuis *Diœceſanis*, *Metropolitanus* fuerit *Epiſcopus*.
[5] Opp Leon. M. Tom. 1. Epiſt. 12. c. 7.
[6] Codex Eccl. Rom. Ibid. Tom. 2. cap. 9. p. 23.
[7] Ib. E. Concil. Chalced. cap. 1 Sect. 21.
[8] Συνόδοι δὲ καὶ συναγωγὴ ἐπισκόπων ἐπὶ τούτῳ τῷ ζητήματι ἐγίγνοντο. Hiſt. Eccleſ. Lib. 5. c. 22.
[9] *Euſeb.* Ibid. Concil. Tom. 1 col. 600, 601.
[10] Ib. Add *Euſeb.* cap. 25.
[11] Conc. Labbe Tom. 1. col. 599, &c. *Euſeb.* Hiſt. Eccl. Lib 6 cap. 46.

Now of theſe [1] *Euſebius* gives us the ſame general Account that he had done of the foregoing; he calls them the *Synods of Biſhops*; and that not from himſelf, but from the *Letter* of *Dionyſius* Biſhop of *Alexandria*, who lived at the ſame time, and therefore muſt be preſumed to have ſpoken according to the *Diſcipline* of it. Of theſe [2] he elſewhere mentions two, which had *met* upon this *Occaſion*; he calls them the *Synods* of his *Brethren*; and whom he meant by that, the other part of his Sentence ſhews, that they were the *Biſhops* of thoſe *Churches* which Aſſembled together for that purpoſe.

If from theſe we proceed to the *Synods* held about the *Arian Controverſy*; we ſhall find thoſe alſo to have been of the like kind. Of the *Biſhops* which *met*, we have an ample account; but of any *Presbyters* that *Sate*, and *Voted* with them, not the leaſt tittle is remembred.

To the [3] *Council* of *Alexandria* about the year 320, the *Biſhops* of *Lybia*, *Pentapolis*, &c. *Subſcribed*. The Aſſembly conſiſted of near *One hundred Biſhops*: [4] Nor had the *Presbyters* any thing to do in it, but only to *Subſcribe*, with the *Deacons*, to what their *Biſhops* had done, as ſoon as they were required by their *Metropolitan* ſo to do.

In all the following [5] *Synods*, of which either *Athanaſius*, or *Hilary*; *Socrates*, *Sozomen*, or any other of the *Hiſtorians* of thoſe times, take notice, the Account is ſtill the ſame. They are *Synods of Biſhops*; that is their *Title*: Nor is there, that I know of, ſo much as one ſingle Inſtance where any *Others* have *Sate*, and *Acted Authoritatively*, with them.

It would be too long to take a particular View of this matter in all the ſeveral *Councils*, whoſe *Acts* remain to us: I ſhall therefore Conclude what I am Obſerving, with relation to the *Eaſtern Synods*, with thoſe whoſe *Canons* have been received into our Own *Greek Code*, ; and which may therefore deſerve to be eſpecially conſidered upon this Occaſion.

The *Synod* of *Ancyra* is the firſt of theſe: It conſiſted (as we are told) of *Eighteen Biſhops*; but that any *Presbyters* were *preſent*, and *Voted in it*, we have no intimation.

Of the [6] *Synod* of *Cæſarea* the ſame *Year*, the ancient *Code* of the *Roman Church* tells us, that the *Holy and Venerable* BISHOPS *being gathered together*, *Eſtabliſhed the* Canons, *which we have of it*.

Of that of [7] *Laodicæa*, the *Inſcription* ſays, that the *Canons* were made by the *Holy and Bleſſed Fathers*, *Aſſembled at it*: And laſtly, for that of *Gangra*; the *Preface* expreſly *calls* it, the *moſt Holy Synod of Biſhops*.

(2.) Such were the Councils of the *Greek Church*, nor were thoſe of the *African* any *Other*. Let me for this appeal to an unqueſtionable Authority, that of St. *Cyprian*, whoſe *Synodical Epiſtles* of the ſeveral *Synods* of that Country; as well of thoſe which were held [8] *before his time*, as of thoſe *under* [9] *his Government*, are ſtill *Extant*; and in none any mention of any others, beſides *Biſhops*, that *Decided* in them. And tho' from the *Acts* of the *Synod* of *Carthage*, publiſhed with his Works, it appears, that not only the *Presbyters*, but the *Deacons* and *Laity*, were *preſent*, yet from the ſame *Acts* it is evident that the *Biſhops only Voted*; and by their *Voting*, *determined* what was to be *Concluded* in the *Affairs* for which they had been Aſſembled.

The ſame was the Caſe of all the *Other Councils* of that *Country* which follow'd after; and of which, a large Collection is made in the [10] *Code* of the *Roman Church*: And tho in ſome of Them the *Deacons* are mention'd to have ſtood by, yet both the Characters of the *Synods*, and the *Perſons* who are reported ot have *acted* in them, ſhew, that the *Biſhops only defined*; nor do's it appear that the *Presbyters* had *any thing to do* in them.

Let me, to theſe, add the *Acts* of the [11] *Firſt Council* of *Carthage*, under *Gratus*, *Biſhop* of that See, *Anno*. 348. Of the *Second* under [12] *Genedus*, *Anno* 397. Of the [13] *Third*, [14] *Fourth* and [15] *Fifth* under *Aurelius*; and in moſt of which, tho' the *Deacons* again *attended*, yet ſo plain it is, that only the *Biſhops Defined*; that nothing can (I think) be reaſonably excepted againſt it.

It would be too long to inſiſt upon the reſt of the *African Synods*, in which the ſame *Method* was held; as that of [16] *Cirta* againſt the *Donatiſts*: That of [17] *Carthage* againſt the *Pelagians*: That of [18] *Milevis* in the *Cauſe* of *Cœleſtius*. It may ſuffice to Obſerve that the ſame *Authority* ran thro' all of them: [19] The *Deacons* (and perhaps the *Presbyters* and *Laity* too, were preſent;) but the *Biſhops*

[1] Hiſt. Eccleſ. Lib. 7. c. 5.

[2] Lib. 7. c. 7. Comp Epiſt. Firmilian. ad *Cyprian*.

[3] Concil. Labb. Tom. 1. Col. 1494. D.

[4] Vid Epiſt. Alexandr. Tom. 1. Opp Athan. p. 396.

[5] Athanas. Opp Tom 1. p. 125, 175, 898, &c. Hilar. de Synod. adv. Arian. p 358, 366, 367, 381. Fragmenta. 465, 479, 481, &c. Socrat. Lib. 2. Hiſt Eccl c. 29. 39 Lib. 3. c. 7, 9, &c. Sozom. Hiſt. Eccleſ p. 433, 501, 573, 612, &c.

[6] Apud Leon. M. Vol 2. c. 4. p. 46.

[7] Apud. Leon. M. ib. Tom. 2. Et Concil. Lab. Tom. 2. col. 413. Sect. 22.

[8] Vid Epiſt. ad Quintum. n. 71. Jubaianum. n. 73. Corelium. n. 57, *&c.*

[9] Vid. Epiſt. Synod. 57, 64, 67, 70, &c.

[10] Opp. Leon M. Tom. 2. p. 35, 42, 52, 55, 59, 64, 75.

[11] Conc. Labb. Tom. 2. col. 713.

[12] Ib. col. 1159, 1163. cap. 13.

[13] Ib. col. 1167. cap. ult.

[14] Ib col. 1198. 1208.

[15] Ib. col. 1215. 1218.

[16] Ib col. 1519.

[17] Ib col. 1533.

[18] Ib. col. 1538. 1544.

[19] Vid. Præfat. Juſtell. ad Cod. Eccleſ. African.

ſhops alone *acted* as the *proper Members* of the *Synod*, and *Concluded* what was to be done in them.

(3.) To come therefore to our *Weſtern Churches*, and enquire how far they Obſerved the ſame *Diſcipline*. Sect. 23.

In the Churches of *Spain*, the Council of *Illiberis*, the *Firſt* of that *Country*, has been thought to favour the *pretended Right* of the *Presbyters* in this Particular. And indeed, we are told, that not only *They*, but the *Deacons* and *Laity* too were preſent at it: And in an old Mnuſcript it is ſaid, that they *Subſcribed* alſo to the *Acts* of it. But then it muſt be Obſerved, that when all is done; 'tis expreſly deliver'd, That *Epiſcopi dixerunt*; the *Biſhops ſpake*; They *agreed* upon the *Canons*; nor are any of the reſt ſo much as pretended to have had a hand either in the *Making*, or *Voting*, of them.

From this *Council* Downward, it has been obſerved by One who was the beſt Qualified of any to judge of it, the late [1] *Illuſtrious Editor* of the *Spaniſh Councils*; that we ſhall hardly find any *Presbyters* ſo much as preſent in any of their *Synods*, unleſs it were by way of *Proxy* for ſome *Abſent Biſhops*; and therefore we may ſafely conclude that they were not look'd upon to have been any *Authoritative Members* of them. And indeed ſo true is his Remark, that before the *Fourth Council* of *Toledo*, *Anno* 633, there is not above Two or Three Inſtances at the moſt, of their *Preſence*; and not One of their *Acting concurrently* with the *Biſhops* in thoſe *Aſſemblies*.

[1] *Concil. d'Aguirre*, Tom. 1. pag. 235. b.

In the *Firſt* [2] *Council* of *Toledo*, beſides the *Biſhops*, 'tis expreſly noted that the *Presbyters*, *Deacons*, and Others, were admitted to be *preſent*: But that they did any thing there, it is not ſay'd; and both the *Acts* and *Subſcriptions* ſhew that they did not.

[2] Tom. Conc. ii. pag. 130, 134.

The ſame was the Caſe in the [3] *Firſt Council* of *Braga*, *Anno* 561. Yet in the *Acts* of the *Second Synod* of that Place, 'tis expreſly called a *Council of Biſhops*; and indeed with very juſt Reaſon, for none but *Biſhops* did *Define* in it. And tho' of this *Second* Council, [4] of *Braga*, 'tis ſaid that it was held by the *Biſhops*, *univerſo Clero præſente*; yet in the *Acts* of it, only the *Biſhops Decree*; in the *Concluſion*, only the *Biſhops Subſcribe* to what had been *Decreed*.

[3] Ibid. pag. 292. 296.

[4] Ibid. p. 316, 319.

From the time of this *Council*, we meet not with any Mention of the *Presbyters* being *preſent* in the *Provincial Synods* of this Country, before the Fourth Council of *Toledo*: And this preſumption there is, to warrant us to Conclude that they were not called to them; that the [5] *Third Synod* of that *Place*, Reforming the *Provincial Canons*, which requir'd ſuch *Councils* to be held *twice every Year*; *Decreed*, that in reſpect of the *Poverty of the Churches of* Spain, *and the Length of the Way*, *the* Biſhops *ſhould be aſſembled but Once in the Year*, *to the Place which the* Metropolitan *ſhould chuſe for that purpoſe*.

[5] *Concil. Toletan.* iii. c. 18. p 347. Tom. ii.

Indeed in the [6] *Fourth Council* of *Toledo*, where a *Form* was ſetled for the manner of holding of *Synods* in *Spain*; a Proviſion was made for *ſeating* of the *Presbyters* in them: And this may be thought to imply a Right in them to be *preſent* at ſuch *Aſſemblies*. But then ſo there is for the *Deacons*, and *Laity* too: Nor could the One claim any *Right* by Vertue of this *Canon*, which the Other might not have done; except this only, that the *Presbyters* were allow'd to *ſit* behind the *Biſhops*, whilſt the other were required to *ſtand*. But for their *Defining* or *Voting* in ſuch *Synods*, the *Canon* ſays not *one Word* of it, but rather intimates the Contrary; where it requires the *Biſhops* (not *Presbyters*) at the *Cloſe* of the *Council* to *ſubſcribe*, to what by *Common Deliberation*, (no doubt of the *ſame Biſhops*) ſhould be *Defined*.

[6] Ibid. *Conc. Tolet.* iv. can. 4. p. 480.

And accordingly, notwithſtanding this Canon, yet we hear no more of the *Presbyters* in theſe *Councils* afterwards, nay, nor even ſo much as we did before. 'Tis true, about Twenty Years after, in the 8th *Council* of the ſame Place, we meet with ſome Change in the *Members* of their *larger Synods*; for now the *Abbots* began to be taken into them, and to *ſubſcribe* with the *Biſhops*, to the *Acts* of *them*: And which is yet more to be Obſerved, ſome of the more Eminent of the *Laity*, both *aſſented* and *ſubſcribed* with them. This was the Caſe of the 8th, 9th, 11th, 13th, 15th and 16th *Councils* of *Toledo*: And yet in none of theſe, do we find that any meer *Presbyters* either *Acted* or *Subſcribed*.

In the [7] *Provincial Council* of *Merida*, *Anno*, 669; ſeveral *Cannons* were paſs'd concerning *Provincial Synods*: That no abſent *Biſhop* ſhould make a *Deacon* his *Proxy*, but either the *Arch-Presbyter*, or ſome uſeful *Presbyter* at the Leaſt. *Can.*

[7] *Concil. Emerit.* Ib. Tom. ii. p. 624.

the 5th. That if any *Biſhop* could not come to the *Synod*, he ſhould ſignifie by his Letter to the *Metropolitan*, the *Cauſe* of his *Abſence*. *Canon* the 6th: But eſpecially *Canon* the 7th, That if any *Biſhop* being *Admoniſhed* by his *Metropolitan*, with the *King's Conſent*, (which the *Canon* expreſly requires) ſhould *neglect to come*, he ſhould undergo ſuch *Cenſure* as the *Canon* there directs, for his *Neglect*; but neither is there here any *Proviſion* made for the *Summons*, or *Attendance* of the *Presbyters*; nor, tho' preſent at this very *Synod*, did they *Act* with the *Biſhops* in it. [1] On the contrary, there is this Preſumption, that they were not allow'd any other Priviledge, but to *complain* in caſe of any *Grievance*, or to Anſwer to any *Complaints* made againſt them; or, at moſt, to *Adviſe* the *Biſhops* if any *Difficulty* aroſe in which they thought fit to *Conſult* them; that even the *Prieſts*, who were order'd to come as *Proxies* for their *Biſhops*, were allow'd to do no more than [2] *ſcire, & ſubſcribere*, to *know*, and to *ſubſcribe* to what ſhould be done in the *Council*; and we cannot imagine that the *Presbyters* themſelves were allowed more in their *Own Right*, than they were permitted to do in *Right* of *their Biſhops*.

[1] Can. v. Ib,

[2] Ibid.

Sect. 24. And now it will be no hard matter to account for the *Canon* of that *Council* of *Tarragon*, which has been alledged, and that in my Apprehenſion, a little unfairly, to countenance the right of the *Presbyters* to *Sit*, and *Act* in theſe kind of *Synods*: For that is the End, for which (as we have ſeen) this [3] *Author* requires their *preſence* in them. *In a* Spaniſh Council *at* Taragon, ſays he, *we find it particularly provided, That the* Biſhops *ſhould bring along with them to theſe* Synods, Presbyters, *from their* Cathedral Churches; *and from the* Other Churches *of their* Dioceſes. But why has this *Gentleman* left out the *Laity* too; who, by the ſame *Canon*, were Ordered to be brought, as well as the *Presbyters*, to the *Synod*? They ſtood as plain before him both in the *Title*, and in the *Canon* itſelf, as the *Presbyters*: And I cannot ſee but that they were Order'd to be brought for the ſelf ſame purpoſe that the *Presbyters* themſelves were. Let us take then this *Conſtitution*, not as this *Author* has *Repreſented* it, but as thoſe *Fathers* paſs'd it. The *Inſcription* of it is this: [4] *That the* Biſhop, *by his* Letters, *ſhould* Summon *the* Dioceſan Presbyters, *and ſome of the* Laity *to come to the* Synod. The *Canon* is to the ſame effect: *That ſuch Letters ſhould be directed by the* Biſhops, *from the* Metropolitan, *that they may carry with them, not only ſome of the* Presbyters *of their Cathedral Church, but alſo of their* Dioceſe; *and that they ſhould bring ſome alſo of the* Secular Sons of the Church *along with them.*

[3] *Rights*, &c. p. 8, 9.

[4] *Concil. Tarracon.* Tom ii. pag. 237. *Comp. the Antient Collection of D'Achery Spicileg.* T. xi: l.b. ii. cap. 52.

This is the Conſtitution: The *Biſhops* are Order'd to bring ſuch ſelect *Presbyters* and *Laymen* to the *Synod*, as the *Metropolitan* ſhould *direct*: But for what *End* they ſhould bring them, that the *Canon* ſays not; nor will this *Gentleman*, I dare ſay, affirm, that it was to *Act Authoritatively* with the *Biſhops* in their *Council*, however he may have deſigned, and 'tis plain, did intend, that it ſhould have been ſo underſtood.

If from the *Church* of *Spain* we paſs on to thoſe of *France* and *Germany*; we ſhall find the ſame *Diſcipline* obſerved in them as to this Matter. 'Tis true, in the Subſcriptions to the Great Council of *Arles*, we meet with *Presbyters* as well as *Biſhops*, but ſo we do with *Deacons* too; nay, and even with *Readers* and *Exorciſts*, accompanying the *Biſhops* in their Aſſent to what had been done in it. And this is ſufficient to aſſure us, that from theſe no Argument can be drawn, to prove any *Authoritative Right* of *Acting* on behalf of the *Presbyters*, in thoſe *Aſſemblies*. But that the *Power* of this *Synod* was lodged ſolely in the *Biſhops*, both the deſire of the *Donatiſts*, at whoſe importunity it was called, ſhews; and the Accounts which the Antient *Fathers*, and St. *Auſtin* in particular, have given Us of it, will not ſuffer us to Doubt.

The Cauſe of the *Donatiſts*, and their Pretences againſt *Cœcilian*, had already been heard, and (would they have been ſatisfied with any Judgment that went againſt them) had been decided too, in the *Synod* of *Rome*: But they were angry at the Sentence, and they deſir'd another Hearing; and upon that, the Emperour agreed that this *Synod* ſhould meet in Anſwer to their Deſires. Now the *Judgment* which they appealed to, was an [5] EPISCOPAL *Judgment*; and ſuch a One *Conſtantine* conſented to give them; ſo St. *Auſtin* tells us: He calls it another EPISCOPAL *Judgment*, a *Judgment* of other BISHOPS; and by ſo doing, ſufficiently ſhews, of what *Perſons* the *Council* of *Arles* was Compoſed, at leaſt, who they were that *Judged* and *Acted authoritatively* in it.

[5] *Auguſtin.* lib. ii. *contr. Petilian* c. 92. *Lib. de Unitat. Eccleſ.* cap. 18. *Idem.* l. 1. *cont. Parmen.* c. 6 Epiſt. 68. 162. 165. 166. 167. 171.

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As this *Synod* began, ſo thoſe which follow'd after continued to Meet and Act after the ſame Method. To paſs by thoſe of a more early Date; the [1] Council of *Riez*, *Anno* 439, is One of the Firſt that, I conceive, provided by a *Canonical Order* for the conſtant Meeting of *Yearly Synods* in this *Country*. Of what *Perſons* thoſe *Aſſemblies* ſhould conſiſt, the *Canon* of that *Synod* does not particularly determine; but it refers to the *Other Canons* which did, and Defines after their Pattern: And the *Synod* it ſelf conſiſted wholly of *Biſhops*, excepting only one *Presbyter*, deputed by the *Biſhop* of *Conſtance*; who, with the reſt in his ſtead, *alone ſubſcribed* to the *Acts* of it. The ſame was the Caſe of the [2] *Firſt Council* of *Orange*, in which the like Care was taken for the *Yearly meeting* of their *Provincial Synods*; and there again *One* only *Presbyter* is mentioned as either *preſent* at it, or *ſubſcribing* to it; and that in the Name, and by the Authority of his *Biſhop*, for whom he acted in it.

In theſe two *Synods*, the famous *Hilary*, Biſhop of *Arles*, appears *Firſt* among the *Subſcriptions*, as *Cæſarius*, Biſhop of the ſame Place, does in the next which I ſhall mention, that of *Agde*; [3] and in which, tho' we meet both with *Presbyters* and *Deacons*, yet were they neither of them there in their *Own Right*; but deputed by their *Biſhops* to Appear, and Act, on their behalf.

Thus ſtood this Diſcipline in theſe Parts for about *Seven hundred Years* after Chriſt; nor have I obſerved in all that time, any thing that ſeems to Countenance the Pretence now advanced in behalf of the *Presbytery*.

Indeed, about Forty Years after, *Karloman* being deſirous to *Reform* the *Diſcipline* of the *Churches* under his Command; called, together with his *Biſhops*, [4] their *Presbyters* too, to *Adviſe* and *Aſſiſt* him in what was to be done: And by their Advice, Publiſhed thoſe *Decrees* which we now ſee among the *Capitulars* of the *French Kings*. The ſame was the Caſe of the [5] Synod of *Soiſſons*, about two Years after: But then how far theſe are to be look'd upon, to be properly *Eccleſiaſtical Synods*, in which not only the *Biſhops* and *Presbyters*, but the *Prince* and his *Lords* ſate, and agreed too; may, I think, very juſtly be Queſtion'd. That which ſeems to weigh more in this Caſe, is the [6] *Canon* of the *Synod* of *Vernis*; where determining that two Councils ſhould be held every Year, it ſays that the Second of theſe ſhould conſiſt of ſuch *Biſhops* as had been before Eſtabliſhed in the Place of *Metropolitans*, and of ſuch other *Biſhops*, *Abbots*, and *Presbyters*, as the *Metropolitans* ſhould *Command to come to them*.

When afterwards *Charles* the *Great*, in order to a General Reformation of his Dominions, Commanded his *Clergy* to Aſſemble in ſeveral *Synods*, and conſider of ſuch Matters as ſeem'd neceſſary to be Reform'd, and to lay them before Him; We find in One of them, that of [7] *Challons*, *Abbots* as well as *Biſhops*: [8] In Three of the other Four, not only the *Abbots* but *Clergy*, to have aſſiſted. And yet when the [9] *Council* of *Paris*, took care expreſly to Revive the *Yearly Provincial Synods*; the Fathers not only called them, according to the Antient Phraſe, *Synods* of *Biſhops*; but ſpake of the *Presbyters* and *Deacons*, as Perſons who, if they were injured, were to appear *before theſe Councils*, but ſay nothing of any Right which they had to *Vote* in them.

In the mean time this is plain, That for the Firſt 700 Years, the *Biſhops* only were either *Summon'd* to, or *Acted Authoritatively* in theſe *Aſſemblies*; and that the Admiſſion of others, whenever it came in, muſt therefore have been a Deviation from the Antient Practice, which in theſe, as in all the Other *Churches*, was plainly againſt it.

As for the Cuſtom of the [10] *Italian Churches*, in this matter; we are told by *Euſebius*, that in One of their Firſt *Councils*, that of *Rome* againſt *Novatus*; there were preſent, beſides LX *Biſhops*, more than LX *Presbyters* and *Deacons*. But what they did, or how far they were allowed any *Authority* in that Meeting, he tells us not: Nor can we derive any Right from this Inſtance to the One, which will not equally belong to the Other.

The *Account* which [12] St. *Cyprian* gives us of another *Synod* in the ſame *City*, and about the *ſame time*, is more plain: He tells us, That *Cornelius*, Biſhop of that *Place*, having held a *Council* with many of his *Fellow-Biſhops*; They all agreed to

[1] *Concil.* Lab. Tom. iii. Col. 1285.

[2] *Concil. Arauſic.* I. Ib. Col. 1452.

[3] Ibid. Tom. iv. Col. 1394. 1395.

[4] Capit. Tom. i. Col. 144. 146.

[5] Ibid. Col. 155.

[6] Ib. Col. 169.

[7] *Concil.* lab. Tom. vii. Col. 1272.

[8] *Tours* Ib. col. 1261. *Rhems* col. 1254. *Mentz.* col. 1240.

[9] Ibid. col. 1617.

Sect. 26.

[10] Hiſt. Eccleſ. lib. vi. cap. 43.

[12] *Ac ſi minus ſufficiens* Epiſcoporum *in* Africa *numerus Videbatur, etiam* Romam *ſuper hac re ſcripſimus ad* Cornelium *Collegam noſtrum; Qui & Ipſe, cum plurimis* Co-Epiſcopis *habito* Concilio, *in Eandem Nobiſcum ſententiam, pari gravitate, & ſalubri moderatione Conſenſit. Cyprian.* Epiſt. LV. Edit. Oxon.

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what they of *Carthage* had determined concerning the *admitting of thoſe to Pennance, who had fallen away in the Time of Perſecution*; which, it ſeems, was both the Buſineſs and Occaſion of that meeting.

But more full is the Hiſtory of that *Synod* which met, in the Caſe of *Athanaſius*; and of which that [1] *Father* has left us a particular Account. He tells us that it conſiſted of more than *Fifty Biſhops*, under *Julius*; who both heard his Allegations, and Decreed to receive him into Communion, and Fellowſhip, with them. The ſame was the Caſe of the other [2] *Synods* both of *Rome* and *Milan*, on the Occaſion of the ſame Controverſy. They *All* conſiſted of the *Biſhops* of thoſe parts; nor do we hear of any *Presbyters* who (in their *own Right*) either *Sate*, or *Acted* with *Authority* in them.

Indeed in the next Century we find the *Presbyters* not only *Sitting* in the *Synods* of this *Country*, but joyning with the *Biſhops* in their *Conciliary Acclamations*; and teſtifying their *Conſent* to what was Ordained in them. Of this we have an early Inſtance (and it is one of the firſt that I have obſerved) in the [3] *Synod* of *Rome* under Pope *Hilarius*, *Anno* 465: Where, together with the *Biſhops* therein Aſſembled, it is ſaid, That all the *Presbyters* ſate, and the *Deacons ſtood behind them*; and the *Biſhops and Presbyters cryed out*, *Theſe Things we confirm and Teach: Theſe Things are to be held and Obſerved: Theſe Things we deſire may for ever be kept.* But then it muſt withal be remembred, that when the *Synod* proceeded to give every One his diſtinct *Definitive Judgment*, only the *Biſhops* Decreed, and thereby, (I conceive) plainly ſhew'd, that the *Authority* of the *Synod* reſted *ſolely* in them.

By what degrees the *Presbyters* came not only to be preſent, but to be allow'd the Privilege of *Defining* in theſe Meetings, in the *Roman Church*: I ſhall not now attempt, more particularly, to Enquire. That in proceſs of time, they were admitted, not only for *Counſel*, but *Deciſion* too, the [4] Order of holding ſuch *Synods* in the *Roman Church*, does plainly declare. I will only obſerve, that even at the time when that *Collection* was made, (which was near 1300 Years after *Chriſt*) they were not yet *generally* admitted either to *Sit*, or *Vote* in *Council*. But the *Metropolitan* choſe whom he thought fit for that purpoſe; and they and no others, were priviledged to *Judge* and *Define* with him.

Sect. 27. Indeed as to the *Proctors* of the *Cathedral Churches*, Pope *Innocent* the Third, had ſome time before determined, in the Caſe of the *Archbiſhop* of *Sens*, that they were not only to be *Invited* to the *Provincial Synods*, but to be allow'd to *treat* in them. The [5] *Chapters* of the *Cathedral Churches* of that *Province* had, it ſeems, been called to the *Provincial Synod*, and yet when they came, had not been *admitted* to *Treat* with the *Biſhops* in it. The *Pope* therefore directed, that they ſhould not only be *Invited* to *ſuch Councils*, but that being come, their *Proctors* ſhould be admitted to *treat* with the *Archbiſhop* and *Biſhops* in them; eſpecially, ſays he, *in ſuch things as are known to Concern their Chapters.*

This was the Caſe, and the *Popes* Deciſion upon it; and I have the rather taken this particular Notice of it, becauſe the *Author*, againſt whom I am now diſputing, has indeed made a very Looſe and imperfect Repreſentation of it. As for his *Latin* in the *Margent*, 'tis not the *Pope's*, but his *Own Determination* upon the Caſe; neither the *Title* nor *Reſcript*, have any ſuch *ſentence*: Nor, which is worſe, does it ſufficiently repreſent the *ſenſe* of Either. And for the *Engliſh*, it ſtill leſs agrees either with the *Pope's Decree*, or his own *Miſtaken Abridgement* of it. *Innocent the 3d* (ſays he) *in his* Reſcript *to the* Archbiſhop *of* Sens, *directs that the* Proctors *of* Cathedral Churches *ſhould be ſummon'd to theſe* Provincial Synods: But the *Margin* ſays only that *the Chapters of ſuch Churches ſhould be admitted to treat by their Proctors in theſe Councils.* Now that indeed is nearer to the Truth, tho' it does not fully come up to it. The whole is, as I have ſaid before, that they ſhould be *Invited* (not *ſummon'd*) to theſe kind of *Synods*; and that if they came, their *Proctors* ſhould be *admitted to treat in them.* For (as I ſhall ſhew more particularly by and by) in theſe *Caſes* the *Rule* then was not to *ſummon* the *Lower Prelates*, or *Clergy*, to ſuch *Councils*, but to *Invite* them; to *receive* them if they *came*, not to *require* them to *come* to Them.

Such was the Caſe in the *Roman Church*, about *Twelve hundred* Years after *Chriſt*. The *Inferiour Prelates*, and *Capitular Bodies*, were thus far taken into their Synods; that they were to be *Invited to them*, and, if they came, were to be *allow'd to Treat*

[1] *Athanaſ. Opp.* Tom. I. *Apol. contr. Arianos.* p. 140.
[2] Concil. Lab. Tom. ii. col. 886. 889. *Sozom Hiſt. Eccleſ.* p. 546. 547. *Theodoret. Hiſt. Eccl.* lib. ii. cap. 22. *Caſſiodorus. Hiſt. Tripart.* lib. v. c. 15.
[3] Concil. Tom. iv. col. 1064.
[4] Ord. Rom. Mabillon. *Muſ.* Tom. ii. p. 393. *Corona facta de ſedibus Epiſcoporum Presbyteri a Tergo eorum reſideant, Quos tamen ſeſſuros ſecum Metropolitanus Elegerit; qui utique & cum eo judicare aliquid, & Definire poſſunt.*
[5] Decret. iii. tit. x. c. x.

Treat in them. And ſo were ſome *Select Presbyters* too; ſuch as the *Metropolitan thought fit to call, and admit to ſuch a Privilege.* But then even this ſhews, that neither the *One*, nor the *Other*, were look'd upon as any *Neceſſary or Authoritative part* of the *Synod*, which was Compleat without them: For they were neither *Cited* (as the *Biſhops*) *peremptorily to come to it*; nor being come, did they Act upon any *Equal Right* of *Power* with them, in the *Definitions* of it.

Nay, let me add yet more; that even in this too, the Cuſtom of the ſeveral *Churches* of the *Roman Communion* varied: In ſome, theſe *Perſons* were *generally called*; in others, only a *few* of *each kind.* And this Cuſtom was not only the *Rule* by which the *Metropolitans* ſtill continued to Guide themſelves; but was expreſly provided to be obſerved even by the [1] Council of *Trent* it ſelf; where it requires, *1ſt*, The *Biſhops* (as the *Proper* and *Neceſſary Members* of theſe *Synods*) *All*, and *Abſolutely*, to *Come to them*: And, for the reſt, Obliges thoſe only who, of *Right*, or by *Cuſtom*, *ought to be preſent at them.*

[1] Concil. *Trident.* Seſſ 24. cap. 2.

In the *Ancient Order* of *holding* theſe *Councils* in the *Church* of *Rome*; collected not long after the time of *Pope Innocent* the *Third*, of whom we are now ſpeaking; the *Rule* which is preſcribed is this; Firſt the *Biſhops* were to *Enter into the Place of Meeting, and Sit*: Then the *Presbyters*, who had any *Cauſe to be there*: But theſe *were not to mix with thoſe whoſe Order required them to be preſent.* And a *Circle being made of the Seats of the Biſhops*; *Let the Presbyters* (ſays the *Order*) *ſit behind their backs*: That is, *ſuch of them as the Metropolitan ſhall chuſe to ſit with him*; *and who* (therefore) *may both Judge and Define any thing with him.*

See before.

This is one of the moſt *Early*, as well as moſt *Authentick Evidences* that I have met with, for the *Presbyters acting* in theſe kind of *Aſſemblies*: And this at the ſame time that it *allows* a *Liberty* to *ſome* of *them* to *Sit*, and *Act*, in the *Synod*, yet excludes all Colour of Right; and leaves the *Metropolitan* to *Determine* whom he will *Admit*, to ſuch a *Power*, and *Privilege*, with him.

To clear this yet more, let us look into the *Acts* of ſome of thoſe *Synods* which have been held ſince the time of *Pope Innocent* the *Third*; and, by conſequence, ſince the paſſing of the *Reſcript* before alledged; and ſee both *what Presbyters* they were, who were *admitted* to them; and *how far* they were *allow'd* to *Act* in them.

Sect 28.

In the Church of *Sens* to which this *Reſcript* relates; it does not appear either that *all* the *Chapters* were received; or that thoſe who *Came*, did any thing more than *Treat*, and *Conſent* to what *paſſed* in their *Synods*. Thus [2] in that of 1436, the *Archbiſhops* tells us, that he *held his Sacred Provincial Council with his venerable Brethren*, and *Suffragans*, *and ſuch other Eccleſiaſtical Perſons of his Dioceſe*, and *Province*, as *could conveniently be preſent*. [3] Who they were, it is not ſaid; but be they whom they will, the *Biſhops* only ratified the *Acts* of the *Synod*, and (as the manner then was) *Set* their *Seals* to the *Definitions* of it.

[2] Act. Concil. *Senonens.* apud Dacherium. Spicileg. Tom. 5. p. 130.
[3] Ibid. p. 138.

But our next Inſtance will be more Particular, [4] *Anno* 1460, in which the *Acts* having taken notice of the *Suffragan Biſhops*, and the *Proctor* of the *Biſhop* of *Orleans* who was abſent; for the reſt ſay, it was held *in their Preſence*, *and in the preſence of* SOME *Abbots* and *Priors* of *Conventual* and *Cathedral Churches*, and *Proctors* of *Collegiate Churches*; and of *many Other Eccleſiaſtical Perſons*, as well *Secular*, as *Regular*, *Exempt*, and *not Exempt*: With the *Counſel* and *Conſent* of whom, the *Archbiſhop Eſtabliſhed*, and *Ordain'd* what was Determined in it. And then again the *Biſhops only* ſet their *Confirmatory Seals* to it.

[4] Dachery ib. p. 587.

The ſame was the Caſe of the [5] *Synod* of the ſame Place, *Anno* 1483. Only SOME *Abbots*, and *Conventual Priors*, were *Called*, with the *Proctors* of *Cathedral*, and *Collegiate Churches*; and ſuch *Others* as both by *Right*, and *Cuſtom*, *might* and *ought to have been preſent*: And with *their Approbation*, the *Metropolitan Ordained*, and *Commanded what was to be done* to be *Corroborated by his Own*, and his *Suffragans Sealing* of it.

[5] Ibid. p. 585, 586. Item p. 625, 628.

Such was the *Practice* of the *Province* of *Sens*, to which the Order of *Pope Innocent* particularly referr'd. If from thence we look into *Other Provinces*, we ſhall find in ſome of them the *Biſhops* only; in others, the *Biſhops* and *Prelates*, to have been Called; in others, beſides theſe, the *Proctors* of the *Cathedral Churches*; in others, the *Archdeacons*, *Deans*, and *Provoſts*: And all theſe ſometimes without any farther *Clauſe*; at others with a *General Addition*, *of all others who were to be called*: Or, as the *Council* of *Trent* (and by that ſome *Metropolitans* ſince) have phraſed it; who by *Right*, *or Cuſtom*, *ought to be preſent*. But of any other *Presbyters*, Cited as

of

of Right to these *Meetings*, there is very little mention; and but few *Examples* are, I believe, to be found of that kind.

But tho' these, now, were usually Called to the *Provincial Synods*; yet were they not, therefore, look'd upon as *Authoritative Members* of them. In the [1] *Council* of *Rhemes Anno* 1235. The *Proctors* not only of the *Absent Bishops*, but of the *Chapters* too, were *present*: But then as it is expressly noted that the [2] *Proctors* of the *One* were sent only to *Consent* to *those things which should be Ordain'd in the said Council*; so in the [3] next *Synod* of the *same year*, 'tis said of those both of the *One*, and the *Other*, that they *Consented* to what the *whole Council* had *before Agreed*.

The same distinction we find observed in the other *Synods* of the same Province: First [4] the *Bishops Consent*, and *Approve*, and *Set their Seals*: And then the *Consent* of the *Proctors* of the *Chapters* of the *Cathedral Churches* of the *Province* is taken to what was done.

In some *Synods*, the *Constitutions* were *pass'd*, with the *Consent* of the *Bishops*, and *Approbation* of the *Council*: In others, (as the Custom obtain'd) the *Consent of All* was *alike Express'd*: And, lastly, in some; the *Difference* has been so *great*, that both the *Summons*, and *Authority* of the *Bishops*, and the *Other Clergy* are *Expressly distinguished*; and the *Presbyters* neither Called after the *same manner*, nor admitted to the *same Powers* with them. Thus in the *Constitutions* of the *Cardinal Borromeo*, Bishop of *Milan*, for the Settlement of the *Provincial Synods* of that *Church*; the *Bishops* are required under Pain of *Canonical Censure*, together with *all Others* who *may*, or *ought* to Come to them; to be duly present at them. But for the *Chapters* of the *Cathedral Churches*; [5] he only *Invites* them, and *tells* them that *they* MAY *send* any *Ecclesiastical Persons*, as their *Proctors* to them, who MAY be PRESENT in the *Council*; and *if* they *have any* thing to *Refer* to it, MAY DECLARE it to the *Metropolitan* BEFORE the COUNCIL.

And in pursuance of this *Custom*, in that *Church*; [6] he himself *Defined* with the *Counsel*, and *Assent* of the *Bishops* only; not of the *Proctors* of his *Capitular*; much less with the *Approbation* of his *Parochial*, *Presbyters*.

The Case was much the same in the *Synod* of *Narbonne*, in *Spain*: The *Council Decreed* that not only the *Bishops*, but the *next Dignitaries* after them, in their several *Churches*, together with their *Chapters*, by their *Deputies*, should *Necessarily* attend at the *Synod* of the *Province*. But the *Chapters* of the *Regular Monasteries* should be only *Invited* to them. And then ordain'd, [7] That the *Proctors* of the *Cathedral Churches*, the *Abbots*, and all *Deputies* should have only a *Consultive*, not a *Deliberative Voice*, in the *Synod*: They might be *present* and *advise*, but they were not to *Vote*, or *Determine* with the *Bishops*.

That the same Method obtain'd in [8] *France*, we have the *Acts* of the Synod of *Bourdeaux*, to Testify: From all which we may now Conclude, that as, at the beginning, none were *Called* to these *Synods* at all, besides the *Bishops* of the *Province*, nor *Acted* in any *decisive manner* in them; so tho' in process of time others, in some Churches, were taken in, yet still the *Bishops* were considered as the *Proper*, *Authoritative Members*, of them: Nor were the *Presbyters*, as such, ever either Constantly, or Universally Called by the *Catholick Church*, in their *own Right*, to them; or *Admitted* to *Act* with an *Equal Authority* with their *Bishops* in them.

So little ground is there in Antiquity for that position of our *Author*: [9] "That "*some of their Presbyters the Bishops were* OBLIGED *to carry with them to the Coun-* "*cil of the Province*; *and that there*, *they* SATE, DELIBERATED, *and* VOTED *upon all* "*matters that came before the Assembly*: And all this in their *own Right*, and *from* "*the beginning of Christianity*. An Assertion so Injurious to the *Rights* of the *Episcopacy*, and so Contrary to the *Principles* and *Practice* of the *Ancient Church*, that I could not pass it by without taking some Pains to shew that there was as little of *Truth*, as there is of the Received *Principles* of our *Episcopal Church* in it.

[1] *Concil Tom* 11 *Col.* 501.

[2] *Procuratoribus Ambianensis Atrebatensis, Tornacensis, & Cameracensis Episcoporum, missis ad* Consentiendum iis *quæ in dicto* Concilio *contingeret Communiter Ordinari.*

[3] *Ib col.* 503. *Præsentibus — Episcopis — Præsentibus Procuratoribus Episcoporum: nec non præsentibus nunciis Capitulorum Cathedralium Remensio Provinciæ — Consensit* Totum Concilium — And what the *Totum Concilium* was, is plain from what follows; They were the *Bishops* only, from whom all the rest, even the *Proctors* of the *absent Bishops* are distinguished — *Præsentibus etiam dictis procuratoribus Episcoporum, præsentibus etiam & consentientibus nuntiis Capitulorum Cathedralium, &c.* As for the *Proctors* of the *Dioceses*, there were none called.

[4] Vid. Ib. col. 569, 570, 571.

[5] Concil. Tom. 15. col. 517.

[6] Consil. Mediol. I. Ib. col. 336. Provincialibus Episcopis Convocatis, — in Synodo de ipsorum Episcoporum Concilio atq; Consensu Statuimus ac decrevimus, &c.

[7] Ib. col. 1603. *Norint autem Ecclesiarum Cathredralium Procuratores, Abbates, & alii quicunque deputati, Consultivam, non autem Deliberativam, in Eadem Synodo, se Vocem habere.*

[8] Ib. col. 1686.

[9] Rights, &c. page 6.

But

But this is not enough to content this *Gentleman*; his *Presbyters* muſt be intituled to a yet *farther Right*, tho' not in *Perſon*, yet by their *Previous Approbation*, and *Conſent*, even to what was done in the *General Councils* of the *Church*. For that "the *Biſhops* that were *preſent* in *thoſe Councils*, were *Deputed thither* by *Provinci-* "*al Synods*; and brought along with them the *Reſolution*, and *Conſent* of the *ſe-* "*veral Churches* from which they *Came*: And the *Presbyters* having *Voices* in thoſe "*leſſer Synods*, their *Conſent* was alſo in the *Definitions of the greater*, *preſumed* and "*included*. This is another *New Diſcovery*, and (as this *Gentleman* well obſerves) ſuch *Diſcoveries* muſt be maintain'd by as *New Proofs*.

Sect. 29. Rights, &c. page 6.

To Examine this Matter in ſhort: I do not find that either the *Metropolitans*, or their *Synods*, were much concerned either in the *Choice*, or *Delegation*, of the *Biſhops* who went to the two firſt *General Councils*, of *Nice* and *Conſtantinople*. As for the [1] *Third* of *Epheſus*, from whence he fetches the Proof of his *Poſition*; the Direction which the *Emperor* gave to St. *Cyril*, was "To come *himſelf* in *Perſon* "to the *Council*, and to *bring ſuch* a *number*, and of *ſuch Biſhops* of his *Province* "along with him, as *he ſhould think fit*; *that ſo neither* the *Province* might want a "*Competent number* to Anſwer its *needs*; nor the *Synod ſuch* as might be *proper* "for *its Service*.

[1] *Paucos, quos approbaveris, ſub tua Conſtitutos Provincia Sanctiſſimos Epiſcopos ad eam (Synodum) concurrere procurans—— Scriptum namque eſt à pari, à noſtra Majeſtate de prædicta ſancta Synodo Deo amabilibus Epiſcopis, ubiq; Metropolitanis, &c.—— Baluz. Nov. Collect. Concil Col. 454.*

How St. *Cyril*, or any other of the *Metropolitans*, *Choſe* the *Biſhops* which, hereupon, they brought with them, it does not appear; much leſs are we informed with what *Powers* and *Inſtructions*, they *Came*; or that they brought along with them the *Reſolution*, and *Conſent* of *their ſeveral Churches*; and *that* the *Presbyters*, as *well as Biſhops*, *ſent* their *Senſe*, and *Votes* by *them*. This is pure *Divination*; and muſt be fetched from our *Author's Fancy*, not from any *Acts* that have yet been *publiſh'd* of that *Council*.

But it may be the Letter of *Capreolus* Biſhop of *Carthage*, the other Proof which he alledges, will clear this: Let us ſee therefore how he repreſents it. "[2] *Capreolus* (ſays he) excuſes himſelf for ſending no *Biſhops*, becauſe the *War* "which had broke out in thoſe parts, hindred him from *Calling* a *Provincial Sy-* "*nod*, from whence they were to be *deputed*. So this *Gentleman*; but the Truth of the matter was this. *Theodoſius* together with his *Letters* of *Summons* to the *African Biſhops*, had particularly deſired that St. *Auſtin* might be ſent to this Council. That *Biſhop* being dead before the Letter came; *Capreolus*, in Excuſe to the *Fathers* of the *Council*, for not ſending any *African Biſhops* thither, alledges that he would have called [3] *a Common Synod of Africa* together, and therein have Cauſed ſome of his *Brethren* to have been *Choſen*, and *ſent to them*, [4] but that the *Troubles* under which the *Provinces* there lay, and the *Difficulty* of *Aſſembling*, joyned to the *ſhortneſs* of the *Warning*, hindred him from being able, tho' never ſo willing, to do it. This is the ſubſtance of *Capreolus* Excuſe; And from whence theſe three things will ariſe to be Obſerved in this Caſe:

[2] Rights, &c. p 6.

[3] *Ex omnibus Provinciis Africæ—— Synodum volui Congregare, ut electi è numero fratrum & Epiſcoporum noſtrorum ad adorabilem Synodum—— deſtinarentur. Baluz. ibid. Col 478.*

[4] *His igitur impedimentis convenire ad unum qui* Circum Africam ſunt Epiſcopi (no mention of the *Presbyters*) *nullatenus potuerunt. Ibid.*

Firſt, That the *Synod* which *Capreolus* deſigned to have *Called*, was not (as this *Author imagined*) a *Provincial Synod*, but a *general Council* of *Africa*: "*I would have aſſembled* (ſays he) *a Synod from* ALL *the* PROVINCES *of Africa*. Such *Synods* were frequent there; They met *Every Year*; and All the *Greater Affairs* of that *Church*, were tranſacted by them.

Now, *Secondly*, And 'tis the next thing I would note in this Caſe; to this *Council*, no [5] *Presbyters* were *Summon'd*; nay, nor *All* the *Biſhops* of *Africa* neither. But the *Biſhops* of *Each Province Aſſembled* firſt in their *Provincial Synods*, and from thence Deputed ſuch a *Number* of *Biſhops*, as they thought fit, for every *Province*, to *meet* in their *General Council*.

[5] *Codex. Eccl. Afric. apud Juſtellum Vol 1. p. 368. Can. 76.*

And therefore, *Thirdly*, Tho' theſe *Biſhops* had not only been *Choſen*, and *Deputed* by this *Synod*, but (as he pretends) had brought the expreſs *Reſolution* of their *Churches* along with them; (of which nevertheleſs hitherto not *one Word* does appear) yet would not this have advanced the Intereſt of the *Presbyters* at all in this Caſe; ſeeing they not only would not have been concern'd in the *General Council* which would have ſent them, but would not ſo much as have had a *Vote*, in the *Provincial Synods*, by which the *general Council* of that *Country*, was to have been form'd.

How the *Biſhops* of the following *Councils* were *Aſſembled*, and with what *Powers* and *Inſtructions* they Came; it will be time enough to Examine, when this Author ſhall have found out ſome better Authorities to prove, what, theſe he has already alledged, do by no means come up to. Till then I ſhall Conclude,

that, tho' true it be, that *Presbyters* were allow'd to be *present* in the *General*, as well as in the *Provincial Councils*; nay, and sometimes were called to *Act Authoritatively* in them; as *Barsumas* (in the next *General Council*) was, not only to *Sit*, but to *Define* with the *Holy Fathers*, and *Bishops*; yet was this the result of the *Emperour's Pleasure*, and *Command*; and gave no Right either of *Coming* to, or *Acting* in, these *Assemblies*, but to such *Persons*, alone, and at such *Times*, as they thought fit to *Require*, and *Authorize* them to *Meet*, and *Act* in them.

Having thus taken a View both of the *Canons*, and *Practice* of the *Church* in almost all the *other Parts* of the *World*, as to this matter; I should now proceed to enquire into the Discipline of our own *Country* in this particular, and to shew how egregiously mistaken this *Author* has been in that, above any; but that I ought first to clear my way to it, by a brief review of such *Proofs* (if any such there be) which he has offered to maintain his *Popular*, and *Anti-Episcopal Position*. And that indeed will soon be dispatch'd: For as if it were a *Principle* on all hands agreed, and which therefore needed no Authorities to support it; he has not so much as aim'd at any Instances from abroad to maintain it, unless we should allow the *Rescript* of Pope *Innocent*, and the *Canon* of the *Synod* of *Tarragon*, to be proofs; and for those I have sufficiently accounted before.

Sect. 30. Indeed One thing he adds, which is very true, but withal very little to the Purpose, that in the "*Provincial Synods* (he means *abroad*, for with us it was "otherwise) the *Bishops were wont to sit foremost (in a Semi-circle)* so *Corona facta* "signifies with him; *and the Presbyters behind them*; *before whom the Deacons, and People stood*. By which one would think that the *Deacons*, and *People*, *stood between* the *Bishops*, and *Presbyters*, in these *Meetings*. But the Directory of [1] the *Fourth Council* of *Toledo*, (the *Platform* on which the *Orders* of *holding these Assemblies* in the *West* were drawn) speaks more plain; *Diacones in Conspectu Episcoporum stent*; let the *Deacons stand* in the *presence* of the *Bishops*: And so I must suppose this Author meant; tho' being Discoursing of the several *Degrees* of *Sitting*, and having mentioned the *Bishops sitting foremost*, and the *Presbyters behind them*; so correct an *Author*, who cannot bear the least *impropriety* of *Expression* in others, should have used a Word of a less ambiguous Signification, upon this Occasion.

[1] *Can.* 4.

But tho' what he says be true, yet his proof of it is such, as I can by no means allow to be either pertinent, or conclusive. He supposes St. *Cyprian*, in the *Epistle* to which he refers, to have spoken of his *Sitting* in *Council* with the *Presbyters*. And would from thence infer that they were properly his *Assessors*, in those *Meetings*. And so indeed [2] *Baronius*, and *Pamelius* Understood it. But the Arguments against this Opinion which two of our own Learned *Bishops* have offered, are so clear and conclusive, that I cannot imagine why this *Gentleman*, in a matter of so little Consequence to his own Assertion, took part against them; unless it be that he has resolved not to approve of any thing where a *Bishop* is Concern'd against a *Presbyter*, as in this Case they happened to have been.

[2] *Annot. in Epist* 1. *Cyprian* p. 1. *Annales Cyprian. Ad Ann.* 249. *n.* 9.

Sect. 31. To come now to the Usage of our own Church: How our *Synods* were held in the *Saxon* times, it is not easy to determine. They seem for the most part to have been Meetings of a *Mix'd Nature*, and but few to have been properly and purely *Ecclesiastical Councils*. Among those which I suppose may belong to this latter kind, that of [3] *Herudford*, under *Theodore*, is one of the first and most considerable: And in that the Company was entirely *Episcopal*; nor does it appear that the *Presbyters* had any thing at all to do in it. The same was the *State* of the next *Synod*, [4] of *Haethfield* under the same *Archbishop*. 'Tis true our venerable Historian says, that he gathered together a Company not only of the *Reverend Bishops*, but of *many* [5] *Learn'd Men too*: And that those may some of them have been our *Author's Presbyters*, I will not deny. But then the End of his so doing was to inform himself, by a *Personal Conference* with them, what the *Faith* of every one was; the settling whereof was the Design, and Business of that Assembly. But when he proceeded to *Act Synodically*, [6] the *Conciliary Letter* takes notice of the *Bishops* only; They *Expounded* the *Right*, and *Orthodox Faith*; they *Received* the *Five General Councils*, which had then been held; And they only, with *Theodore*, *Subscribed* to what they had *Determined*. And upon all these Accounts, Ano-

[3] And even this too was held, says *M. Westminster*, *Præsentibus Episcopis Angliæ ac Regibus & Magnatibus Universis*. Indeed he speaks only of the *Bishops* acting, *Annuentibus Episcopis Universis*, Every one Subscribed No *Presbyter* is so much as mention'd. Ad Ann. 673. So does *Florence of Worcester*.

Anno 673. *Theodorus* — EPISCOPORUM *Cogit Concilium.* [4] *Bed. H. St. Eccles. l.* 4 *c.* 17. [5] *Collecto Venerabilium Sacerdotum* Doctorumq; *plurimorum Cœtu Ib.* And so, *Flor. Wig. Theodorus Cœtum Episcoporum* Doctorumq; *plurimorum Collegit.* — *Ut Cujus essent fidei singuli scirent.* From *Bede. l.* 1. *c.* [6] In the *Synodical* Letter, *apud* Bedam *ib. In nomine Dom.* — *Præsidente Theodoro* — *unà cum eo Sedentibus* Cæteris EPISCOPIS *Britanniæ insulæ.* Not a Word of *Presbyters*, in all the *Epistle*.

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ther of our [1] *Ancient Hiſtorians* calls it preciſely a *Council of Biſhops*, and takes no notice of any others being concern'd in it.

[1] *Henr. Huntingdon.* lib. iii. fol. 192. a.

From this time forward, our *Synods* ſeem rather to have been *mixed Aſſemblies* than *Eccleſiaſtical Councils*. The next that appears to come the neareſt to this Rank, is that of *Cloveſho*, held by *Athelard*, Archbiſhop of *Canterbury* and Twelve Biſhops. In this, *Kenulph* King of *Mercia*, was preſent: Yet all was Eſtabliſhed by the Authority of *Athelard* and his *Biſhops*; and then, with the Conſent of the whole *Synod*, not only the Biſhops, but the *Abbots*, *Prieſts*, and *Deacons* too, *ſubſcribed* to what had paſſed in it. The Subject indeed was of a very conſiderable nature, the reſetling of the *Rights*, and *Extent*, of the *Archbiſhop* and Province of *Canterbury*; and therefore no wonder, if not only the *Provincial Biſhops*, who, as our [2] Learned *Spelman* obſerves, on ſuch Occaſions as theſe, were otherwiſe, *Alone*, wont to *ſubſcribe*, but which (he tells us) he has hardly any where found beſides; their Principal *Clergy* alſo *ſubſcribed* together with them.

[2] He ſays, *Præter modum Uſitatum. Non ſolum enim (ut in aliis) provinciales omnes* Epiſcopos *exhibet ſubſcribentes, ſed* (quod vix iterum Reperi) Epiſcopos *ſingulos cum Parochiæ ſuæ potiori* Clero, (Abbatibus *ſuis. &* Presbyteris aliquot, *interdum etiam &* Diaconibus) *Suffraganti. Spelm. Concil* Tom. 1. p. 326.

Sect. 32.

How theſe *Synods* were afterwards held during the *Saxon* Times, I cannot certainly ſay: But that towards the latter end of them, the *Regular Prelates* began to be admitted, we may judge from thoſe *Councils* which were held immediately after, under King *William* the *Conqueror*. Such was that of [3] *Windſor*, about the *Primacy* of the *Archbiſhoprick* of *Canterbury* over that of *York*: And ſuch was that of [4] *London*, about three Years after, *Anno* 1075: And in which tho' others of the *Regulars* were preſent, yet only the *Biſhops* and *Abbots Subſcribed*; And the *Synod* it ſelf reſolved, That none elſe ſhould be allow'd to *ſpeak* in it, without the *Leave* of the *Metropolitan*.

[3] Spelm. Concil. Tom. ii. p. 5. & 723.
[4] Ib. p. 8. 10.

It is in a [5] *Legatine Synod*, *Anno* 1126, That the number of theſe *Inferior Prelates* ſeems to have been firſt enlarged among us. To this, beſides the *Biſhops*, the *Archdeacons*, *Abbots* and *Priors* were called; and together with an innumerable Company of the *Clergy* and *People*, met under the Preſidency of *John de Crema*, the *Pope's Legat*, at *London*, *September* the 8th. the Day of the Bleſſed *Virgin's Nativity*.

[5] Ibid. p. 33. *So our Councils place it, but it ſhould rather have been* 1124, *or at moſt* 1125.

About Fifty Years after, at the [6] *Synod* of *Caſſels* in *Ireland*, a new Acceſſion was made to the *Members* of theſe *Aſſemblies*; and the *Deans* were called to a *National Synod* there. In this ſtate our *Provincial Aſſemblies* continued, till near the latter end of King *Henry* the 3d, as appears by the *Convocation-Writ* iſſued out *Anno* 1257, by [7] *Boniface* Archbiſhop of *Canterbury*; in which the *Perſons* ſummon'd to come to it are the very ſame; the *Biſhops*, *Deans*, and *Priors* of the *Cathedral Churches*; The *Abbots* and *Priors*, and the *Archdeacons* of the ſeveral *Dioceſſes* of the *Province*.

[6] Ib. pag. 97.
[7] Annal. Burton. pag. 382.

It is true by the Execution of the [8] *Convocation-Writ* of the next Year, it appears that the *Archdeacons* came with *Procuratorial Letters* to act for the *Clergy* of the whole *Diocеſs*: And ſo I preſume the *Deans* alſo did, with the like for their *Chapters*. But hitherto they had no diſtinct *Proctors* for themſelves, nor were theſe *Dignitaries* of neceſſity either Called or Empowered thus to act in theſe Aſſemblies, but only in ſuch Caſes where Buſineſs of a mix'd nature was to be tranſacted; and it was therefore neceſſary to oblige the *Clergy*, by their own Conſent, to agree to what ſhould be done in them.

[8] Ib. p. 389.

In ſhort, upon the beſt Obſervation I can make, the *Cathedral* and *Dioceſan Clergy*, were not called to any of our *Provincial Synods* before the 10th of King *Edward* the 1ſt, from which time they have been generally (as the nature of the *Convocation* required) either *ſummon'd*, or, at leaſt, *Invited* to them.

But tho' from about the Year 1282, I do conceive that the *Presbyters* have been commonly thus received into our *Provincial Councils*; yet have they not, for all that, been accounted any *Neceſſary* or *Authoritative Part* of them. The *Synod* has always been look'd upon to have had its full Complement, and Power, without them: And that neither did their Preſence add any thing to it, nor their *Abſence* detract at all from the *Authority* of it.

Sect. 33.

Let me for this, Appeal to the Determination of our two Great *Canoniſts*, *Jo. de Acton*, and *William Lynwood*; who both agree, and are both Expreſs to

this purpose. The Decision of the former is this: [1] *That to such* Provincial Councils *where any thing is to be established which touches the state of the Province, the Bishops are to be* Cited; *and the other Subjects to be* Invited, *not* Compell'd. *And for the* [2] Latter; *he tells us, if possible, yet more plainly; That true it is, that to the* Provincial Council *the Bishops are to be Called; but no Others of Necessity: But if* Others *come, they are to be* Admitted; *and such* Others *shall be* Called *too, of whose Affairs any thing is to be done; or because their Counsel is necessary.* This was his Account both of the *Law* and *Practice* in this Matter, as appears by the *Occasion* he took for this *Determination*; it being absurd to suppose, that that great *Canonist* should have Question'd whether *all* the *Persons* were *present* at the passing of the *Constitution*, upon which he *Commented*, who were requisite to give a *Canonical force to it*; supposing that the *same Persons* had *always* been *summon'd* to Our *Convocations*, and therefore always been, either *legally present* at them, or *contumaciously absent* from them. But indeed he knew that, in fact, the *Lower Clergy* were not *always Cited*, nor did *always Come* to them; and therefore the *Constitution* having something in it contrary to *Common Right*, he had reason to Enquire *Who* were present at the *Passing* of it; and whether it were made by a sufficient *Authority* or no?

What he had said here, he again repeats in [3] his Fifth Book: *That to the* Provincial Council *none but Bishops were* Necessarily *to be* Summon'd: *Yet if Others Came, they were to be* Admitted; *and to be* Called *too, when their* Own Facts *were to be treated on; or because their* Counsel was necessary.

The result of all is this, That it has been with Us, as with the Other *Churches* abroad: At the Beginning the *Bishops* only *Came* to, and *Did all* in these *Assemblies*. By degrees the *Regular Clergy*, and the *Inferiour Prelates* were either *Called*, or *Invited* to them. And towards the End of the Thirteenth *Century*, the *Capitular*, and *Diocesan Presbyters*, were indulged the same Liberty; or rather, were upon some Occasions requir'd to attend at them. This has been our Case; and from the true state of which it may, I think, sufficiently appear, with what rashness, to say no more, a late Author has affirmed; that *Presbyters*, from the Beginning had *Equal Right* of *Place* and *Voice* in these *Conciliary Meetings* with the *Bishops* themselves: An Assertion which not only the *Acts* of all the *Synods* abroad, but the best Accounts we have of those of our *Own Church*, do apparently contradict.

Sect. 34. And here then let us stop, and Examine what it is that this *Gentleman* founds his Opinion upon? By what Arguments either of *Law* or *History*, he proves his Position; that (in Our *Church* at least) *Presbyters* were, *from the Beginning*, a *Necessary* and *Authoritative part* of our *Provincial Synods*.

Now three Instances there are which he offers, to settle this *Right* during the *Saxon* Times: [4] For the first of which, the *Synod* of *Clovesho*, *Anno* 803: I have already accounted, nor can any Argument be brought in favour of the *Presbyters* from thence, which will not carry the Point farther then he intends, and take the *Deacons* also into the same *Rights* and *Priviledges* with them.

His next [5] *Authority* seems to come up more fully to his purpose; but yet upon a fair representation of the matter, which this *Gentleman* will give me leave to say he has by no means made, it will appear to end at last in a meer Shew; without Force, and without Authority. The State of our *Country*, both in the *Clergy* and *People*, was at that time wonderfully depraved. Several Admonitions had been given both from the *Pope* and Others for the Correction of it: And in Order thereunto, a [6] *General Assembly* both of the *Clergy* and *Laity*, was thought fit to be held by the *King* and the *Archbishop*, that therein some Course might be taken for the remedying of it.

To this *Assembly* therefore, [7] the *King*, his *Princes*, and *Great Men*; with the *Archbishops*, *Bishops*, and Other *Clergy* came: And as the *Author* observes, being come together, [8] the *Prelates*, *Priests*, and the *Lesser Dignitaries*, in the *Ecclesiastical Degree*, sate *together*, both to *Treat* of, and to *Confirm* the *Unity* of the *Church*, the *state* of the *Christian Religion*, and an *Agreement* of *Peace*.

And First, the *Metropolitan* publickly *Read*, and *Expounded* in our own Tongue, the *Pope's Letter of Exhortation* and *Threat* to them, which being done, [9] the Bishops,

[1] Unde patet quod ad Concilium—Provinciale, ubi statuenda sunt aliqua quæ tangunt statum Provinciæ, *Episcopi sunt Citandi*; & *Cæteri subditi Invitandi non Cogendi.* In constit. Othon. p. 5. a.

[2] Ad Provinciale Concilium *Vocandi* sunt Episcopi, & non alii de *Necessitate*—Si tamen Alii veniant, *Admittendi* sunt. Vocabuntur etiam Alii de Quorum factis agitur, vel quia Ipsorum Consilium est necessarium. *Lynwood*, pag 154.

[3] Ibid. pag. 300.

[4] Rights, &c. pag. 12. 13.

[5] Ibid. p. 13.

[6] *Malmsb.* Hist. lib. 1. fol. 15. a.

[7] *Spelm. Concil.* p. 242. *Anno* 747.

[8] Cum igitur ex diversis Britanniæ Provinciis sacri Ordinis—præsules, cum plurimis sacerdotibus domini; & *minoribus quoque Ecclesiastici gradus dignitatibus* Convenerunt, *&c.*

[9] ——Unde nimirum post Illarum Recitationem—— Verterunt, ac primo suorum ipsi Præsules qui cæteris Magisterii loco a Deo Prælati sunt, ad seipsos Verba mutuæ exhortationis sese, suumque Officium, quo Cæteri ad Dei famularum instrui Cotidie debent——Atque deinde loco Decretorum, hoc rata sanctione Condixerunt, *&c.*

ſhops, *qui Cæteris* (ſay the Acts) *Magiſterii loco prælati ſunt*; began to Exhort one another to *do* their *Duty*, by which the Reſt ought to be duly inſtructed to the Service of God. And then in the *firſt Place* of *their Decrees* they made this *Sanction*; that *every Biſhop*, &c.

This is the ſubſtance of the *Introduction* to the *Canons*, which were paſſed in that *Synod*; and I think it ſufficiently ſhews that tho' Others of a *Lower Order* were *preſent* in the *Synod* (*Deacons* as well as *Prieſts*) yet the *Biſhops* only *acted Synodically*, and *Defined* in it.

To confirm this Account, let me obſerve that, (as another of our [1] *Antient Hiſtorians* relates it) the *King* and his *Lords*, as well as the *Lower Clergy*, were both preſent at the *making* of theſe *Decrees*, and approved of them. And yet I ſuppoſe, this Gentleman will not from thence infer, that they were *Authoritative Members* of the *Synod* too. But then he adds, that the *Archbiſhop* only *Decreed*, and the *Biſhops ſubſcrib'd* to the *Definitions*.

The Sum then of this Inſtance (ſupppoſing it to have been a proper *Provincial Synod*) will at laſt amount but to this; that the *Clergy* and *Laity* were preſent, with the *Biſhops*, at it, and agreed to what was done in it: But they only as the *Governors ſet by God over the Reſt*, *defined*; or rather, the *Metropolitan alone Decreed*, with the *Approbation* of his *Biſhops*, who Conſented to what was done, and *ſubſcribed* the *Decrees* with him.

Whether this *Author* was aware of this or no, I ſhall not pretend to Judge; but the Caution with which he alledges the Authority of this *Synod*, is at leaſt ſuſpicious. [2] *In the Preface* (ſays he) *to the Canons, we meet with theſe remarkable Words*: And ſo he leaves it to ſhift for its ſelf, without entring into any farther Enquiry about it.

It is much ſuch another piece of Ingenuity that occurs in the laſt Inſtance which he brings in Proof of his Poſition; From that [3] *Domeſtick Council of our own*, as he is pleaſed to Call it, *Anno*, 1129. "The *Perſons ſummon'd* to which, "he tells us, are thus reckon'd up in the *Saxon Chronicle*; *Biſhops*, *Abbots*, *Arch-* "*deacons*, all the *Priors*, *Monks*, and *Canons* who were in all the *Religious Houſes* "of *England*; Finally, all that had the care of Religion committed to them, "i. e. *I ſuppoſe the Parochial Presbyters*. Now this 'tis true, the *Saxon Chronicle* does ſay, concerning the *Perſons* who were called to this *Aſſembly*: And I have before agreed, that not only *Presbyters*, but *Deacons*, and *Lay-men*, were from the Beginning, allow'd to be preſent at, and ſometimes were invited too, to the *Synods* of the *Church*. But then to be *preſent at a Synod*, is one thing, and to be a *proper Authoritative Member* of it, is another. All theſe were called to this *Meeting*, 'tis true; but did they all *Define*, and *Decree*, in it? Let the *Reader* judge by what immediately follows in the very *Chronicle* to which he refers. "The *Mot* "or *Meeting* began on *Monday* and continued to *Friday*. The Buſineſs was con- "cerning the *Wives* of the *Archdeacons* and *Prieſts*; that they ſhould put them a- "way before the Feaſt of St. *Andrew*; and that he who would not do it, ſhould "forego his *Church*, and his *Houſe*, and his *Home*; and never return to *Officiate* "there. *This* WILLIAM ARCHBISHOP of CANTERBURY DECREED, and ALL the "DIOCESAN BISHOPS, *that were in* England: But thoſe *Decrees* had no Effect, by "the *King*'s diſpenſing with them in that Caſe.

Thus this very *Chronicle* relates this Matter; tho' this *Author* was pleaſed to draw a Curtain over it, for what end, to his Own *Conſcience*, and the *Reader's Judgment*, I ſhall leave it to determine. But I muſt not conclude this Paſſage without obſerving yet farther; that in this whole Relation, the *Saxon Chronicle* greatly varies from all our *Hiſtorians*; which is another thing that, I think, ſhould not have been diſſembled. [4] The Account which they give of it is this: *That the* King (*not the* Archbiſhop) *being returned into* England, *held a* Great Council (*not a* Church-Synod) *at* London, *the 1ſt of* Auguſt (*not at* Michaelmaſs) *about* prohibiting *of* Prieſts Wives. *That at this Council, the* Archbiſhops *both of* Canterbury *and* York, *were preſent*; *and together with the Other* Biſhops, *Conſented that the* King *ſhould ſee* Juſtice done in this Caſe: *But that he deceived them*; *and took* Money *of the* Prieſts *for* liberty *to* keep *their* Wives. *That the* Biſhops *in vain repented of what they had Granted*, *when the Trick which the King had put upon the* PRELATES, *and the Depreſſion of his* Subjects, *was made manifeſt in the Eyes of all Nations.* [5] In the ſame *Council* it was, (as ſome affirm) that the *Nobility* of *England* ſware before the *King*, to keep the *Kingdom* of *England* for the *Empreſs* his Daughter, if ſhe outlived her *Father*, and he had no *Son* to *ſucceed* him. This

[1] Hic *Cuthbertus* Anno 747 Menſe Septembris in Synodo apud Cloveſhot, Omnibus Anglorum *Epiſcopis Subſcribentibus*—— *decrevit*, &c. Rege *Ethelbaldo Merciorum* tunc cum Optimatibus præſente, & hoc Approbante. Chron. W. Thorn. col. 1772. Conf. Malmſ. de Geſt. Pontif. l. i. fol. 112. a.

[2] *Rights*, &c. p. 13.

[3] Ib. pag. 9.

[4] *Hoveden.* fol. 274. Mat. *Pariſ.* Annal. Waverl. Chron. *Hemingford*, &c.

[5] *Brompton.* Col. 1018.

This is the Account which, not only *Hoveden*, and *Brompton*, but *Mat. Paris*, *Hemingford*, and the *Annals* of *Waverly* give of this matter. They all expreſly call it a *Great Council*; and ſay that the *King held it*. And even his own *Saxon Chronicle* ſtiles it, to the ſame effect, *Mot*, a *Council*; but not ſuch as this *Author* would have us believe, when he calls it a *Domeſtick Council of our own*; nor indeed ſuch as is at all to the Purpoſe of the Argument for which he alledges it.

So little has he hitherto offer'd to Vindicate his *pretended Rights* of the *Presbyters* in our *Domeſtick Councils*, during the *Saxon* times: Let us ſee whether his Succeſs be afterwards any better; and that not for its importance to our Argument, if it ſhould be true, that 1100 Years after *Chriſt*, the *Presbyters* had been admitted to *Sit* with their *Biſhops* in *Council*; but to ſhew upon what ſlender grounds the Confidence of ſome Men is built; and with what eaſineſs they cenſure Others of *Error*; when, at the ſame time, 'tis only their Own *Ignorance*, or *Prejudice* that ought to be Blamed.

I have before obſerved how, not only our Learned *Lynwood*, but *Jo. de Acton* too, have told us, that the *Biſhops* only were to be *Cited* to our *Provincial Synods*; as the proper *conſtituent Members* of them; but that the reſt were ordinarily to be *Invited*, not *ſummon'd* to them. Now this, as it is directly contrary to his Allegation, ſo will it much concern him to get clear of it. The *Authors* were *Both* Men of great Knowledge in the *Canons*, and *Cuſtoms*, of the *Church*. They were *Both* of them, in all probability, *Members* of our *Convocations*; and therefore we ought, in Modeſty, to ſuppoſe that they muſt have known much better then we now do, what was the *Conſtitution* of them in the Times in which they Liv'd. They Publiſh'd their Glosses in their Own Days; and as that Study was then in requeſt above all Others, ſo we cannot doubt but that they were diligently Read, and Examined: And to think that they ſhould have deliver'd a Falſity at that time, and in ſuch a matter, in which they could ſo eaſily have been diſprov'd; and in which I cannot yet ſee what Intereſt they could have had to prevaricate; muſt be to ſuppoſe them to have been deſtitute, not only of all *Conſcience*, but of all *Reaſon* too; and to have had as little *Prudence*, as *Honeſty*, in their Attempt.

Sect. 36. But what then ſays this *Gentleman* to their Evidence? *Jo. de Acton*, was an *Author*, either whom he knew not to have depoſed againſt him in this Caſe, or having never been a *Biſhop*, he was content, for Once, to Excuſe him. But *Lynwood* muſt not ſo Eſcape: He dedicated his Book to an *Archbiſhop* of *Canterbury*, and he was himſelf afterwards made a Biſhop; and upon both thoſe Accounts there is no mercy for him. [1] And therefore to puſh his Blow home, he Charges him on both ſides, with Inconſtancy, not to ſay a Contradiction in his Aſſertion; and a miſtake little leſs than *Wilful*, in the *Practice* of the *Church*. The Attaque is violent, and eagerly purſued, but yet I do not much Care if I venture to ſtand the brunt of it, and to make my ſelf a *Second* to this famous *Canoniſt* in his *Aſſertion*.

[1] *Rights*, &c. p. 10. &c.

As to the Point of *Contradiction*, which he charges upon him, it conſiſts in this; that he firſt ſays, that *None but Biſhops are of Neceſſity to be called to theſe Synods*; and yet afterwards confeſſes, That *Presbyters were to be called to them, when any thing was to be done wherein they were concern'd*; *or becauſe their Counſel was neceſſary*.

Now to make out a *Contradiction* in this Caſe, this *Author* muſt ſuppoſe either that the *Presbyters* had always *Buſineſs* in theſe *Synods*; or that their *Counſel* was *always Neceſſary*; and that therefore upon *One* or *Other* of theſe *Accounts*, they were *always neceſſarily* to be *Called* to them. But this *Lynwood* neither ſaid nor ſuppos'd, but rather intimated the contrary, by putting in theſe two *Caſes*, as particular *Exceptions* to his General *Aſſertion*; that they were not to be called of *Neceſſity*, but only in Caſe there was any thing to be done, in which they were concerned; or that the *Archbiſhop* thought it needful to take their *Advice* in what he had to do.

The miſtake of this Gentleman, I ſuppoſe, proceeds from the different Notion which he now has of the *Rights of the Clergy*, from what the *Clergy* had of their *Own Rights heretofore*. He thinks it a *Priviledge*, and a *Prerogative*, to be ſummon'd to the *Convocation*; they accounted it a *Charge* and a *Burthen*. He ſtands upon the *Right* of *Attending* in *Council*; they ſtood upon their *Right* of being *Exempted* from ſuch an *Attendance*. In this very *Gloſs* therefore, *Lynwood* is ſo far from

flattering

flattering the *Epiſcopacy*, as this *Author* pretends, that he really argues for the *Liberty* of the *Clergy*. He aſſerts, that they were to be *Invited* indeed; ſo that if they pleaſed they might *Come* to theſe *Aſſemblies*: He aſſerts, that if they *did come*, (as they *freely might*) they ought to be *Admitted*. And in this he ſufficiently ſecures their *Priviledge* both of *Coming* to, and *Acting* in theſe Aſſemblies; whenever they ſhould think it expedient ſo to do. That which he denies is; that they were to be *peremptorily Cited*; or *Canonically puniſhed*, if they *Came not*. Now in this he delivers his Opinion, conformably both to the *Orders*, and *Uſage* of the *Church* in his *time*, and for ſome *Ages before* him; that they ought not to be *Summon'd* (like the *Biſhops*) unleſs there was ſome *Cauſe depending* in which they were concern'd; or that ſome *Matters* were to be *treated* of, in which the *Archbiſhop* (who was the Judge of it) thought their *Advice* to the *Neceſſary*. And then, he allows, that the *Metropolitan* might *peremptorily Cite them*, as well as the *Biſhops*; and that being ſo *Cited*, they were *bound* to *Attend*.

This therefore may ſuffice to Anſwer the pretended Contradiction in this Caſe. As for the truth of the *Aſſertion*; this Gentleman doubts not to ſay, "That "the practiſe of *Lynwood*'s *own time*, and the *Stile* of thoſe *Conſtitutions ſome of* "*which probably he himſelf penn'd, Over-rule the Aſſertion of his Gloſſe*. And this not only *Confutes*, but *Expoſes* him too; And argues a want, either of *common Senſe*, or of *common Honeſty* in him, thus openly to Contradict in his *Gloſſe*, what *himſelf* had, probably, *penn'd* in the *Text*. Rights, &c. p. 14.

Sect. 37.

To remove therefore all doubt in this matter, I muſt beg leave to make uſe of a Diſtinction, which this *Gentleman*, himſelf has elſewhere allow'd of, between a *Convocation*, and a *Provincial Synod*; as the Caſe ſtood in thoſe times. By the *One* was meant ſuch a *Provincial Aſſembly* as was either *Called* by the *King's Order*, or *Deſign'd* for his *Service*; as well as for the *Affairs* of the *Church*. By the *Other* was underſtood a *pure Eccleſiaſtical Council*; which was *Summon'd* only upon a *Spiritual Account*, and not intended to meddle with any matters of a *Civil*, or *Mixt Nature*, in which the *King* or the *State* of the *Realm* were *concern'd*.

What other Differences there were between theſe *Two* heretofore, I have already ſhewn. It ſhall ſuffice at preſent, to affirm, againſt this *Author*'s Opinion; that One of the moſt Conſiderable; was this, that the *Lower Prelates* firſt, and then the *Other Clergy*, were *peremptorily Summon'd* to the *One*, but were ordinarily only *Warn'd of*, and *Invited*; (and ſometimes not ſo much as *Invited*) to the *Other*.

Thus *Kilwarby* in his Synod of 1273, held for the *Reformation* of the *Church* [1] called only his *Suffragans* to *Treat*, *Provide*, and *Ordain* with him, of what ſhould be expedient for the *Honour* of *God*, and his *Holy Church*. But yet that this they might do the better, he Enjoyned every *Biſhop* to bring along with him to the ſaid *Congregation*, *Three* or *Four* Perſons of the *moſt Diſcreet*, and *Prudent of his Church, and Dioceſs*, that by their *Counſel*, the *Buſineſs* of the *Church might the more ſucceſsfully be ſettled*.

In the *Council* of *Reading*, which this Gentleman ſo much talks of, but ſo little Underſtands; Archbiſhop *Peckham*, in like manner, *Called* only his [2] *Suffragans* to it, *Anno* 1279. and with *their Aſſent publiſhed* the *Conſtitutions* of it. [3] And tho' in his *Synod* of *Lambeth* held *Two years* after, he required the *Leſſer*, as well as *Greater Prelates* to come to it; yet neither in that were the *Proctors* of the *Clergy* preſent; nor was their *Conſent* required to the *Conſtitutions* which were made in it. They were only to be inform'd that if they were aggrieved in any Caſes which properly belong'd to the *Council* to *Correct*, they ſhould be heard in due form: A favour vouchſafed, by the expreſſions of the *Writ*, to the *Laity*, as well as *Clergy*.

And here, I muſt Obſerve an Accident which fell out, and which may ſerve to Confirm what I before aſſerted; that the *Lower-Clergy* were ſo far from accounting it any *Priviledge* to be *Summon'd* to theſe *Synods*, that they took all Occaſions to avoid their being *Compelled* to *Come* to them. The *Archbiſhops* had *Cited*, together with the *Biſhops*, [4] all the *Inferiour Prelates* of his *Province* (*Quos Conciliorum tractatibus*, ſays *Peckham*, *intereſſe jubent Sancti Canones*) who by the *Canons* of the *Church*, were required (if called) to be *preſent at ſuch Treaties*, to *Come* to this *Council*. But the *Exempt Prelates* ſtood upon their *Priviledge*, and refuſed to *Obey* his *Summons*; They neither *Came* themſelves, nor ſent any *Proctors* to *Excuſe* their *Abſence*. For this Contumacy the *Archbiſhop* reſolved to proceed by

[1] Mandat. pro Convoc. Epiſ. Lond. Mandamus quat Omnes Eccleſiæ noſtræ Cant. *Suffraganeos* autoritate noſtra Vocetis quod conveniant, &c. — Et ut negotium hujus *ſaniori Conſilio fulciatur*, Injungatis ex parte noſtra ſingulis *Epiſcopis*, ut quilibet eorum vocet, & ducat ſecum ad prædictam Congregationem, Tres, vel Quatuor Perſonas, de Majoribus, diſcretioribus, & prudentioribus, ſuæ Eccleſiæ & Dioceſes, &c. E. Regiſtr. *Giffard*. Epiſc. Wigorn. fol. 41.

[2] Vid. Regiſtr. *Peckham*. fol. 10.

Fr. Jo. Cant. Arch. Convoc. ſuffraganeis ſuis apud Radinges Celebravit Concilium — Petr. de *Peckham*, ad An. 1279. Sic Contin. W. Hemingford.

[3] Regiſt. Peckham, fol. 175. [4] Vid. apud M. Weſtminſter. ad An. D. 1281.

his

his *Eccleſiaſtical Authority* againſt them. 'And tho' ſome of them had the Briskneſs to *Appeal* to the *Pope* from his *Sentence*, yet they were forced at laſt to Compromiſe the matter, and to ſubmit themſelves to his Mercy.

[1] Antiquit. Brit. p. 198, 199.

Whether theſe leſſer Prelates were Summon'd to his next [2] *Synod* of *Lambeth* (in the beginning of the year after) I cannot tell: But the Inſcription of the *Articles* which were paſs'd in it, ſeems to imply that they *were not*; but that what was there done, was Eſtabliſh'd by the *Sole Authority* of the *Archbiſhop*, and his *Suffragans*, without the *Concurrence* of any *Others* to the *Paſſing* of them.

[2] Intentio, & Expoſitio Articulorum ſuper Quibus Ordinavit Arch. Cant. de *Suffraganeorum Conſenſu.* apud Lambith die Sabbat. prox. poſt Dominic. qua Cantatur *Jubilate.* Regiſt. *Giffard.* Epiſc. Wig. fol. 133.

I ſhall not need to ſay that before the time of theſe *two Archbiſhops*, the *Lower-Clergy*, as well as the *Biſhops*, were *Called* to ſuch *Aſſemblies* in which the *Affairs* of the *State* were to be tranſacted. That is not only [3] allow'd by the Perſon whom I am now to deal with; but has been, I think, ſufficiently proved by him. That therefore they were not *Called* to the *Aſſemblies* here mentioned, was becauſe in thoſe times they made a *Diſtinction* in this *Matter*; and look'd upon their preſence to have been *Neceſſarily required* in the *One*, but not in the *Other*.

[3] Rights, &c. p. 9, 10, 12.

In the beginning of the *next Reign*, when the *Other Convocations* were now brought to the ſame Regulation under which they have generally continued ever ſince, yet ſtill the *Eccleſiaſtical Councils* remained in the ſtate which they were in before. The *Clergy* were not *Summon'd*, but only *Invited* to them, unleſs they had ſome *particular Reaſon* to be *preſent*, or that the *Archbiſhop* deſired to have their *Advice* in his *Debates*.

The Affair of the *Templars* was now the great Point in Agitation: And upon occaſion whereof frequent Synods were held in our Country, as well as in the other *Churches* of *Europe*. The Archbiſhop of *York* having determined to hold his *Provincial Synod* upon this Account, upon the 20*th* of *May* 1310; Commanded his *Suffragans* to Cauſe a *Solemn Publication* to be made of it in all the *Collegiate* and *Cathedral Churches* of his *Province*. Then he [4] *Summon'd Peremptorily* to his *Synod*, both the *Biſhops*, and *Leſſer Prelates*, with the *Chapters*, of his *Province*, "That they ſhould appear in his *Council*, to *Treat* of the Matters to be *propoſed* in "it; to *give wholeſome Counſel* in them; and *humbly* to *admit*, and *effectually* to *fulfil*, what ſhould be *Eſtabliſhed*, *Ordained*, and *Done* there. But for the *Clergy* he no farther *Invited* them, than as by the *Publick Notice* which he had directed to be given in the Churches of his Synod, they ſhould be prompted voluntarily to come to it, if they had any thing to *Offer*, or *Do*, in it.

[4] Vid. Summonit. Arch. in Regiſt. Jo. de Halton Epiſc. Carl. fol. 132.

But there is another *Circumſtance*, in this *Summons* which muſt not be neglected: He knew how backward theſe *Prelates* would be to Comply with his *Citation*; and that it would therefore be neceſſary to give all the reaſonable *force* he could to it. And to that end, he added; "*That* he *Premoniſhed* his *Biſhops* and by them "*Commanded* the reſt to be *Premoniſhed*, who were to be *Cited* by *them*, that he "would *Puniſh* all ſuch as ſhould be *Abſent* at the *time prefixed*, according to the "*Exigence of the Law*, as *Diſobedient*, and *Contumacious*; unleſs they ſhould be a-"ble to prove, that for ſome *Evident* and *Reaſonable Cauſes*, they were *Lawfully* "*hindred* from *Coming* to this *Synod*.

The Caſe was the very ſame the next year following: [5] He Summon'd the *Lower Prelates*, and *Capitular Bodies*, but *Omitted* the *Proctors* of the *Dioceſan Clergy*; till the *King* deſiring a *Subſidy* of *Twelve Pence* per *Mark* to be Granted to him, in which the Rights of the other *Clergy* were concern'd, by a Second [6] *Mandate*, he required the whole Clergy to appear at the ſame time; and ſo held at once both a *Council*, and a *Convocation*. This Aſſembly ſate not long; it open'd on the 24*th* of *May* 1311. and by a new [7] Mandate Dated the 31*ſt* of the ſame Month, we find notice taken of their Adjournment to the 1*ſt* of *July*; and then the *Proctors* of the *Clergy* were dropp'd again, and only the Members firſt Summon'd, required to appear.

[5] Regiſtrum. Greenfield. fol. 188. b.

[6] Ib. fol 201.

[7] Regiſt. Jo. de Halton. Carl. Epiſc. fol. 140.

Thus this Matter paſs'd in the *Province of York*: Nor was it much otherwiſe in that of *Canterbury*. *Archbiſhop Winchelſea* Summon'd his [8] *Provincial Synod* to meet at *London* the *Wedneſday* after the *Feaſt* of St. *Matthew*, *Anno* 1310. To it he *Cited* only the *Biſhops*, and *Chapters* of their *Cathedral Churches*; but no *Abbots*, *Priors*, *Deans*, or *Archdeacons*; no *Proctors* for the *Dioceſan Clergy*, as in the other *Convocations* he was wont to do.

[8] See the Execution of the Mandate. Lib. Mem. Jo. Derby Epiſc. Linc. fol. 160.

This was the ſtate of his Synod in 1310: But the year following the *Difficulty* of the *Buſineſs* to be tranſacted in his *Council*, prompted him to Call in more Help, for the better diſpatch of it. [9] Here therefore he Cited not only the *Biſhops*, and

[9] Ibid. fol. 179.

and *Regular Prelates*, with the *Archdeacons*, and the *Capitular*, and *Dioceſan Clergy*; but enjoyn'd his *Biſhops* to ſend, before the Opening of the *Synod*, ſome Other *Perſons* learn'd in the *Canon*, and *Civil Law*, and *Experienced* in *Matters* both of *Right*, and *Fact*, to agree on the *Methods* by which they ſhould proceed when they *Came together*.

From which two different kinds of *Summons* in both *Provinces*, ſo near to one another, the Aſſertion of *Lynwood* is, I think, evidently made good: That the *Lower Clergy* were not *neceſſarily* to be *Called* to theſe *Councils*; unleſs when their *Counſel* was thought to be *needful*; or that ſomewhat was to be *Treated of* in which they were *particularly Concern'd*. The *former* of which *Aſſertions* we ſee plainly verified in the *Synod* of 1310; the *latter* in that of 1311; and both together ſpeak the ſame, which therefore both *Joh. de Acton*, and *Lynwood*, upon *good Authority* affirmed to have been the *Cuſtom* of the *Church*, and the *Rights* of the *Clergy*, from them.

But the next *Synod* which I ſhall offer, One of the *laſt* of this *Archbiſhop's*, will carry us yet farther. In the Summons of which having *peremptorily Cited his Suffragans* to appear; He Concludes with this Clauſe; [1] "That they ſhould give "Notice to the *Dean.*, and *Priors*, of their *Cathedral Churches*; and to their "*Chapters*, that IF they *came* to the ſaid *Council*, and DESIRED to be ADMITTED "to it, as the LAW REQUIRED, they ſhould be *Admitted*. This is the direct Stile of what our *Canoniſts* laid down; or rather indeed it is not ſo much as they will be found to have pleaded for. For their *Rule* was *General*, that if *Others*, *Any Other* of the *Lower Clergy*, Came, they were to be *Admitted*. But this Order reſtrains it to the *Cathedral Bodies only*; that if the *Deans*, and their *Chapters Came*, they ſhould be *Admitted*: Nay, and that too upon their *Petition*, *Si— venerint & —Petierint— Secundum juris Exigentiam, Admittentur*.

I do not believe that this *Gentleman* will preſume to make the ſame Reflection upon *Robert Winchelſea*, that he has done upon *William Lynwood*, tho' by his Character more Obnoxious to his Reſentments, as being *Archbiſhop* of *Canterbury* at the time that he cauſed this *Writ* to be iſſued forth, for the Aſſembling of this *Provincial Synod*. His Zeal for the *Rights* and *Liberties* of the *Church*; what he did, and what he ſuffer'd on the Account of them, are too well known to leave it in doubt, whether he was of a Temper to enter into any meaſures that tended to the Leſſening of them. 'Tis true, he was Proud, and Imperious; and ſo may be thought to have carried his *Own Authority* too high over his Subjects; as 'tis certain he did both his own and theirs too far againſt the King. We will therefore ſee how his *Succeſſors* behaved themſelves as to theſe Matters; and Enquire, whether they did not continue to act by the ſame Meaſures, as we have now ſeen thoſe did who went before them.

The *Convocation* of Archbiſhop [2] *Stratford*, in 1341, is a *Provincial Synod* with which this *Gentleman* has ſhewn himſelf to have been particularly well acquainted. He Cites a part of the *Mandate* by which it was *Summon'd*; and argues from thence, juſtly enough, that it was *properly* an *Eccleſiaſtical Council*, and not a *State-Convocation*. But who then were the *Members* of which that *Synod* conſiſted? And how were they *Summon'd* to it? Firſt, the *Archbiſhop*, according to what *Lynwood* has aſſerted, *peremptorily*, and *preciſely Cited all* his *Suffragans* to it: But as for the *Deans*, and *Priors* of the *Cathedral Churches*; the *Abbots* and *Elective Priors*; the *Archdeacons*, *Chapters*, *Covents*, *Colledges*, and *Clergy*; *Who ſhould* THINK THEMSELVES INTERESTED IN IT; he order'd them to be only *premoniſhed*, that IF *they* THOUGHT THEMSELVES CONCERNED *in it*; or HAD *any* CAUSES, or AFFAIRS *to be* TREATED OF *in ſuch a Provincial Council*, *they* MIGHT *lawfully appear*, at the *ſame time with* their *Biſhops*, before himſelf, and the ſaid Council; there to *Treat*, and to *give their deliberate Counſel*, and *Aſſent*, *to ſuch things as ſhould be Ordain'd by them*. And laſtly, upon the ſame terms, he order'd *Notice* to be *Given* to all *Other Prelates* of the *Church*, not *being Mendicants*, of *whatever Order*, *State*, or *Condition*, *they were*; *to come at the ſame Time* and *Place*, IF *they ſhould* THINK *it* EXPEDIENT, *&c.*

Such was the Mandate by which this *Council* was *Summon'd*: And accordingly both in the Biſhop of *London's Provincial*, and in the Other *Biſhops Dioceſan Executions* of it, we ſee theſe *Precautions* carefully *Obſerved*. The *Biſhops* are *peremptorily Cited* by the *One*; and the Reſt are *premoniſhed to Come* by the *Others*, IF *they thought it for their* INETREST; IF *it* SEEM'D EXPEDIENT TO THEM; and IF *they had*

[1] Ex Mandat. Arch. *Fraternitati veſtræ Committimus & Mandamus quatenus Ven. Fratres noſtros—citetis—peremptorie, quod in Concilio noſtro Provinciali in Eccleſia D. Pauli London die Martis prox. poſt dominicam mediæ Quadrageſimæ, dante Domino Celebrando — perſonaliter Compareant— Denuntietis inſuper Decanis & Prioribus Cathedralium Eccleſiarum, Eorumque Capitulis, quod ſi ad idem Concilium venerint, & ad Id petierint ſe admitti ſecundum Juris Exigentiam admittentur.* lib. Mem. Jo. Dalderby. Epiſc. Linc. fol. 238.

Sect. 39.

[2] *See the Mandate at length in the* Appendix, ad Ann. 1341.

any CAUSES, *or other* BUSINESS *to be* TREATED *of there.* From all which, it is clear, even to Demonſtration; that as our *Canoniſt* affirmed, ſo it was then the *Senſe*, and *Practice* of the *Church*, that the *Biſhops* only were to be CALLED to ſuch *Meetings*; but, for the reſt, they were to have *Notice* of them; and to be *Admitted* if *they Came*; but not to be *Cited*, unleſs they had ſome *Affairs* which required their preſence; or that the *Metropolitan* (which here it ſeems he did not) ſhould ſtand in *need* of their *Counſel*, and for that reaſon, require them to to *Come* to his *Synod*.

This is ſo full a Proof of what I am now Aſſerting, that I think nothing plainer can be added, unleſs it be the *Convocation* of the *next Year*; with which therefore I ſhall (at preſent) Conclude theſe Inſtances. The *King*, by his *Writ*, Dated *Auguſt* the 15*th*, had Order'd the ſame Archbiſhop to *Call* a *Convocation*; and the *Archbiſhop* by his *Mandate*, Dated the 23*d* of the *ſame Month*, had Summon'd it to meet at St. *Paul*'s, *London*, about the 9*th* of *October* following. To this, the *Summons* ran in the *uſual form*; and all the *Other Clergy*, as well as the *Biſhops*, were *Expreſly Cited* to *Come* to *it*.

Upon the very *ſame day*, *Auguſt* 23*d*, the *Archbiſhop* iſſued out *another Mandate*, for his *Provincial Council* to meet at *London* the 14*th* of *October*; within a few days after the Other. But here the *Mandate* ran in a quite *different ſtrain*. The *Biſhops* were *Cited peremptorily* to appear at it, as in the *Other Mandate*: [1] But the *Deans*, and *Priors* of *Cathedral Churches*, with the *Abbots*, *Priors*, and *Archdeacons*, were PREMONISHED only, and that with this *Qualification* (*if it* SHOULD SEEM EXPEDIENT TO THEM: The *Chapters*, *Convents*, and *Colledges*, with the *Clergy* of every *Dioceſs*; by their *Proctors*, IF THEY SHOULD THINK IT TO BE FOR THEIR INTEREST, and They HAD ANY CAUSES *or* AFFAIRS *to be* TREATED *of in ſuch a Provincial Council*: And laſtly the *Prelates* of *Exempt* CHURCHES, not being *Mendicants*, IF THEY WOULD.

This was the form of his Mandate for his *Eccleſiaſtical Synod*: And I ſhall now leave it to any One to judge, what other reaſon can be given why the *Lower Clergy* were Summon'd after ſuch a *different manner* to this *Council*, and this *Convocation*; but that the *Inferiour Clergy* were look'd upon to have had very different *Rights*, and *Obligations*, with reſpect to the *One*, and the *Other*. To the *Convocation* they were expreſly *required* by the *King*, and *Summon'd peremptorily* by the *Archbiſhop* to *Come*. They had not only a *ſtanding Right*, but a *neceſſary Obligation* too, lying upon them to be preſent at it: But as for the *Provincial Council*, their *preſence* was not *neceſſarily required* there; the *Biſhops* only were look'd upon to be the *Conſtant ſtanding Members* of that. Here therefore the *Other Clergy* (unleſs upon ſome *ſpecial Occaſions*) were to be left to their *Liberty*: They were *Allow'd* to *Come*, if *they would*; or elſe, without *Cenſure*, to be *Abſent*, if they *would not*.

In this *Council*, thus Summon'd, as I have before ſhewn, were thoſe *Conſtitutions* made, upon which *Lynwood* firſt took Occaſion to make that juſt Remark, which has now brought all this Storm upon Him. The Point under Conſideration was a matter of *Common Intereſt*, the letting of *Eccleſiaſtical Benefices* to *Farm*. Upon this he firſt Obſerves, "What Perſons were preſent at this *Council* is not "known. For the *Clergy*, under the degree of *Biſhops*, being *Admoniſhed*, and *Invited only* not *Summon'd*; it was Uncertain whether they were there or no. Now "this, ſays *Lynwood*, I obſerve upon the Account of the things which were here "Eſtabliſh'd---For ſeveral things were here Ordain'd contrary to *common Right*; "and therefore it may be doubted whether this Conſtitution were made by All "who had an Intereſt in it.--- And then he adds, what is thought ſo Criminal to have been ſaid: "That to theſe *Councils Biſhops* only were *neceſſarily to be Called*; "unleſs any thing were to be treatd of which touched the *Other Clergy* (as this Order certainly did) and then they were to be Called too. Had Dr. *A.* known and conſider'd this, he would, I am confident, have been more moderate in his Reflections upon this *Learned Canoniſt*; who only Repeated in the *Other place*, what he had before Obſerved here; and that with all the *pertinence*, as well as *tenderneſs*, and *juſtice* to the *Rights* of the *Lower-Clergy*, that could be deſired.

But tho' the *Inferiour Clergy*, therefore, were not always to be *Compelled* to *come* to theſe *Synods*; yet if being *prænoniſhed*, and *Invited*, by Order of the *Metropolitan* (as uſually they were) but much more if they were *ſummon'd* to come to them; (as in ſuch Caſes wherein he deſired their *Counſel* and *Advice*; not only they, but ſuch others of the *Clergy* of his *Province*, as he thought fit, might be) their

[1] —Decanique, priores &c.— *ſi Eis Utile Videatur. Prædictaque Capitula &c. Cleriuſque, &c. ſi ſua proſpexerint Intereſſe, & Cauſas vel Negotia habuerint, in hujuſmodi Provinciali Concilio tractanda*, Coram Nobis Compareant. Prælatis inſuper Exemptarum Eccleſiarum *volumus* Nuntiare, ut præfatis die & loco Nobiſcum interſint ſi Voluerint. Lib. Mem. Tho. Beck. Epiſc. Linc. Fol. 1. *Lynwood*, p. 154.

their Consent was taken to what passed in the *Synod*; and they had a Voice, as well as the *Bishops* themselves, there. This I take to have been the *Rule* which was Observed in our *Church*, as well as in the *Other Western Churches* in those Days: For so the Order ran, [1] "That the *Presbyters*, whom the *Metropolitan* "should *chuse*, might both *judge* and *define* with him in *Council*. And so I conceive our *Practise* ran with it.

[1] Ord. Concil. Rom Mabillon Mus. Ital. vol. ii. p. 393.

In the *Council* of *London*, 1421: [2] Archbishop *Chichley*, besides the Usual *Members*, Cited the *Chancellors* of both the *Universities*; and *all*, and *singular* such *Persons* as *Exercised any Ecclesiastical Jurisdiction*, of *whatever Condition*, *State*, or *Degree they were*. This was, at once, both a *Council* and a *Convocation*: The *Members* of both were *present*, and they acted under both their Characters in it. And the *Lower Clergy* not only consented to what was done with relation to the *State*, but in the *Church-Constitutions* too; [3] the *Consent* of the *Prelates* and *Clergy*, as well as of the *Bishops*, being expresly said to have been given to them.

[2] *Regist. Chichley*, Arch Cant. 1. Vol. fol. 23, 24.

[3] Vid. Spelm. Conc. Tom ii. p. 677.

This therefore is neither deny'd by *Lynwood*, nor needed it to have been so Elaborately proved by this [4] *Gentleman* against him. That they were to be admitted into these *Councils* if they came, he affirmed: All that he deny'd, was, That they were to be *peremptorily Cited*, and *Obliged* to *Come* to them, whether they thought it *Needful* or not, so to do.

[4] *Rights*, &c. p. 12, 13, 14.

Sect. 40.

After what has been said, I may now venture to affirm that *Lynwood*, in this matter, has no need either of this *Author*'s Charity to Excuse, or his *Apology* to justifie him in his *Gloss*. However we will see what his Civility to him is: And [5] how he clears him from that foul Imputation he had just before cast upon him, of having *wilfully prevaricated* upon this Occasion. The Sum of the Excuse which he makes for him is this: "That he knew no more of this Matter than "what he found in his *Gratian*; whereas, had he been at all acquainted either "with the *Writings* and *Usage* of the *Primitive Church*, or even with the *Elder* "*Records* of our Own, they would have better inform'd him.

[5] Ib. p. 14.

This indeed is a Notable *Apology* for an *Author* of no higher a size, to make for so great a Person as *Lynwood*, both in Learning and Experience, in his Offices and Employs, was. But there is a sort of Men in the World, who account all to be either *Knaves*, or *Fools*, who are not of their Opinion. This was *Lynwood*'s Crime, and for this, both his *Learning* is Arraign'd, and even his Honesty it self call'd in question. For most certainly both the *Rule* and *Practice* of our *Own Church*, in this Case, was of his side, at the time when he Wrote: And how it stood in the *Antient Church*, I have, in some measure, endeavour'd to declare.

Sect. 41.

It must be confess'd, That the *Council* of *Basil* broke in upon the Antient Usage; and *Gerson*, who liv'd not long before it, and was deeply engaged in the *Papal Schism*, and turn'd all his Endeavours to the Removal of it, did, by his Writings, prepare the Way for it. Many of the *Canonists*, and Others, who have wrote since that time, have gone into the same Notions. So *Mendoza*, and *Gonzales* in *Spain*: The *Magdeburg* Divines in *Germany*: *Almain*, *Richer* and *Simon Vigors* in *France*: To say nothing of the famous *Charles du Moulin*, who, in his Treatise against the receiving of the *Council* of *Trent*, maintains the same Opinion. But then it must be consider'd that others, no less Eminent, stifly opposed this Innovation, in the very *Council* of *Basil* it self, which was particularly the Case of the Learn'd Abbot *Nich. Tudeschus*, tho' better known by the Title of *Panormitane*; as *Æneas Silvius*, in his History of that *Synod*, informs Us. And the *Principles* on which those who Assert this, found themselves, are such, as, I believe, this Gentleman himself would not; I am sure no good Member of the *Episcopal Church* of *England*, can admit of.

To take some of them as they lie in the Learn'd *Simon Vigorius*'s Discourse upon this Occasion. [6] His first and main Ground, for the Right of *Presbyters* in this Case, is, that of St. *Hierom*, and (as he pretends) of St. *Austin* too, That *Bishops* are only by *Use* and *Custom*, and *nothing else*, *superiour to Presbyters*. He adds, that in the *Synod* of *Jerusalem*, not only the *Elders*, but the *Lay-people were present*: That in the *first general Councils*, not only *Bishops*, but *Priests*, and *Deacons*, *had a Right of Sentence*; that is, as he adds after, of *definitive Sentence*. That in *Provincial Councils*, *Priests*, and *Deacons*, carried an *equal stroke*, and *acted upon the same terms with the Bishops*. These are some of the *Principles*, upon which he Builds his Position. If this *Author* allows of them, let him enlarge his *Proposition*, and take in not only his Own *Presbyters*, but the *Deacons* and *Laity* of these *Canonists*, along with

[6] Ad Resp. Synod Concil. Basil. Comment. Cap. xiv.

them. If not, let him ſhew us upon what other Grounds he can prove their *Separate* and *Diſtinct Right* from the Others, in the Caſe under debate.

As for our own *Divines*, who liv'd about the time of the *Reformation*, it is not to be wonder'd, if they enter'd into the Notions, which not only ſo much prevailed in thoſe days, but which ſeem'd the moſt proper to promote the good Work, which the Chiefeſt of them had at that time in hand. The *Conſtitution* of our own *Synods* favour'd it; and it was not ſo eaſie then, as it is now, ſince the *Antient Writers*, and *Councils*, have been more correctly Publiſh'd, and more commonly read, to know what the Senſe and Practice of the Primitive Fathers and Governours of the Church, in this caſe were. And yet, when all is done, I cannot find that the Paſſage which he alledges will bear ſo large a Superſtructure as he is pleaſed to build upon it. They ſay, *That in the Antient Councils of the* Church, *in matters of* Faith, *and Interpretation of Scripture* (*for to* thoſe *they reſtrain their Aſſertion*) *no man made* definitive Subſcription, *but* Biſhops, *and* Prieſts. *And they give this Reaſon for their Opinion, for-as-much as the* Declaration of the Word of God pertaineth unto them. I meddle not with the truth of their Remark; but ſure I am, it cannot, from thence be generally inferr'd (as this *Author* yet infers) that theſe *Biſhops* allow'd to *Presbyters* not only a *Conſultive*, but a *Deciſive Vote* alſo in *Synods*, and that *derived from Primitive Practiſe*. Their *Propoſition* is particular; in ſuch certain *Caſes*, they made *definitive Subſcription*, and that, becauſe in thoſe *Caſes* they had a *Right to declare their Senſe*. But his Inference is general, Therefore they have a Right (indefinitively) to *ſit* and *vote* (as well as *ſubſcribe*) in All *Caſes*; even in Matters of Diſcipline, and in *Sentences* of *Judgment*; which do not belong to them, tho' the *Preaching* of the Word does.

[1] *Rights*, &c. p. 14.

But let theſe *Three Biſhops* (for no more, after all, they were) have thought what they will: In *Lynwood*'s time, tho' theſe Opinions were then begun to be ſtarted abroad, yet had they not obtain'd with us. The *Lower Clergy* were *admitted*; and, upon ſuch Occaſions as he ſpeaks of, were ſummon'd to the *Provincial Synods*. But ſtill the *general Rule* was, that they were not to be *Cited* to them; but according to the Definition of *Pope Innocent*, which this Gentleman ſo much inſiſts upon, if he were willing to underſtand it; They were to be *Invited*, and if they came, to be *Admitted*; but, if they came not, they were not to be *Cenſured*.

Sect. 42. Let us hear how he Concludes this whole Matter. "I have made the beſt *Excuſe* that I can for him; for I am not willing to believe that the *Dedication* of "his *Book* had any influence upon the Doctrine of it; tho' I muſt needs ſay that "he has decided in this Caſe more like a *Dean of the Arches*, then a *Prolocutor* of "the *Lower-Houſe of Convocation*, which he ſometimes was. It is not hard to find out what this *Author* deſign'd by this Reflection: He had before charged him with Contradicting in his *Gloſs*, thoſe very *Conſtitutions* which himſelf *had probably penn'd*. And he now would have it thought that he did it, as an humble *Official* of the *Archbiſhops*, (for *Dean* of the *Arches* he was not, that is a Preferment of this *Author's* beſtowing upon him) to ingratiate himſelf with his *Maſter*, tho' to the Loſs of the *Rights* and *Liberties* of that part of the *Convocation*, which had more than once made him their *Speaker*, and intruſted their Rights in his Hands.

But I have ſufficiently ſhewn, that in this the *Prolocutor* not only delivered the true ſtate of the Matter; but in the very thing for which he is charged to betray the *Rights* of the *Clergy*, did indeed ſtand up for them. It being certainly a greater Liberty, and I think a higher Priviledge too; to have a Right to be Invited to theſe *Synods*, to be Admitted, if they thought fit to come to them; and yet not to be *Cenſured*, or *Puniſhed*, if they did not; than to have a Right of being *forced* to *come*, whether they would or no; and to *ſuffer* for their *Contumacy*, if they neglected to attend at them.

Whether this Author could not have made a *better Excuſe*, if he had pleaſed for him; I ſhall leave it to the *Reader* to judge, when I ſhall have told him, that it was in his Power to have given the *true Account*, which I have here given of this Matter; and ſo to have prevented the need of any *Excuſe* at all. The *Convocation Writ* of *Archbiſhop Stratford* of 1341, which I have before mentioned, is ſo Clear, that one would think *Prejudice* it ſelf could hardly blind a Man ſo far as to hinder his diſcovering of it. That this very *Writ* this *Author* had by him when he wrote his Book, himſelf ſhews, *Pag*, 65, where he not only makes mention of it, but actually *tranſcribes* a *conſiderable paſſage* from it. And in that

Writ

Writ, tho' *Others* beſides the *Biſhops* are *præmoniſh'd* of the *Council* which was to be held, yet the *Biſhops only* were *Called* to it: The Reſt were *left* to their *Liberty*, to *Come* IF *they had* ANY BUSINESS, or THOUGHT *it for their* INTEREST *to* BE PRESENT, or *elſe* (if they liked that better) to ſtay away. This was exactly agreeable to what *Lynwood* had affirm'd; and let this *Author* tell us, when he next Writes, why he ſo ſhamefully *conceal'd* his Knowledge of it.

There is yet one ſtroke more at this Unhappy Writer, and then we ſhall have done; and a remarkable One it is, for it diſcovers the Secret of what *Lynwood*, it ſeems, aim'd at, in *betraying* the *Rights* of the *Clergy*, as he did on this Occaſion. *And perhaps* (ſays he) *One that had leſs Regard for his* Character *than I have, would be ready to ſuſpect that he might, by this time, have his Eye upon the* Biſhoprick *of St.* Davids, To which he was promoted, almoſt Twenty Years after his firſt advancing of this Aſſertion.

What reſpect this *Gentleman* has to the *Character* of which he ſpeaks; I mean the *Epiſcopacy*; the whole Scope of his *Book*, and all the *Principles* of it, ſufficiently ſhew. And either I am very much miſtaken, or the *Character*, in this very Place, was ſet up, only in order to its being ſcoffed at, and Abuſed. What ſecret *Views* that Learned *Canoniſt* had, in *Gloſſing* upon the *Provincial Conſtitutions*, beſides the *Motives* which he owns to have induced him to that Uſeful Undertaking, I cannot tell. Sure I am, That thoſe who knew him much better than this Author can pretend to have done, deliver him to Us under a very different Character: And which in juſtice to the Memory of ſo *Modeſt*, as well as *Learned* a *Man*, I deſire my Reader to peruſe in the [1] *Appendix* to this Book. In the mean time, I ſhall only add thus much, which, I preſume I may, without Offence, be allow'd to ſay, That 'tis much to be ſuſpected, *That thoſe who are ſo forward to Accuſe others of ſecret and unwarrantable Deſigns in what they do, are not wholly free from them themſelves: They know their Own Ambition, and that inclines them, on every Occaſion, to Conclude the ſame to be the Caſe of Other Men.*

[1] Epiſt. Reg. ad Ann. 1438.

And now, if it be ask'd how our *Convocations* came at laſt to admit, not only of the *Inferiour Prelates*, but of the *Cathedral*, and *Dioceſan*, *Presbyters* too; the Anſwer is very plain: They were, Originally, deſign'd not for *Eccleſiaſtical*, but for *State-purpoſes*; To conſult of the Welfare of the *Church*, as it was a *Part* of the *Realm*; and to provide for the Support of the *One*, by miniſtring to the *Wants* and Security of the *Other*. Now in this, the *Lower Clergy* have as much an Intereſt as the *Higher*: They are Equally *Members* of the *Commonwealth* with them; and it was but reaſonable that their *Conſent* ſhould be taken in the Granting, and Diſpenſing of what belong'd to their *Cures* and *Dignities*; as well as the *Prelates* of what was to ariſe out of their *greater Preferments*. Sect. 43.

When in proceſs of time the *frequent Aſſembling* of Our *Convocations* for theſe *Ends*, gave Opportunity to the *Biſhops* to tranſact moſt of the *Other Matters relating* to the *Church* in them; they eaſily conſented to take the *Clergy* into their *Debates* and *Reſolutions* in the *One*, as well as in the *Other*. The *Lower Prelates* and *Dignitaries* had before been admitted into the *Provincial Synods* of almoſt all the *Churches* of *Europe*; and into our Own among the reſt. The *Parochial Presbyters* had been allow'd this *part* in them too; that if they were Called by the *Metropolitan*, and *Permitted* by *him*, they might both *Sit*, and *Adviſe*, and *Determine* in his *Council*. Thro' this Condeſcenſion of the *Metropolitans*, and *Biſhops*, at the Beginning, it was no hard Matter from *Admitting* them ſometimes, and in ſome certain Caſes *Requiring* them to be preſent at theſe *Synods*; to allow them to become almoſt *conſtant Members* of them: Eſpecially when by *Order* of the *Prince*, and for the *Diſpatch* of his *Affairs*, they were regularly called together; and the ſame Perſons were thereby ready, oftentimes, as well to join in making *Synodical Conſtitutions*, for the *Service* and *Eſtabliſhment* of the *Church*; as to conſult, in *Convocation*, about the Outward *Peace* and *Security* of it.

By theſe Degrees then our *Convocations* came to be ſetled on the Foot on which they now ſtand. Firſt the *Biſhops* alone ſeem to have acted *authoritatively* in them. About the End of the *Saxon* times, the *Lower Prelates* came into them. Afterwards the *Presbyters* were *premoniſhed*, and if they came, were *admitted* to be preſent at them. This was towards the latter End of King *Edward* the 1ſt. When *Provincial Convocations* were brought up for *State Purpoſes*, the *Lower Clergy* preſently became, and that juſtly, Members of them: By degrees the King demanding

demanding *Aids* of the *Church*, in their *Eccleſiaſtical Synods*, as well as in their Other *Convocations*; the *Lower Clergy* were for that purpoſe, ſometimes, called to Them. ſometimes the *Archbiſhop* wanted their *Counſel* and *Conſent*: 'Till by degrees it grew to be almoſt a conſtant Method to *Summon* them; and to give them the ſame Place in the *Eccleſiaſtical*, that they had in the *State-Aſſembly*. Thus were our preſent *Provincial Synods* eſtabliſh'd; nor is it any part of my Deſign, in what I have now been diſcourſing, to make any manner of Exception againſt the *Form* of them; much leſs to encourage any *Change* in it. I am well content, that not only our *Presbyters* ſhould be *admitted* to the ſhare which they have in them; but were our *Archdeacons* no more now than what their Name imports, and what, at the Beginning they were; nay, were not only ſome few of the *Laity* capacitated to be *choſen Members* of them, but ſhould many more be received, than have ever yet been *Elected* into them; it would be no more Offence to me, than it is to read of their being *preſent* at the *Synod* of *Jeruſalem*; and in ſeveral other of the moſt *Early Councils* of the *Church*.

That which I except againſt, in what this *Author* has affirmed, is; Firſt, That he Aſſerts a *Synodical Right* belonging to *Presbyters*, in *Provincial Synods*, by vertue of their *Order*, as *Joint-Members* with the *Biſhops*, in *guiding* the *Affairs* of the *Church*, excluſively to thoſe of a *lower Rank*; and (I ſuppoſe) yet much more Excluſively of the *People*; whoſe Preſence, tho' he allows to have been found in the *Ancient Councils*; yet he denies them to have had any of that Intereſt in them, which he affirms the *Presbyters* to have a *Common*, that I do not ſay an *Equal Right* to, with their *Biſhops*. Now in this, I think he ſets theſe *Orders* too near upon a *Rank*, and *Level*, with *One another*: And thereby injures the *Biſhops* to whom the *Government* of the *Church* was, as I conceive, Committed by *Chriſt* and his *Apoſtles*; and therefore to whom of *Right*, there belongs a *Singular Power* of Ordering the Affairs of it. And then, Secondly, That he appeals to the Senſe and Uſage of the *Primitive Church*, for the *Confirmation* of this *Opinion*; (and particularly to that of our *Own*) and from neither of which (after once theſe *Provincial Aſſemblies* came to be *Canonically ſetled*) I have now ſhewn, any ſuch *Practice* or *Opinion* can be *derived*.

Let the *Presbyters* then, let the *Deacons*, nay, let the *People* too, enjoy any liberty, that either the *Antient Church* allow'd them; or the Intereſts of the *Preſent* ſhall make it reaſonable to indulge to them. Let them come not only as *Witneſſes* of what is done in our *Synods*, or to teſtifie their Conſent to the *Acts* of them; but, if our Governours pleaſe, let them *Define* together with their *Biſhops* in them. Only let the *Divine Right*, and *Prerogatives*, of the *Epiſcopacy* be preſerved; which our Fathers have taken care with ſo much Zeal and Piety to ſupport: And let the *Presbyters*, as well as the *Deacons*, and *People*, remember this; that 'tis to the *Biſhops*, not to Them, that the *Government* of the *Church* was left by *Chriſt*, and his *Apoſtles*; and that 'tis one thing to be admitted into a *ſhare* of it, and another to lay claim to it, as a *Priviledge*, which of *Right*, belongs to them.

CHAP. V.

The Second Argument *Entred upon: Of the* Convocation's *being an* Attendant *upon the* Parliament. *That it does not ſufficiently prove his* Point, *ſuppoſing what he* Aſſerts *to have been True. That if it did, yet in Fact, it is utterly Falſe. The* State *of the* Publick Aſſemblies *of the* Church, *Hiſtorically ſhewn, during the* SAXON *Times.*

Sect. 1. 1. HITHERTO I have proceeded with Dr. *Att*—— upon his own Ground, and ſuppoſing our *Convocations* to be *pure Eccleſiaſtical Synods*, have ſhewn that the *Canons* of the *Church* do neither lay any Obligation upon our *Metropolitans*, to hold them at any ſet Times, [1] nor give any Right to the *Clergy*, in his free way of ſpeech, to DEMAND the Aſſembling of them.

[1] *Rights*, &c. p. 23.

I muſt now beg leave to put him in Mind of what himſelf here, in his next Argument, not only allows, but inſiſts upon; that had thoſe *Canons* of which he

he ſpeaks never ſo much obtain'd amongſt us; yet the *Convocations*, concerning which we are here Arguing, are not ſuch *Provincial Synods* as they intended; but are, indeed, Aſſemblies of the *Church* called together for *Civil*, or *State-purpoſes*; which only *Occaſionally* medled with *Spiritual Matters*, by the direction of the *Metropolitans* heretofore, and continue ſo to do by the *Licenſe* of the *King* now. And concerning ſuch *Convocations* as depend upon the *Conſtitutions* of *Civil Government*, and are held according to the *Laws* and *Cuſtoms* of every *Country* or *Kingdom*; neither the *Canons* of Foreign *Synods*, nor the *Papal Decrees*, have any manner of Right to Command or Eſtabliſh any thing. So that in this firſt *Argument*, this Author has, as I conceive, committed the ſame double Error, which I ſhall hereafter ſhew he has done in all the Reſt; that both the *Suppoſition*, on which he Builds, is *Falſe*; and the *Argument* which he raiſes upon it (tho' we ſhould allow of his *Suppoſition*) is nevertheleſs *Weak* and *Un-concluſive*.

His next Reaſon to prove a *Right* in our *Convocations*, (not only to be *Called* together with every *Parliament*, which conſtantly has been, and, I ſuppoſe will always be done; nor yet, being ſo Called to *Sit* and *Act*, with the *King*'s *Allowance*, which is likewiſe agreed to; no, nor yet, Thirdly, to be *permitted* by the King to *Sit* and *Act*, whenever there is any *Buſineſs* for it to do; or that their *Sitting*, and *Acting*, would be of any Benefit, either to the *Church* or *Realm*; which I freely own the *Clergy* have a *Right* to; nor can the *King*, in my Apprehenſion, without abuſing his *Authority*, deny it to them; but [1] *abſolutely*) to *meet* and *ſit* with every *Parliament*, and to *continue ſitting* the *whole time* that the Parliament does, whether there be any thing to be done by them or no; and that, as *Attendants* on the *Two Houſes*, and at their *Direction*, not at the *King's Pleaſure*, the *Metropolitans*, or their *Own*; is derived from the *Nature* of our *Own Political Conſtitution*, which (as he affirms) has given the *Clergy* the *Right* (or as I ſhould rather ſpeak, were it my Notion, has *laid* upon them the *Burden*) of ſuch an *Attendance*, and *given* the *Parliament* the *Right* (if they think it worth the inſiſting upon) of being ſo *Attended by them*.

[1] *Rights*, p. 76

To bring this Matter to the faireſt Iſſue I can, I will firſt endeavour to ſettle the true *ſtate* of the *Point*, and draw it out of that Confuſion in which he has involved it: And, then proceed to conſider the *Argument* upon which he founds his *New*, and, I think, Enſlaving Aſſertion.

In purſuance of the former of theſe, two things muſt be enquired into: *Firſt*, What this *Author* means by a *Convocation*? *Secondly*, What that *Attendance* is, which he affirms the *Convocation* ought to pay upon the *Parliament*. Sect. 2.

1. By a *Convocation*, he tells us, *p.* 4. he means a *Provincial Synod*, and that whether it be conſider'd *ſimply in it ſelf*, or as *Attendant on a Parliament*. And to be yet more particular, *p.* 28. he means by it, a *Synod of the Province of Canterbury*: So that it may be doubted whether the *Synod* of *York* comes within his Conſideration or not. And indeed the *Clergy* of that *Province* have ſo ſeldom met at all, and when they have met, have generally ſate at ſuch a diſtance from the *Parliament*, that 'tis but a very ſlender ſort of *Attendance*, that they have paid upon it.

But tho' this were his Senſe at the *Beginning* of his 2d *Chapter*, yet by that time he came to the *End* of it, he enlarged his Notion, and, upon the whole, gives us this full deſcription of what he means by a *Convocation*, *p.* 75. That it is a *Word of Art, which ſignifies a meeting of the Clergy in time of Parliament*. And that, as he there again limits it; a *Provincial Meeting, ſummon'd by the Parliamentary, no leſs than by the Provincial Writ*; for which Reaſon he calls them in the ſame *Page*, *Parliamentary Conventions of the Clergy*; and adds, that they are *State-Meetings*, as well as *Church-Synods*.

"These *Parliamentary Meetings* of the *Clergy* were, at firſt, he ſays *Congrega-*
"*tiones*, or *Convocationes Cleri*, but not therefore *Concilia Provincialia*, which were
"*Extraordinary* (or as 'tis now Corrected, *Occaſional*) Aſſemblies; for Church-
"buſineſs only; whereas the Others were Originally held for *Civil Purpoſes alone*,
"and the Common Affairs of the *State*. But this Diſtinction held not very long,
"the Buſineſs of *Provincial Councils*, being, in tract of time, done in the *Ordina-*
"*ry Congregations* of the Clergy; and Theſe, and *Thoſe*, being promiſcuouſly ſtil-
"led *Convocations*; 'till at laſt, *Provincial Councils*, properly ſo called, CEAS'D
"ALTOGETHER (or as 'tis now Corrected, GREW INTO DISUSE) and *Parliamen-*
"*tary Convocations* came into their Room.

"These

"These *Parliamentary Convocations*, have the same *stated times* of *Assembling* that "the *Parliament* has. The Other *Meetings of the Clergy* out of *Parliament Time*, "were held when the Necessities of the *Church* required; and those Assemblies, "indeed, and those *Alone*, were properly *Occasional*.

This, as near as I can observe, is the sum of Dr. *A*'s Notion of these Meetings. He distinguishes, as I have done, between the proper *Provincial Councils* of the *Church*, and the *State-Convocations* of the *Clergy*. "He agrees with me, "That the One were design'd for *Church-business* only, *p.* 65. The Other were "held for *Civil Purposes* Alone, and the *Common Affairs of the State*. And I agree with him, that, in tract of time, (tho not so soon as he would insinuate) the *Convocations* proceeded to treat of the *Church Affairs* of the One; as the *Provincial Councils* had begun more early to meddle with the *Civil Business* of the Other. Only, I would observe, That as the *Provincial Council*, by treating of *State Affairs*, did not thereby lose or change its Nature, and become a *Parliamentary Convocation*; so neither did the *Convocation*, by its Occasional Medling with *Spiritual Affairs*, cease to be, what it truly was, a *State-meeting*; nor become a proper *Ecclesiastical Synod*. They both continued *distinct* from one another, as I have shewn, to the very time of the *Reformation*: And even after the 25th of King *Henry* the 8th, were design'd to have been still continued, under the same distinction they had before been. This the intended [1] *Reformation* of our *Ecclesiastical Laws* speaks; and I appeal to their Constitution concerning *Provincial Councils*, for the truth of what I say.

[1] Reform. Legg. Eccl. Tit. *de Eccles.* cap. xviii. fol. 103.

The *Convocation* then, of which we are now treating, is an *Assembly* of the *Clergy* for *State-purposes*; which, by the leave of the *Metropolitan*, and with the *Consent* of the *Bishops* of the *Province*, did sometimes (being met) transact *Ecclesiastical Affairs* heretofore; and if Need be, may, by the *Authority* of the *King's License*, do the Business of a *proper Church-Synod* Now.

Sect. 3.

I proceed, 2*dly*, To Enquire what that *Attendance* is, which he affirms, this *Convocation* ought to pay upon the *Parliament*? Now that is altogether *servile* and *severe*: And, as I apprehend, equally injurious both to the *Liberties* of the *Church*, and to the *Prerogative* of the *Crown*. [2] The *Clergy* (he says) must *meet*, and *sit*, *whenever* the *Parliament* does, and *continue* to *attend*, so long as that *Continues* to *sit*; whether there be any thing to *consult* about or No: And they can neither *meet*, nor *sit*, nor *act*, (no not by the *King*'s *Authority*,) when the *Parliament* does not; tho' the *Exigences* of the *Church* should never so much require their *Counsel* and *Deliberation*. This is, in short, the so much magnified *Right*, *Power*, and *Priviledge* of an *English Convocation*; but such as our Wiser Predecessors, when more mildly stated, thought a Burden and an Opression; and as earnestly endeavoured to be freed from, as some are now zealous to contend for it.

[2] *Rights*, p. 67.

As for the former of these, the *Necessity* of their *sitting* with every *Parliament*, it is so great, that he tells us it is "[3] neither in the *Princes*, or the *Archbishop*'s "*Power*, whether they will have such *Assemblies* or No. That there is the same "Law for the *sitting* of a *Convocation*, as there is for that of a Parliament. By "this *Law*, the *Clergy* are not only under a *Duty* to *Attend*, but have also a *Right* to "*meet*. Their Writs of Assembling concurrently with a *Parliament*, are not "meer Letters of Grace, and Complement, but to be Emitted *ex debito justitiæ*, "whether the Government has any thing to *Propose* to them or no. So likewise "are their *Assemblies* at such times, to be *held* by the same *Law*, notwithstanding it may be pretended that there is no *Occasion* for them. For although "their *Consent* may not be necessary, nor their *Advice* seem wanting, yet as "they are Bound to Wait, if either shall be asked; so may the *Clergy* themselves have some *Informations*, and *Remembrances* to offer, and some *Petitions* to "make, concerning such things, as they may be supposed to take more particular Notice of, or wherein they may be more particularly concern'd.

[3] *Rights*, p. 75, 76.

Such is the Necessity, which some call the *Right*, of the *Clergy's Sitting*, during the time of *Parliament*. And for their other Right (if that too must be so accounted) of not being in a Capacity of being Assembled, or of *doing any thing* out of *Parliament*, no not by the *King*'s *Writ*: Dr. *A.* Closes in with the Opinion of some Warm *Members* in the *Parliament* of 1640. (for the *Parliament* it self never declar'd it self of that Opinion; no nor so much as the *Lower House*, how-

[4] *Rights*, p. 67.

ever

ever he is pleaſed for the better Credit of his Cauſe ſo to repreſent it:) That the Proceedings of that *Convocation* were Unlawful, becauſe they were made by an *Aſſembly* which *Sate* and *Acted* after the *Parliament* was *diſſolved*. He repreſents the *Lord-Keeper* and *Judges*, who gave their *Opinion* to the contrary, as ſetting their Hands to a *ſolemn Equivocation*; when they "declared, That the *Convoca-* "*tion* being *called* by the *King's Writ*, under the *Great Seal*, doth continue until it "be *Diſſolved* by *Writ* or *Commiſſion* under the *Great Seal*, notwithſtanding the [1] Ibid. "*Parliament* be *Diſſolved*: Becauſe forſooth, they did not ſay, whether *Such Writ or Commiſſion, ought not of Courſe, to have Iſſued out from the* Crown, *upon the* Diſſolution *of the* Parliament. *But this Point*, ſays this Gentleman (after his uſual freedom with the greateſt Men, if they ſpeak againſt his *Hypotheſis*) *is not touch'd upon in the* Judgment *given, and ſeems to have been* PURPOSELY DECLINED: *For otherwiſe it had been a Clearer and fuller Determination of the Matter in Queſtion, if they had ſaid, That the* King *might, by his Prerogative, keep a* Convocation ſitting *as long as he pleaſed, notwithſtanding the* Diſſolution *of the* Parliament *with which it was* called.

I ſhall not here compare the Two *Forms* propoſed, the *Judges*, and this *Authors*; nor conſider which of them, upon the whole Matter, is the fuller and more clear. I freely own, that I look upon the Deciſion, as drawn up by them, to be both more *legally worded*, and as *clearly deliver'd*, as if they had had this Gentleman to dictate a Form to them. The *Convocation* was called not by the *Parliamentary*, but by the *Provincial Writ*. And being ſo *Called*, they declare, that it does continue, by *Law*, to *Sit* 'till it be *diſſolved* by ſome *Writ*, of equal Authority with that by which it was Called. And, to clear all Doubts, they add, That the *Diſſolution* of the *Parliament* did not alter the Caſe, nor at all affect their *Seſſion*, who Met and Sate by a quite *different Writ* from it. This I think, was very Full and Clear: In the mean time, this Gentleman, we are ſure, is of another Opinion; that the *Convocation* cannot *Out-ſit* the *Diſſolution* of the *Parliament* above a Day; tho' in point of *Law*, if the *Convocation* may *Sit* and do *buſineſs* but a Day after the *Parliament* is gone, (which this Author cannot deny but that it may) it will, I believe, be difficult to give any good Reaſon why it may not as well *Sit* and *Act* a *Week* or a *Month*.

Having thus ſeen what the *Point* is which this *Author* is to prove; it will now be time to Enquire, what Method he takes in order to the proving of it. Now that he thus gives us, in his own Summary Re-capitulation of it. Sect. 4.

[2] * *That as far back as we have any Memoires of the* Civil, *or* Eccleſiaſtical Affairs *of this* Kingdom, *it appears that the* Clergy *and* Laity *met together in the* Great Councils *of the* Realm. *That this they did in the* Saxon Times, *and for ſome Reigns after the* Conqueſt, Nationally; *joining cloſely with the* Laity *in* Civil Debates, *and taking* THEIR SANCTION *along with them in* ALL ECCLESIASTICAL ACTS *or* ORDINANCES. [2] *Rights*, p. 74.

* *That they divided afterwards from the* Laity, *and from One Another, and* Attended *the* Parliament, *not in* One Body, *but in Two* Provincial Synods *held under their ſeveral* Archbiſhops.

[3] * *That theſe* Provincial Aſſemblies, *tho' held apart from the* Parliament, *yet* belong'd *to it*; *met by the* Parliamentary, *no leſs than the* Provincial Writ, *and were* State-meetings *as well as* Church-Synods. [3] Pag. 75.

* *That theſe* Parliamentary Conventions *of the* Clergy, *were held at firſt* Near the Time *at which the* Laity met; *afterwards with a* Latitude: *But that this* Irregularity *was* Reformed *before the* Reformation *of* Religion; *and their* Meeting *and* Departing, *fixed within a Day of the* Aſſembling *and* Diſmiſſion *of the* Parliament; *and that this Cuſtom has now for above an* Age *and* Half *continued*.

This is the Sum of his Deduction, which I hope I have not, I am ſure I have not deſigned to injure by any thing which I have Omitted; to render the Argument more ſhort, and thereby more eaſie to be Underſtood. Let us ſee firſt what ſtrength it has to infer his Concluſion, ſuppoſing it to be true; and then go on from ſtep to ſtep to Examine, whether it be not, almoſt in every particular, utterly *Falſe* and *Untrue*.

And 1*ſt*, Suppoſing the Caſe to have been as this *Author* repreſents it, it will follow, that tho' the *Clergy* have, in *ſome way* or *Other*, ſtill been *Called* to the *Great Councils* of the *Nation*; yet there have been great *Changes* and *Varieties*, in the *Manner* of their *Coming* to them. In the *Saxon Times*, and for *ſome* Sect. 5.

Reigns after the Conqueſt, they came *Nationally*: They joyn'd with the *Laity* in *Civil Debates*, and the LAITY joyned with them, in GIVING AUTHORITY to ALL their ECCLESIASTICAL ACTS and ORDINANCES.

This *Conſtitution* laſted for ſome *Reigns* after the *Conqueſt*; Then it was chang-ed for two *Provincial Meetings*, held under the ſeveral *Archbiſhops*; and thus, if we may believe it, they *Attended* the *Parliament* 'till the time of King *Ed-ward* the *Firſt*.

But here the *Old Practiſe* was again revived; and the *Clergy*, by Vertue of the *Premunitory Clauſe*, was once more brought *Nationally* to *Parliament*. They were ſummon'd at the *ſame time*, to the *ſame place*, and for the *ſame Ends* that the *Other Eſtates* were; [1] and *a ſtrict Compliance herein was exacted by the Crown*, and *paid by the Clergy*.

[1] *Rights*, p. 74.

This had not long continued before the *Clergy found means to be* Releaſed *from the* rigour *of it*; *And prevailed upon the King to accept of their* former manner *of* Aſſembling *with the* Parliament *in* two Provincial Synods, *in lieu of that* cloſer At-tendance *which the* Præmunientes *Challenged*; *the forms however being ſtill kept up, by which the* King's Right *of Summoning them* immediately *to* Parliament, *was ac-knowledged all along, and their* Obligation *to* Obey *his* Summons *in the way it pre-ſcribed, was duly acknowledged.*

But neither did the Change ſtop here: For even theſe *Provincial Aſſemblies* were held, at firſt *near the time that the Parliament* met; afterwards with a *Latitude*: And ſome time before the *Reformation*, They began to be *held concurrently with* it.

This is Dr. *A*——*s* Scheme, and be it Right or Wrong, the Uſe I would at preſent make of it is this: That it appears from hence, that from the very Times of the *Saxons* downwards, there never was any One Conſtant, or ſet-led Method, of the *Clergy's* coming to the *Great Councils* of the *Nation*. Some-times they met with the *Laity*, ſometimes by themſelves. One while at the ſame Time with the *Parliament*; at others utterly diſtinct both in *Time* and *Place* from it. Sometimes in *One National*, and ſometimes in two *Provincial Aſſemblies*. And this, if his Account be true, according as they had a greater or leſſer Influence over the King; Who, it ſeems, by his reckoning, had the whole Ordering of this matter in his Hands.

Which being ſo, it is plain, that there was nothing in this Matter of the *Clergy*'s Attending upon our *Parliaments*, ſo fix'd by the *Nature* of our *Conſtitution*, but what the King himſelf heretofore, at the requeſt of the Clergy, (and ſome-times even againſt their Wills) did Change; and the *Authority* of the *King*, *Clergy*, and *Parliament*, without all doubt, had Power to *Alter*. If therefore the *Sta-tute* of the 25th of *Henry* the 8th, paſſed with the *Conſent* of the *Clergy*, and by the Authority of the *King* and *Parliament*, has made ſuch a *Fundamental Change* in this Caſe, as to put the whole *power* of *Calling* the *Convocation Abſolutely*, and without all *Reſtriction*, into the *King's Hands*, ſo that there is no Reſerve or Limitation upon him, that he ſhall be obliged at any *certain Times* to *Aſſemble* theſe *Meetings*; or during ſuch and ſuch *Periods*, ſhall be tied up to *Continue* their *Seſſion* whether he will or no; it is plain from this *Author's* own Account, that 'tis but one *Alteration* more added to many that had gone before: Only whereas thoſe before had been made by the *Clergy* themſelves, and rather yield-ed to, then approved of by our *Princes*; this laſt had the ſolemnity of the ut-moſt *Authority* of the *Nation* to Confirm it; *King*, *Convocation*, and *Parliament*, All join'd to render the Eſtabliſhment laſting and unqueſtionable.

Sect. 6. Now the better to know what Influence that *Act* may have had in this reſpect; I would obſerve, 2*dly*, That according to this *Author's* own Account, the *Con-vocations* of the *Clergy*, at the time that that *Statute* was made, were not fix'd to the *Seſſions* of the *Parliament*; nor therefore neceſſarily to be *held Concurrently with it*. At firſt, he ſays, they were held *near the time the Laity met*; *after-wards with a Latitude*; and *ſome Time before the Reformation*, *they* began *to be* HELD CONCURRENTLY *with their* Aſſemblies. When this *State Reformation* BEGAN, He does not preciſely tell us; yet we may gueſs at it from what follows, where he ſays, that it was above an *Age* and *half* ago. Let us therefore ſuppoſe it to have been 170 Years; and ſo we ſhall bring it to the very *Parliament* which paſs'd the *Act* of the *Clergy's Submiſſion*: Or if that will not ſatisfie him, let us carry it yet twenty Years higher; and ſuppoſe it to have begun the 1ſt of King *Henry* the 8th, and that is within Nine Years of *Two Ages* paſt. But ſtill this will not

give

give such an *Authority* to the *Innovation*, as to enable it to *Limit* the *King's Prerogative*; and make that necessary to King *Henry* the 8th, which neither in *Law* nor *Fact*, was either *necessary* to, or *practised* by any of his *Predecessors*.

To the Reign of *King Henry* the 8th, the Assembling of our *Convocations* was not determined, by his own Confession, to the *Sessions* of *our Parliaments*. They were *actually Assembled* at *different Times* from one another; and the King was the Judge, when to hold the One, and when the Other. If therefore the *King* had this Liberty then, I am sure neither the *Act of Submission*, nor any other *Statute*, has deprived him of it since. All that can be alledged must be resolved into the late Practise of an *Age and half*, (as this [1] Gentleman says) for it: And whether that shall have such an Influence in this Case in Law, as to tie up the Kings Hand in the *free Exercise* of his *Sovereign Authority*; where both the *Antient Custom* is on his side, and the *Parliament* have plainly left him at *Liberty*; and that ever there was such a *Custom* at all, has been the meer result of the *Royal Will* and *Pleasure*, I may leave it to any One, who is never so moderately versed in our *Laws*, to determine.

[1] *Rights*, p. 75

But 3*dly*. If this Gentleman's Account be to be relyed upon, not only the *King's Authority* is safe, but the *Liberties* of the *Clergy* too; and the *Parliament* have neither any *Right* to be so *Attended* by the *Convocation* as he requires; nor is the *Convocation* under any *Necessity* of *Attending* in such a manner upon the *Parliament*. And the reason of this is plain; because that when our *Convocations* were first Established, and the *Constitution* settled upon this Bottom, they were not Obliged to such an *Attendance*, nor did they, for two hundred Years after, by this *Author*'s own Acknowledgement, thus attend upon it. Sect. 7.

Let us hear once more how he delivers this part of our History: *These* Parliamentary Conventions *of the Clergy* (says he) *were held at first* NEAR *the* TIME *at which the* Laity *met: Afterwards with a* Latitude; *and so they continued 'till about an Age and half* last past. In all that time therefore, from *King Edward* the *First*, to *King Henry* the *Eighth*, the *Parliament* and *Convocation* met at *several times* from one another; sometimes nearer, and sometimes at a *greater Distance*, and both as the King thought fit to order it.

I will not now be so importunate as to enquire how, nevertheless, this *Gentleman* makes the *Convocation* to have been all this while a *Parliamentary Attendant*. I would rather Ask, when the *Convocation* thus met, at a different time from the *Parliament*, had not the *King* and the *Archbishop* (One, or Both) a *Legal Authority* to *Prorogue*, or *put an End* to its *Sessions*, whenever they thought fitting? And did they not *actually*, all that time, do this at their *Own Will*? This *Gentleman*, I am sure, knows too much of the *Acts* of those *Convocations* not to know this to be true; and I hope he has too much Ingenuity to deny it.

The *Convocation* then, call it what you will, 'till about *King Henry* the *Eight*'s Time, had no such dependance upon the *Parliament*, but that the King could Assemble it when he pleased; and being Assembled, the *Archbishop* might, and did (as he saw good) *Prorogue* and *Dissolve* it; and that without any Manner of Restraint laid upon him by the *Parliament*, or any Other *Person* or *Authority* whatsoever in that particular. Now what *Authority* was before divided between the *King* and the *Archbishop*, that *Act* has vested intirely in the *King alone*. By Consequence from thenceforth, the *King* had the *sole power* of *Calling*, *Proroguing*, and *Dissolving* the *Convocation*: And all these in as free a manner as *himself*, and the *Metropolitan* together, before enjoy'd it. Since then before the *making* of that *Act*, they did together, *Call*, *Prorogue*, and *Dissolve*, the *Convocation* Absolutely, and without *Controul*; and that nothing does appear in that *Act* to *limit* this *Authority*; I must beg leave to conclude, 'till I shall be better inform'd, that the *King* may do the same by vertue of that *Statute* Now: And that the later *Custom* of *Calling* or *Dissolving* it with the *Parliament*, has not at all abridged him of a *Power*, which both the more *Antient Custom*, does confessedly *Establish*; and the *Act* of *Parliament*, *built* upon that *Custome*, and to be *Interpreted* by it, does evidently favour.

Now that which makes such an *Authority* the more reasonable in this Case is, *Fourthly*, That herein the *King* claims no *Power* over the *Convocation*, but what is, without all Controversie, granted him over the *Parliament*. The Right of *Calling*, *Proroguing*, and *Dissolving* that *Great Council*, is confessedly in the *Crown*; and the *Lords* and *Commons* pretend not to deny it to him. Indeed as the Exi- Sect. 8.

gency of the *ſtate* required it, the *King* was always under an Obligation of *Conſcience* and *Duty* to his People, from time to time, to *Call* the *Eſtates* of the *Realm* together in *Parliament*. And to prevent the *Inconveniences* which have riſen for the want of this, in ſome Reigns, a *Law* has been made, by which the King has conſented to determine the Intervals not to exceed *three Years*. Nor is it deny'd but that the Caſe is the ſame in the buſineſs of *Convocations*; tho' no poſitive Law be made for any *determinate Times* of *holding* of Them. The King ought to *Aſſemble* them whenever there is any *Real Buſineſs* to be done by them; or that the *Welfare* of the *Church* or *Realm*, require the *holding* of them.

But how come the *Clergy* to have a greater *Right* in *Law*, as to this Matter, then the *Laity*? So that the *King* has not a *Legal Power*, whenever he ſees fit, to *Prorogue* and *Diſſolve* the *Meetings* of the *One*, as he confeſſedly has, to *prorogue* and *Diſſolve* Thoſe of the Other.

Divine Rights, in this Caſe, *Convocations* (as we are now agreed to underſtand them) have none; whatever the *pure Eccleſiaſtical Synods* of the *Church* may be ſuppoſed to have.

Eccleſiaſtical Rights are, upon the ſame Ground, Excluded too: Becauſe theſe *Aſſemblies* were primarily deſign'd for *State Purpoſes*, not for *Spiritual*, or *Eccleſiaſtical Affairs*.

As for any *Relation* to, or *Dependance upon* the *Seſſions* of *Parliament*, by our *Conſtitution*, this Gentleman's Own account has Excluded it. It being abſurd to think that thoſe *Convocations* which had no regard, as to the time of their *ſitting*, *proroguing*, or *diſſolving*, to the *Parliament*, for two hunder'd Years after their *Inſtitution*, but were wholly at their *Own Liberty* to be *Held*, *Adjourn'd*, and *Concluded* at the Pleaſure of the *King* and the *Metropolitan*; ſhould by meer force of a late voluntary Cuſtom, founded upon no *Law*, but meerly depending upon the *Will* of the *Prince*; be Confined by our *Conſtitution*, to the *Times* and *Motions* of a *Body*, to which, whatever Other Relation they had, yet they were not at all limited, or Concluded in their *Meeting*, or *Acting* by it.

In ſhort, the *Authority* of the *King* in this particular, is by *Act* of *Parliament* veſted in him. By that *Act* he enjoys it in the ſame freedom that it was, or *might lawfully* have been *Exerciſed* at the *Time* when that *Act* was made. At the time when that *Act* was made, the *Convocation* was not determined by any *Law*, or *Cuſtom*, to *Meet* or *Sit*, at the ſame time, with the *Parliament*; much leſs to *begin*, and *End its Seſſions* with it: So much this Gentleman himſelf allows. I Conclude therefore, that neither is the *ſitting* of the *Convocation* limited to any ſuch particular period now: But the *King* is at this Day as much at Liberty, both by the *Antient Cuſtom*, and the *Prerogative* of the *Crown*, and by the *Statute* of the 25th of *Henry* the 8th, as if no ſuch *later Cuſtom* had ever been introduced. He may *Call*, *Prorogue*, and *Diſſolve* the *Convocation* when he thinks good; only ſo as ſtill to Attend to the *Publick Good* of the *Church* and *Realm*, and never to Refuſe it the Liberty of *Sitting* and *Acting*, when the Intereſt of the One or Other ſhall call for it.

But that I may not ſeem to build Altogether on the Conceſſions of this *Author*, of the truth of which ſome may be apt to doubt; let me thus far anticipate, what I ſhall hereafter more particularly demonſtrate, concerning the independence of the Seſſions of our *Convocations*, upon thoſe of the *Parliament*, at the time when the Statute of the 25th of *Henry* the 8th. c. 19. was made; as may ſuffice to confirm the force of my preſent Argument, and to carry it farther than Dr. *A.* I believe intended; by ſhewing that the one had no manner of *dependance*, in thoſe days, upon the other; nor was in any wiſe limited to the *Seſſions* of it.

[x] *See below more fully*, Chap. viii.

King *Henry* the 7th came to the Crown, *Auguſt* 22. 1485, he called his *Parliament* the 7th of *November* following. It continued by *Seſſions* and *Prorogation* to *January* the 23d after. Yet in all this time no *Convocation*, that I can poſſibly meet with, was held in either *Province*; nor do I believe that this Author, with all his Diligence, can ſhew that there was any.

About the End of the next Year, 1486, A *Convocation* was held in the *Province* of *Canterbury*, *February* the 13th. In that of *York*, *February* the 19th: But that Year no *Parliament* ſate; and ſo here we have a *ſolemn Convocation* without a *Parliament*, as we had the Year before, *a Sitting Parliament*, without a *Convocation*.

The

The next Year following, 1487. The *Parliament* ſate *November* the 9th; but it ſate again without any *Attendance* from the *Clergy* in *Convocation*: Who met not 'till *January* the 14th, 1488, a Year and Quarter after.

In 1488: The *Parliament* and *Convocation* of our Province met within a Day of each other; and they kept ſo equal a pace, that the latter out-ſate the former but Four Days. But the *Clergy gave ſo liberally*, not only for that, but for the *next Year* too; that tho' the *Parliament* met again in *October* 1489; yet the King had no need to call the *Convocation* with it, and therefore held his *Parliament*, as before, without it.

In 1491. We find the next Aſſemblies of both theſe Bodies, but at ſuch different times, as ſufficiently ſhew the little dependance the one was thought to have in its *Seſſions* upon the Other. The *Convocation* of *Canterbury* met *June* the 21ſt; The *Parliament*, *October* the 17th; And the *Convocation* of *York* the 1ſt of *March* following.

In 1495. The *Parliament* and *Convocation* kept a pretty Equal pace with one another: But then the next Year following, all was in diſorder. The *Parliament* ſate *January* the 16th. The *Convocation* of *Canterbury* a Week after, *January* the 23d. But at *York* they met not 'till *May* the 16th. After both the *Parliament*, and the other *Convocation* were riſen.

In 1501. We hear of no *Parliament*; yet nevertheleſs find Two *Convocations*. In *Canterbury*, *February* the 14th. In *York*, *February* the 21ſt.

In 1503. King *Henry* the 7th held the laſt *Parliament* that I can find upon any of our *Records*. It met *January* the 25th; but the *Convocation* was not Aſſembled 'till *February* the 16th, in our *Province*; and in *York*, not 'till the 5th of *Auguſt* following.

After this, tho' we hear of no more *Parliaments*, yet two Years more we meet with *Convocations*, *January* the 23d, 1506, and *February* the 7th 1508. So that in all this Reign, 'tis evident, that there was no manner of Dependance acknowledged either in *Law*, or *Fact*, between theſe two *Aſſemblies*: But the King, at his pleaſure, Summon'd both; and that without any regard to the holding of One, in his Convening of the Other.

Indeed, after this time, the Meetings of the *Parliament*, and *Convocations*, began to run more nearly together; but yet with ſuch Interruptions as ſufficiently argue the independance of the One upon the Other.

In 1511, and 1512 The *Parliament* and *Convocation* of the *Province* of *Canterbury* Aſſembled and Sate very near to one another. But then that at *York* was utterly different from both; which ſufficiently proves the Concurrency of the other to have been matter of *Choice* in the *King*, and not of *Neceſſity*. The Parliament met *February* the 4th, 1511, and ſate 'till about the Firſt of *April*, 1512. The *Convocation* ſate not 'till *April* the 26th after; and continued ſitting 'till about *June* the 12th, from thence it was Prorogued to *January* 17, and ſo ſate 'till *February* the 4th: But the Parliament met in the Interval, *November* the 4th, and began and ended within the time that the Other was adjourned.

In 1513. The ſame *Parliament* met by *Prorogation*, *January* the 23d: But the *Convocation* of *Canterbury* having granted Four Subſidies in their laſt meeting, 1512. and that of *York* two intire *Tenths* in theirs, and theſe being not yet paid, there was no occaſion for calling the *Clergy* together this Year, and ſo we do not find that they were Aſſembled at all with the *Parliament*.

The next Year following, 1514. The *Parliament* met *February* 5. But our *Convocation* was held *June* the 22d, above Six Months before, when no Meeting of the *Laity* was Aſſembled.

In 1515. The *Parliament* and *Convocation* of *Canterbury* met near to one another, *November* the 12th and 13th. But the *Convocation* of *York* came not together 'till *April* the 9th, at which time neither the *Parliament*, nor the Other *Convocation* ſate.

In ſhort, the very Year that the *Clergy* made their *Submiſſion*, upon which, the Act of the 25th of *Henry* the 8th, c. 19, was founded; the *Parliament* met by *Prorogation*, *January* the 15th. Yet the *Convocation* of *York* met not 'till above Three Weeks after, *February* the 7th. And the following Seſſion (which immediately preceded that in which the *Submiſſion Act* was paſs'd) the *Parliament* ſate down *February* the 4th. but the *Convocation* of our *Province*, by Order of the *King*'s *Writ*, met not 'till *Monday* the 17th of *March*; *ſeven Weeks* after the *Parliament* began, and but *Three* before it *Roſe*.

This

This was the ſtate of the Caſe, when the *Act* of *Submiſſion* was made; and it plainly ſhews, what this *Author* has, in part, acknowledged to be moſt true; that in thoſe days, the *Convocations* of the *Clergy* were under no manner of Obligation either of *Law* or *Cuſtom*, to meet at the ſame time with the *Parliament*. The King called *both* at his *Own Pleaſure*; and was under no Legal Reſtriction in the Exerciſe of his *Royal Prerogative*, in *Aſſembling* of either.

Sect. 10. When therefore the *Clergy* agreed that their *Convocations* ought not to be held but in *Obedience to the King's Writ*, and *the Parliament Enacted*, that from thenceforth they ſhould not be *Aſſembled* but by *Vertue* of it; and neither the One Stipulated, nor the other Decreed, that the King ſhould be tied up to any certain times of iſſuing out his *Writs* for them: We muſt, in Conformity to the then allow'd *Practice* and *Prerogative* of the *Crown*, conclude, that they both deſign'd to leave the *King* to the ſame *free Exerciſe* of his *Authority* in this Particular, that his *Predeceſſors* Enjoyed; and which himſelf had as good a Title to, as any that went before him. By Conſequence, that King *Henry* the 8th lay under no manner of Obligation, either by *Cuſtom*, *Statute*, or the *Conſtitution of our Government*, either to *Call* a *Convocation* with every *New Parliament*, or to continue its *Seſſion* as long as any ſuch *Parliament* ſhould ſit. And then I ſhall leave it to the *Gentlemen* of the *Long Robe* to judge, whether the ſame *Statute*, ſtill continuing in force, ſhall not convey the ſame *Authority*, in the ſame freedom, to his *Succeſſors*; any later *Cuſtom*, which is all that can be alledged to the contrary, in any Wiſe notwithſtanding.

I Conclude then: That allowing every part of Dr. *A——s* Scheme to be true; yet the *King's Prerogative* is not at all prejudiced, but on the contrary, is Confirmed by it: Becauſe, that from thence it appears plainly, 1*ſt*. That the manner of Calling the *Clergy* to *Convocation*, was not by any *Immemorial Cuſtom*, or *fundamental Law* of our *Conſtitution*, *Setled* and *Eſtabliſhed*; but, that by their own *Conſent*, and the *Authority* of the *King* and *Parliament*, the whole *Power* of *Calling*, *Proroguing* and *Diſſolving* theſe *Aſſemblies*, might lawfully be put into the King's Hands. And 2*dly*, That when it was ſo Granted to him by *Act* of *Parliament*, it appears both from the *general Words* of the *Statute* of 25 *H*. 8. and the then *prevailing Cuſtom*, and *Practice* in this particular; that the King had not before been *limited* in the *Exerciſe* of this *Authority*, nor was intended, either by the *Clergy*, or *Parliament*, to be any more limited in the Exerciſe of it for the time to come.

Sect. 11. Having ſaid thus much in Anſwer to this *Gentleman*'s Second Argument in the general; to prove the *King*'s *Prerogative* not to be at all abridged in this Caſe by our *Own Laws*, or *Conſtitutions*, any more then it was by the *Canons* of the *Church*: I ſhall now proceed here, as I did in the foregoing *Chapter*, to enquire into the Truth of his *Allegations*, and ſhew, that there is as litle *Fidelity* in his *Hiſtory*, as I think I have ſhewn, there is either *Law* or *Conſequence*, in his *Reaſoning*.

And for this I ſhall take the ſame Method, I purſued in my Other Diſcourſe; and conſider the Intereſt which the *Clergy* had in our *Eccleſiaſtical* or *Civil Aſſemblies*,

I. In the *Saxon* Times.
II. Under our *Norman* Princes, to the Reign of King *Edward* the 1ſt.
III. From the Reign of King *Edward* the *Firſt*, to that of King *Henry* the *Eighth*. And
IV. From the Reign of King *Henry* the *Eighth*, to the preſent *Parliament*, and *Convocation*.

1. Of the SAXON *Times*.

[a] *Rights*, p. 28. Dr. *A*. having *Enquired* (as he words it) *into the Rights of a Synod of the Province of* Canterbury, *at large*; *goes on*, *in the next place*, *to Conſider* It *as an Attendant upon a* Parliament *of* England. *For ſo the matter*, ſays he, *at preſent*, *ſtands*, *and has ſtood for* 400 *Years*, *and upwards*; *to ſpeak at the loweſt*: *Tho' in the Elder Ages it plainly enough appears*, *That the Clergy came at Once from* Both Provinces, *and joined Nationally with the* Lay Aſſembly. Theſe are his Words, but I hope they are not his *Meaning*: Becauſe, according to this Account, we muſt Conclude, that the *Clergy* of the *Other Province*, for theſe 400 Years paſt, have loſt all their Relation

Relation to the *Great Councils* of the *Realm*. For ſo he tells us in the *Elder Ages*, the Clergy came from *both Provinces*, and join'd *Nationally* with the *Lay-Aſſembly*. But for 400 Years paſt, the *Synod* of the *Province* of CANTERBURY, has been the *Attendant* upon the *Parliament*; for 'tis *of that*, and *that only*, that he here ſpeaks, and ſets out to Us as the *Subject* of his following Conſiderations. *The* SAXON *Times.*

How our Brethren on the other ſide of *Trent* will like this, and a great many Other Paſſages hereafter to be conſider'd; in which, I think they have been a little hardly dealt withal, I muſt leave it to them to determine. As for the preſent Period, in which they are, at leaſt allowed to have had an *Equal Right* in theſe Aſſemblies with *our ſelves*; his Aſſertion is elſewhere, thus: [1] *That thro' the Piety of our* Saxon *Anceſtors, the* Clergy *were called to the* Great Councils *of the* Realm, *and made a* CONSTANT, *and* NECESSARY PART *of them. That being obliged ſo frequently to* Attend (for *Attendance* has, from the Beginning, been the *Right* and *Priviledge* of the *Clergy*) *in that Capacity, they had neither Leiſure nor Need, to Obſerve the ſet times of their* Provincial Aſſemblies. *The ordinary Buſineſs of theſe was diſpatched at thoſe* State-Meetings, *which were frequent, and gave the* Clergy *the Opportunity of an Eaſie Recourſe to the* Civil Power *for a Confirmation of their* Decrees. *And this, by degrees, brought on a diſcontinuance of* Provincial Synods, *which from thence began to meet only on* Great Emergencies, *and for* Extraordinary Occaſions. *Thus the Matter ſtood throughout the* Saxon *Times.* But did not this Gentleman tell us in his *Firſt Chapter*, That the *Canons* of the *Church*, which required Yearly *Provincial Synods*, were received here in the *Saxon* times? *That the* [2] Council *of* Herudford, *held*, Anno 673, *under* Theodore, *Archbiſhop of* Canterbury, *took care, not only to* Eſtabliſh *the* Practiſe *for the future, but alſo to Aſſirm the Antient Uſage?*

[1] *Rights*, p. 215.

[2] *Rights*, p. 7.

This I am ſure was his Aſſertion, when he argued from the *Canons* of the *Church*, and their *Authority*, in this Matter. But now the Caſe is alter'd; and this *Author*, [3] after all his Outcry againſt *Occaſional Principles*, gives us ſome Reaſon to think that he is no ſuch Enemy, as he pretends to them. No, nor yet to *Occaſional Synods* neither: [4] For ſuch he Confeſſes our *Provincial Councils* were. All his Indignation is againſt *Occaſional Convocations*; which for the Honour and Liberty of the Church, he would have not to be *Occaſionally Aſſembled*, when there is any Buſineſs for them to do; but to be *Conſtant*, and *Neceſſary Attendants*, tho' they have nothing to do but to *Attend*: *A Priviledge* that I believe no other *Body* would *Contend* for; nor if we ſhould get it, ought any to *Envy* it to Us.

[3] Ib. p. 217.

[4] Ib. p. 215.

But not to inſiſt upon paſt Aſſertions: His preſent Poſition is this, *That in the* Saxon *Times, the* Clergy *were called to the* Great Councils *of the* Realm, *and made a* CONSTANT, *and* Neceſſary *Part of them.* Will he ſtand to his Point, as he now ſtates it? Why truly no: That was a Round and full Aſſertion, and very proper for the Fifth *Chapter*, where he had a particular Uſe to make of it. But in the Sixth, he had either been better informed, or he thought himſelf concern'd to ſpeak more warily to this Matter. And therefore there, it amounts to no more then this: [5] *That the* Inferior Clergy *were then* Oftentimes; Called *to the* great Councils *of the* Realm. Now if they were only *Called Oftentimes*, I think that will imply, that *Sometimes* they were not Called: And this may lead on a farther Queſtion, whether they were not *Oftentimes Omitted*, and only *Sometimes Called.* But however, if they were but *Oftentimes Called*, even that ſhews that they were no *Conſtant*, and *Neceſſary*, *part* of thoſe *Councils*, as he before affirmed them to have been.

[5] *Rights*, p. 277, 278.

Let us hear how this *Author* again explains himſelf as to this Matter. [6] *Not that I believe them* (*the* Inferior Clergy) *to have had Place in* All, (*even the moſt Ordinary, and ſtated*) Aſſemblies, *but only in the* Greater, *and more* Extraordinary *Ones. The* Wittena-Gemots, *and* Mycel Synods, *the* Magna Concilia, *and* Pleni-Folcmoti, *which are plainly diſtinguiſhed from the* Leſs Solemn, *and* Numerous Councils; *and which met together only* Ex Arduis contingentibus, & legum Condendarum Gratia, *as Sir* H. Spelman *Obſerves.* What would this Author make us believe Sir *H. Spelman* Obſerves, That the *Wittena Gemots*, and *Folcmots* were all One? Or that the *Pleni Folcmoti* were Aſſembled *legum Condendarum gratia*? Or that the *Inferior Clergy* ſate in thoſe *Greater Aſſemblies*? So it might be miſtaken; and poſſibly it was deſign'd to be ſo underſtood.

[6] *Rights*. p. 285.

But

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But that Learned Gentleman ſpake not at ſuch a Rate. He abſolutely diſtinguiſhes between the *Wittena-Gemot*, and the *Folc-mot*: And what he ſays Relates to the *former*, as One great thing wherein it differed from the Latter. [1] A *Wittena-Gemot* (ſays he) was the ſame among the *Engliſh* Saxons that "*Parliament* is "with us at this Day: and it differed but *little* from a *Folc-mot*, but that this *Latter* was *Annual*, and commonly held for *Certain Affairs*; whereas the Other was called at the *Pleaſure* of the *Prince*, *Ex arduis Contingentibus, & legum condendarum Gratia.*

[1] *Spelman. Gloſſar. Voce* Gemotum p. 261. a

And now, at leaſt, One would think he ſhould ſtick by his Aſſertion, that to theſe *Wittena-Gemots*, tho' not to the *Leſs Solemn*, and *Numerous Councils*, the *Inferior Clergy*, were OFTENTIMES *Called.* But how then Does he vouch [2] Mr. *Sherringham* for the ſame Opinion; and affirm his Authority to be "*A ſtrong preſumption of the Truth of what he has offered on this Argument.* For Mr. *Sherringham* does not come up to his OFTENTIMES; but *Sometimes*, and *very Seldom*, are his Expreſſions. "In the *Saxon* times (ſays he) *Laws* were COMMONLY *made* by the "Approbation, and Conſent of the *Nobles*, *Arch-Biſhops*, and *Biſhops*, in a *Publick* "*Synod*, or *Parliament.* SOMETIMES the *Queen* was preſent; SOMETIMES the INFE"RIOR CLERGY; and *Sometimes* alſo the *Commons*; but that happened VERY SEL"DOM. So that if this at laſt ſhould be Dr. *A's.* Senſe; it will follow that he looks upon the *Inferiour Clergy* to have been a part of theſe *Councils* only as the *Queen*, and *Commons* were; they Came to them SOMETIMES, but VERY SELDOM.

[2] *Rights*, p. 286.

And, indeed it muſt be confeſs'd, that this agrees much better with his Proofs, than any Other Hypotheſis: For thus the *Abbeſſes*, whom he alſo makes a part of the ſame *Great Councils*, in the *Subſcriptions* to his *Charters*, (and is ſo kind as to continue in this State till after the time of King *John*) may alſo have been SOMETIMES *Attendants* upon them. And I do verily believe that he is thus far in the right, that they were both *Equally Members* of them.

The Truth is, this *Author* as he does not very Well know by what Right the *Inferior Clergy* came to theſe *Great Councils*, ſo neither is he at all Concern'd in that Particular. Let them but Come, and 'tis all one to him, in what *Capacity*, or for what *Ends* they came to them. Now this has Engaged him in ſome very Odd Methods of bringing them to theſe Aſſemblies. In one Place he calls them thither as *Knights Spiritual*; and tells us that upon this Account they had a Right, no leſs then the *Knights Temporal*, to Attend upon the *King* in *Parliament.* And this gives them a *Right*, not as *Clergy-Men*, but as *Knights*; or, at moſt, as *Knights Spiritual*: And Entitles only thoſe to a *Place* there, who had the [3] 4711. *Knights Fees*, which for that End he has veſted in our *Parochial Churches*; to whom *the Conquerour* never reached out any ſuch *Bounty.*

[3] *Righss*, p. 35. 296.

[4] In Another Place, he brings them there under a *Meaner Capacity*, as the King's Retinue; by the ſame Right that the *Gentleman Uſhers* and *Pages*, come *ſometimes* to *Parliament*; and yet, I believe do not Imagine that they are thereby made any Proper Members of it.

[4] Ib. pag. 290.

That which I inſiſt on (ſays he) *is, that the Atteſtations and ſtile of theſe* Charters *make it manifeſt*, that MANY *of the* Lower Clergy *had place in thoſe* Great Councils *which confirmed them*: How, *or in what* Capacity, *They were ſummoned thither, Whether as* Repreſenting any Part of the Spirituality; *Or, as the* King's *immediate* Servants, *and* Dependants, *(his* Hand-Prieſts, *and* hired Clercs, *as the* Capellani, *and* Presbyteri Regis, *are in the* Saxon Chronicle, *odly called) is another Enquiry which it is not very Eaſie, nor very Neceſſary at preſent to determine.* So that this Gentleman does not affirm that the *Inferior Clergy* came either *Always*, *Oftentimes*, or *Sometimes*, to theſe Councils, as *Repreſentatives of any part of the Spirituality*; (that is a Point neither *Eaſie*, nor *Neceſſary*, to be *determined*) all that he affirms, is, That ſome of them there were preſent at thoſe *Councils* in which his *Charters* were *ſubſcribed*: How they *came thither*, Or what they *did there*, he neither *Knows*, nor *Cares.* So little a Colour had this Author, for what he ſo Confidently Aſſerted before, that *the Clergy were called to the great Councils of the Realm, and made a* Conſtant *and* Neceſſary Part *of them.*

But he has not yet done with his Reſtrictions: For, as if this were not enough to deſtroy all that he had before been *Eſtabliſhing*; he proceeds to bring their Intereſt of *Acting* in thoſe *Great Aſſemblies* as *low*, as he has at laſt done their *Right* of *Coming* to them. [5] *Nor do I ſuppoſe*, ſays he, *that the* Clergy-*Men of* Lower-Rank *call'd to theſe* full Conventions, *treated* Always *as freely, and acted*

[5] *Rights*, p. 285.

as

as *Authoritatively, as the Conſtant and Standing Members did: Treated* ALWAYS *as* freely; That implies however that they *ſometimes* did; and then a Queſtion will ariſe, how they came to *Treat* ſo freely ſometimes? Whether by any *Right* that they had ſo to do; or only by the *Conſent* or *Allowance* of the *Conſtant* and *Standing Members. No, I take them, as to this, to have been much in the ſame Caſe with the* Inferior Laity, *who are ſaid* Oftentimes *to have been preſent at ſuch* Great Councils; *and to have Conſented to, and Approved what was done there; but not often to have* Deliberated *or* Determined; *juſt as the Leſſer Members of the* German Colloquia, *or* Synods (*the Patterns of our* Engliſh *Ones*) *are repreſented by* Hincmar *to have interpoſed in them.* The SAXON *Times.*

The Buſineſs therefore of the *Inferior Clergy*, when they came to theſe Aſſemblies, was to *Conſent* and *Approve*, not to *Deliberate* or *Determine*. That was to be done by the *conſtant* and *ſtanding Members*; and all the Others had to do, was but to *conſent* to what had been *Reſolved* by them. But what if they did not *Approve*, and therefore did not *Conſent*? Could they, by their *Diſſent*, reſcind what the *Other Members* had *Determined*? That he has not told Us; unleſs perhaps we may find it in the Account which *Hincmarus* gives of the German *Colloquia*, or *Synods*, the *Patterns*, as he tells us, of our *Engliſh ones.*

Let us therefore ſee how he reports *Hincmarus*'s Relation of theſe *Colloquia* or *Synods*; as this Gentleman ſtiles them; (for his Author no where Calls them ſo, but by their proper Name *Placita*:) Why firſt for the Perſons; [1] *Generalitas* (ſays he) *Univerſorum, tam Clericorum quam Laicorum, Conveniebat. Seniores* (that is the *Magnates*, whether *Counts*, or *Biſhops*) *propter Conſilium Ordinandum: Minores* (that is the Leſſer *Barons*, and Inferior, but Qualified, *Clergy*) *propter idem ſuſcipiendum, & interdum pariter tractandum, & non ex poteſtate, ſed ex proprio mentis Intellectu vel Sententia Confirmandum.* Sect. 16.

[1] *Rights*, p. 29, 30.

I wiſh this Author had told us what *Edition* of *Hincmarus* he made uſe of: For I can hardly perſwade my ſelf that he could have been guilty of ſo wretched a Miſrepreſentation of that *Author*, and theſe *Councils*, had he not been miſled by ſome very faulty *Copy*, that utterly ſpoiled the whole Relation of them. In theſe great Aſſemblies, or Placita, *Generalitas Univerſorum tam Clericorum quam Laicorum conveniebat*, ſays Dr. *A*—— But [2] *Hincmarus* ſays quite another thing; *Generalitas Univerſorum* MAJORUM: The PROCERES, as he calls them, *Cap.* 34. And more particularly, Cap. 35. where he makes this Diviſion of them; *Epiſcopi, Abbates, vel hujuſmodi Honorificentiores Clerici*, for the *Eccleſiaſtical*; and *Comites vel hujuſmodi Principes*, for the *Lay-part*, of theſe Councils. Shall I give it him, more plainly, in the Relation of his own [3] *Marca*: They conſiſted then, according to his Epitome of this very Relation, *Ex Epiſcopis & Abbatibus & Comitibus Regni.* Theſe were *All* the *Members*, who had any part in thoſe Councils.

[2] *Hincmar. Rhem. Oper.* vol. 2. num. xiv. pag. 201. &c.

[3] *De Concord.* lib. vi. cap. 25. Sect. 1. &c.

But what then ſhall we ſay to [4] His *Seniores*, and *Minores*? If you will take *de Marca*'s Interpretation, they are the *Antiquiores*, and *Juniores*, of theſe *Great Counſellors.* [5] *Arumæus*, thinks rather that they were the *greater* and *leſſer* of the *Majores* before mentioned: The One, the *Prelates* and *Nobles*; the Other, the *Judges* and *Magiſtrates*; whom he alſo takes in under the General Name of *Majores.* The Account of *Hincmarus* will admit of either of theſe: And 'tis no great matter, as to our preſent purpoſe, which of them we pitch upon. [6] He tells us that two Solemn *Councils* were held every Year. One a *General Aſſembly*, to which all the *Majores*, or *Great Men*, *Temporal* and *Spiritual*, were called. The other more *ſelect*; conſiſting only *Ex ſenioribus, & præcipuis Conſiliariis*; of the more *Aged*, and *honourable Counſellors.* But whether *Seniores* or *Minores*, they were ſtill of the *Generalitas* MAJORUM; no Others were called to theſe Aſſemblies; no Others (unleſs perhaps ſome of the King's *Miniſters* of *State*, in the *Leſſer Council*) were admitted to them.

[4] Ibid.

[5] *De Comitiis* cap. 4. num. 5, 6, 7.

[6] *Hincmar.* loc. cit.

It is Evident then, that all this Gentleman's Dream of the *Inferior Clergy*, is not only precarious, but is directly Contrary both to his *Own Author*, and to his allowed *Interpreter* of him. The Over-ſight, or Omiſſion, of the Principal Word MAJORUM in his *Copy* of *Hincmarus*, miſled him; and we will ſuppoſe his *de Marca* might not be at hand to ſet him right.

But to allow for his Miſtake in the *Perſons* who came to theſe *Meetings*: This, at leaſt, muſt be agreed, that the Power of theſe *Younger* or *Leſſer Counſellors*, is rightly repreſented by him. They came to Receive what the Others had *de-*

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[1] Loc. Cit. Sect. 3.

termined; and were ſometimes asked their Opinion about it: And they Confirm'd it, not by way of *Authority*, but by their *concurrent Judgment*, or Reaſons; [1] *They ſpake*, (ſays *de Marca*) ſometimes *but only to give their* Opinion, *not to Exerciſe any Right of Voting with the Others*. They were firſt to learn, and be trained up to the *Affairs* of *State*; before they were admitted to any *Authoritative ſhare* in them.

This was the Caſe of the *German Polity* under *Charles* the *Great*, ſo this Author ſtiles it; but that *Emperour*, who ought the beſt to know his Own Title, every where calls himſelf [2] King of *France* and *Italy*. [3] *Eginhard* the Writer of his Life, and his Contemporary, ſpeaks of him all along, as *King* of the *Francs*. In the Preamble to his *Will*, which that Hiſtorian has preſerved a Copy of, the Date is *Regni ejus in Francia*, 43; *in Italia*, 36; *Imperii* xi. In his Epitaph, it is ſaid, that *Regnum Francorum Nobiliter ampliavit, & per Annos* 47 *feliciter tenuit*. *Adelmus*, or whoever elſe Wrote the Lives of *Pepin*, *Charles* the *Great*, and *Ludovicus Pius*, calls his Works the *Annals of the French Kings*: And tho' it is not deny'd, but that his *Empire* reached to the greateſt part of *Germany* at the laſt, and from the Death of his Brother, took in thoſe parts of it which belonged to the Kingdom of *Auſtraſia*; yet even that was, in thoſe days, look'd upon as a part of *France*, and took its denomination from it; as one Province of it Continues to do at this Day. This I was willing to Obſerve, not as a Matter of any great Conſequence, but to juſtifie my Own *Expreſſion*, in treating of thoſe *Councils*, from which this *Author* thought fit to recede; whether for the greater Accuracy of Language, with relation to thoſe times, I ſhall leave it to the Reader to Judge.

[2] *Capitular. Tom.* 1. coll. 346. 439. 462. 483. 487. &c.

[3] *Eginh.* Vit. Car. M.

Sect. 17.

But becauſe this [4] *Gentleman*, tho' he has not thought fit to own from whence he took both his *Subject*, and the *Authors* he makes uſe of in the purſuit of it, has yet been ſo unuſually Obliging as to approve the Method I propoſed of, clearing the nature of our Own *Antient Government*, by Comparing it with that of the *French* in thoſe Days; I will thus far endeavour to gratifie his Curioſity, as to ſet that Matter in a ſomewhat clearer Light, and ſhall leave it to him to make what Advantage he can of it, in the preſent Argument againſt me.

[4] *Rights*, p. 29. Comp. Auth. &c. pag. 155. &c.

The firſt ground of a Settlement of the [5] Government in *France*, was laid by *Pepin*, in the *Synod* of *Soiſſons*, as I before obſerved; but of which this Author has not thought fit to take any notice. He ſet forth his Statutes, *cum Conſilio Epiſcoporum, & Optimatum Regni*, as *de Marca* Expreſſes it: To which the laſt Canon of the Council adds, *Cum aliis Sacerdotibus ſive Servis Dei*; which the ſame Learned Perſon rightly underſtands of the *Regular Prelates*, who were wont to be *Called* to theſe *Aſſemblies*; and who therefore may reaſonably be preſumed to have been preſent at this Council.

[5] Marc. de Concord. lib. 6. cap. 25. Sect. 4.

What was thus begun in his *Parliament* at *Soiſſons*, he much improved a few Years after in the [6] *Council* of *Vernis*: Hither he called almoſt all the *Biſhops* of *France*; but that any of the *Inferior Clergy* were preſent, it does not appear. And here that proviſion was made, of which this Author has given us but an imperfect and erroneous Account; not that two *National Eccleſiaſtical Synods* ſhould be held every Year, but two *Aſſemblies*; One *Royal*, in the *preſence* of the *King*; the Other *Eccleſiaſtical*, either at *Soiſſons* (of which he takes no Notice) or at ſuch other Place as the *Biſhops*, at the other *Council*, ſhould agree. Of this, *de* [7] *Marca* gives ſuch Proofs, as ſeem to determine the point; and thus the Learned [8] *Steph. Baluz.* in his *Annotations* upon this *Canon*, expounds it from him.

[6] *Concil. Vern.* Can. iv.

[7] *De concord.* lib. vi. cap. 25. Sect. 5. 6.

[8] *Capitul.* Tom. ii. Col. 1028.

The Former of theſe Aſſemblies was appointed to be held on the *Firſt* of *March*. [9] This was *after by* Pepin's *Son* (ſays Dr. *A.*) *appointed to meet on the Firſt of* May. I doubt this Gentleman has here again miſtaken his Author; who expreſly ſays, that this Change was made not by *Pepin*'s Son, but by *Pepin* himſelf: And to him [10] *Fredegarius* plainly aſcribes it, who Ends his *Chronicon* with the Father, and to him aſcribes this Change, as *de* [11] *Marca* has rightly obſerved from him.

[9] *Rights*, p. 30.

[10] *Fredegar.* Chron. p. 165.

[11] *De Concord.* lib. vi. cap. 24. Sect. 5, 6.

To the Second of theſe [12] *Synods*, which was properly *Eccleſiaſtical*, Thoſe *Biſhops* whom he had ſet in the ſtead of *Metropolitans*, were required to Come; and with them ſuch Other *Biſhops*, *Abbots*, and *Presbyters*, (unleſs we ſhould rather expound it [13] *Abbots*, or *Presbyters*) as thoſe *Metropolitical Biſhops* ſhould appoint to meet with them.

[12] *Capitul.* Tom. i. Can. 2, 4.

[13] *Abbates* ſeu *Presbyteri.*

This was the laſt Eſtabliſhment of *Pepin:* Where this [14] Author finds, under that Prince, *His other Royal, but Privy Council, conſiſting only of the Great Miniſters*

[14] *Rights*, &c. Ibid.

Miniſters, and ſuch others as the King thought fit to Call, I am yet to ſeek: And I doubt he himſelf will be no leſs puzzled to inform me. *The* SAXON *Times.* Sect. 18.

The next Advance which was made in this Country towards the Settlement of the Government of it, was by *Charles* the *Great*. Of this, ſome Account has been given already; but I ſhall now be more particular, becauſe that Dr. *A.* either knew very little of it, or was not willing that Others ſhould.

And Firſt, as his [1] Father before had done, he Eſtabliſh'd *two Solemn Meetings* every Year. The *Former* conſiſted of the *Biſhops*, and *Abbots*, and *Peers* of the Realm. In it, all the *Political Eſtate* was ſetled for the Year following. The *Latter* conſiſted of the *moſt Antient* of theſe, to whom were joined ſome of the *Prince's Council*. In this, they digeſted and concluded upon ſuch Matters as were to be propoſed in the next *General Meeting*: They Order'd ſuch incidental Affairs, as would not admit of Delay; as Matters of *War* and *Peace*; and ſome others of the like kind.

[1] Marca de Concord. lib.vi.cap.xxv. §. 1, 2, 3.

In theſe *Conventions*, but eſpecially in the *General One*, *Conſtitutions* were made both concerning *Eccleſiaſtical*, and *Civil Affairs*. The King propoſed the *Heads* which he would have them to deliberate upon; which having done, the *Elder*, and more experienced, determined; and the *Younger Conſented* to their *Determination*. Which being over, the Reſult of their Debates was laid before the *Prince*, who finally gave Authority to what he approved of them.

In theſe *Conventions*, according as the Matter which was to be treated of required, ſo a Difference was obſerved in debating upon it. The *Biſhops* and *Abbots*, met *apart* from the *Laity*. The *Lords* and *Nobles* were Divided from the *Other Laity*, by the *Honourable Seats* that were prepared for them. Sometimes they *voted ſeparately from one another*, and ſometimes *together*, as the *Nature* of the *Cauſe* required; whether it were *Spiritual*, *Secular*, or of a *Mix'd* kind.

This is the Account which *de Marca*, out of *Hincmarus*, gives of theſe General Meetings: Let us ſee how this agrees with the Obſervations of Other Learned Men concerning them.

And 1*ſt*, For the *Perſons* who met in the *Councils*, (the main thing in Diſpute betwixt us) *de Marca* tells us, they were on the *Spiritual* Part, *Biſhops* and *Abbots*; on the *Secular*, the *Comites* and *Optimates*, the *Great Men* of the *Realm*. And ſo [2] Monſieur *Baluze*, a Perſon excellently well verſed in theſe Matters, tells us after him. They were the *Fideles Regis*; or, as ſometimes they are called, *Populus*; not, ſays he, any *Common Perſons*, *but the Principes*, *Optimates*, *Proceres*, and *Capita Populi*: And whom he meaned by theſe, we may ſee more expreſly a little after; where having alledged ſome Places out of the *Capitulars*, in proof of his *Aſſertion*, he concludes thus; *It is evident therefore, that to theſe* Conventions, *there came the* Biſhops, *and other* Fideles, *that is to ſay*, Abbots, Dukes, Earls, *and the like.*

[2] Prefat. ad Capitul. Vol. 1. Num. 7.

To this, as to the *Eccleſiaſtical part*, [3] *Arumeus* agrees: And his Authorities for it are ſuch, as clearly ſhew, that neither the *Leſſer Clergy*, nor the *Low-Laity*, were wont to come to theſe Aſſemblies. [4] *Eginhard*, a Contemporary, and Exact Author, calls them, *Primores de toto Regno*: Another, *Primores & Comites*. A Third adds, the *Magiſtratus* to them, and that agreeably to [5] *Hincmarus*'s Relation; who (in like manner) Entitles the *Chief Officers* of the *Palace*, and *Council* to a part in them. A *Fourth* makes particular Mention of the *Eccleſiaſticks*; *Convenerant* (ſays he) *multi Epiſcopi*, *Abbates*, *& Principes*, *ad Imperialem Synodum Vocati*. But for Dr. *A*'s *Inferiour*, but *qualifi'd Clergy-Men*, I do not know any one Author, that ſo much as occaſionally takes them into theſe Meetings.

[3] De Comitiis. Cap. iv. n. 8.
[4] Vid. Ibid.
[5] Ib. num. xiii. pag. 118.

I might enlarge theſe Proofs by the Authorities of many other Writers, as well *Antient*, as *Modern*: But I ſhall mention only one more, the Learned [6] *Monſieur du Freſne*, whoſe Quotations (quite different from the moſt of thoſe whom I have hitherto alledged) all ſpeak the ſame thing. *Dagobert* held his *Placitum* with his *Sons*, *Omnibuſque totius Regni Primatibus*. *Charles* the *Great* his *cum Ducibus*; ſays the *Saxon* Poet: Or as another, more fully, *Congregata non minima Coadunatione Epiſcoporum*, *ſummæ Authoritatis Virorum*, *multorum quoque illuſtrium Procerum*, *ſeu quam plurimorum Nobilium*. Theſe were the Perſons of whom thoſe *Meetings* conſiſted; No others mention'd to have come to them.

[6] Gloſſar. lat. pag. 291. vol. iii. Voce *Placitum*.

But do's not [7] *de Marca*, (and that from *Hincmarus*) ſay, "That in theſe "*Councils*, the *Great Perſons*, *Earls*, &c. were diſtinguiſhed from Thoſe of a "*Lower*

[7] *Rights*, p. 30.

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"*Lower degree*, ſitting by themſelves, and on *honourable Seats*. That theſe only "managed the *Debates*, and formed the *Concluſions*; the *Commoners* aſſenting and "ſometimes *ſpeaking*, but ſo as rather to *ſignifie* their *Opinion*, than *give a Vote*. And "may we not *ſuppoſe* this to have been the Method alſo on the *ſpiritual ſide*? No, [8] *de Marca* ſays no ſuch thing, but rather the direct contrary. For he ſays that theſe *Aſſemblies* conſiſted *only* of the *Optimates*: Thoſe he divides into *Antiquiores*, and *Juniores*; and of the *Juniores*, or *younger Lords*, he ſpeaks what Dr. *A.* very unfairly applies to his *Commoners*.

[8] De Concord. lib. vi. cap. xxv. Sect. 3.

As for their ſitting by themſelves in theſe *Councils* on *honourable Seats*, and their being diſtinguiſhed thereby from thoſe of a lower Degree, that too is another Miſtake of this Author. That which *de Marca* ſays is this; that the *Biſhops* and *Abbots Aſſembled apart* from the *Laity* That each had their proper *Curia*, or *Council-Chamber* prepared for them. That the *Lords* and *Great Men*, were diſtinguiſhed from the *Other Laity*, *Subſelliis honorificabiliter præparatis*. [1] But who were theſe Other *Laity*? Were they Dr. *A*'s *Commoners*? No, but they were the *King*'s *Miniſters*, and *Counſellors*; who, he tells us, were admitted to the *Second*, or *Leſſer* of theſe *Aſſemblies*; but ſate below the *great Lords* in them.

[1] Ibid. Sect. 1.

Now this [2] *Hincmarus* more plainly ſhews: He tells us *N.* 30. That this *Placitum*, or Great Council, was held, cum *Senioribus* (the Chief of the *Majores* before mentioned) *et præcipuis Conſiliariis*. That theſe *Counſellors* were choſen out of either *Clergy* or *Laity*, N. 31. That the three *Great Officers* of the *Court*, the *Apocriſiarius* or *Capellanus*, the *Palatii Cuſtos*, and *Camerarius*, were always preſent at them. That if any of the Other *Officers of the Court*, ſeem'd to be Men of parts, and fit to be taken hereafter into the *Council*, they were Ordered to be *preſent*, and ſo *trained* up, to a Capacity and Readineſs for Publick Affairs, N. 32.

[2] Loc. Citat.

But indeed if I take the Senſe of that [3] Author aright; there is another meaning than what *de Marca* ſeems to have underſtood in his Relation. He ſays, that the Lords, the *Proceres*, as he calls them, and *Chief Counſellors*, *primi Senatorii Regni*, who were called to theſe *Aſſemblies*, debated *one*, *two*, or *three days* by themſelves, or more, if need required; no ſtranger who was not of the Council coming near, or mixing with them, 'till they had finiſhed their Debates; and made their Report to the *Prince*.

[3] Hincmar. To ii. num. xiv. cap. 34.

The *Lords* and *Councellors* thus aſſembled for Debate, he calls [4] *Segregati*, with reſpect to the many others of all kinds, who had no part in the Aſſembly, but yet uſually came at that time to the Court; and with whom, in the mean while, the Prince paſſed his Time. Whenever theſe *Lords* deſired it, the *Prince* was wont to come to them, to hear the reſult of their Debates: And when he did ſo, then, I ſuppoſe, that the *Reliqua Multitudo*, which attended upon him, were alſo admitted into the *Aſſembly*. And for this a place was prepared of ſuch Capacity, *ubi et in abundanter ſegregati ſemotim, & Catera Multitudo* (who were wont upon theſe Occaſions, to croud in) *ſeperatim reſidere potuiſſent*: But 'till then no *Inferiores perſonæ intereſſe potuiſſent*.

[4] Ib. cap. 35.

This I take to have been the true meaning of *Hincmarus* as to this Matter: Whether herein I am miſtaken or not, thus much is evident, that the *Members* of theſe two *Aſſemblies* were no other than theſe: The *Biſhops*, *Abbots*, and *Majores* of the *Laity*, of the One; and the *Seniores* and *Conſiliarii* of the *Other Council*. Only to the *Latter*, ſome of the *Court Officers* were permitted to *Come*, not as *proper Members* of the *Council*, but to *hear* and *learn*, and be *trained up* thereby to become, in time, the more uſeful Members of it.

Sect. 19. Having thus accounted for the Perſons of whom theſe Councils were compoſed, let us enquire, 2*dly*, What kind of *Affairs* were treated of in them, and how they proceeded in the handling of them.

As for the former of theſe, the *Affairs* which were treated of in theſe *Conventions*; they were, in General, the *Great Affairs* of the *State*. [5] In the *Latter* of them, which met in *Autumn*, the *State* of the *Whole Kingdom* was ſettled for the Year following; and what was then Eſtabliſhed, nothing but an Abſolute and Extreme Neceſſity could Change. In the former, held about the Beginning of *May*, they prepared Matters for the following Aſſembly; Conſider'd what would be proper to be propoſed to it, or determined in it. And if any Matters fell out, which required a preſent Reſolution, and could not be Deferr'd to the *General Meeting*, they here came to a determination concerning them.

[5] Hincmar. Ibid. n. 29, 30.

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In theſe Aſſemblies, the [1] *King* enquired into the *State* of his *Dominions*; and was inform'd by thoſe who came together from every quarter, what was doing, or what had happened; or whether any thing needed to be conſidered; or reform'd in any part of them.

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[1] Ib. n. 36.

Of theſe [2] Affairs ſome were *purely Civil*; Others Meerly *Eccleſiaſtical*, and others of a *mix'd Nature*; ſuch as indifferently concern'd both the *Church* and *State*. [3] Of the Firſt, the *Laity alone* debated; of the Second, the *Eccleſiaſticks*; of the Third, both; firſt apart, and then together; and the Reſolutions which they came to in any of theſe, were ſtill laid before the Prince, who had the laſt Judgment of all; and either ratified, or diſanulled what they had agreed of.

[2] Hincmar. Ib. c. 34, 35.

[3] *De Marca. de Concord.* lib. 6. cap. 25.

In debating upon theſe *Matters*, they uſually took this Method: [4] Firſt, the *Prince* laid before them the *Heads* on which they were to *Deliberate*. Then he left them alone to conſider of them. This they did ſo long as they thought neceſſary: And having given notice to him that they were agreed in their Opinions, he came to their Aſſembly, and there either Approved, or Diſallowed of them.

[4] *Hincmar.* Ib. c. 34, 35.

The General [5] Affairs of the *Church* and *State* being diſpatched; they finally proceeded to hear ſuch *particular Cauſes* as were proper for them, and had been reſerved by the *Prince* to their Judgment and Determination.

[5] *Marca de Concord.* lib. 6. cap. 35. Sect. 5. &c.

But that which I would chiefly Obſerve, in theſe Councils is, after what *manner*, and by what *Authority*, *Eccleſiaſtical Matters* were tranſacted in them. Now of that we have a clear Account in the [6] Council of *Soiſſons*, under King *Pepin*, *Anno* 744. The Articles of which relating to *Eccleſiaſtical Matters*, are ſaid to have been made [7] by Twenty three Biſhops, together with other *Prieſts*, or *Servants* of *God* (the *Regular Prelates*) with the Conſent of the *Prince* and *Counſel* of the *Lords*. The *Clergy* therefore paſſed them; the *Lords* approved of them; and the *King* gave the Authority of *Laws* to them.

[6] *Capitular. Tom.* 1. Col. 155. 157

[7] Ib. Cap. 2. Et Col. 160. cap. x.

The ſame may be Concluded from the Account we have of the *Capitular* of *Charles* the *Bald*, *Anno* 846. The *Metropolitans* and their *Suffragan Biſhops*, [8] had agreed upon certain *Canons*, which they thought proper for the Reformation of the *Church*; and offer'd them to the Prince, as he had commanded them, to be *publickly read* in *Council* before him. But the *Prince* being raiſed into a heat againſt them, and the *Lords diſapproving* of ſome things which they had determined, they removed the *Biſhops* out of the *Council*, and ſelected out of their *Canons* ſuch only as they *approved* of, and delivered them in Writing to them; telling them that they had Accepted no more of their *Definitions* but thoſe; and that thoſe, they had agreed with the *Prince*, to Obſerve.

[8] *Capitular. Tom.* 2. col. 30. in villa Sparnaco.

Thus they concluded in Matters Eccleſiaſtical; [9] The *Biſhops* firſt *Debated* by themſelves concerning them: Being come to a Reſolution, their *Definitions* were Read before the *King* and his *Lords*. If the *Lords Adviſed*, and the *King Approved*, they became *Capitulars*, or *Laws*; Otherwiſe they were laid aſide, as rejected, and of no Force.

[9] Vid. Concil. apud Piſtas Capitular. T. 2. Col. 153. *Reges & Epiſcopi qui ante Nos fuerunt, ducti Amore, & Timore divino, cum Cæterorum Fidelium Dei Conſilio atque Conſenſu plura ſtatuerunt Capitula. Et de* Marca *de Concord.* lib. 6. cap. 25. Sect. 5. &c.

If the Matters were of a *mixed Nature*, then both parts of the *Council Debated*, or at leaſt *Agreed* firſt together concerning them; And by their joint Advice and Conſent, they were *Eſtabliſhed* by the *Prince*. This was the Caſe of the *Convention* at [10] *Quierzy*, about Eleven Years after, under the ſame Prince: Who therefore calls that Meeting by the double Title, *Synodum venerabilium Epiſcoporum, ac Conventum fidelium*: And ſays, that with *theſe* he had conſulted, among other Affairs relating at once to the *Benefit* of the *Church*, and the *neceſſity* of the *Realm*, about the Points which there follow, and with their Advice had Decreed, as we ſee, concerning them.

[10] Synod. Cariſiaca. Capitul. Tom. 2. col. 88.

And this may ſuffice to acquaint us how the *Biſhops* and *Prelates* Acted in theſe *Aſſemblies*, as Members of the *Royal Councils*; and in order to the making of *Eccleſiaſtical Laws* in them. But I muſt obeſrve farther.

3*dly*. That being to meet on theſe Occaſions with the *Nobility* in *Council*, they oftentimes laid hold of the Opportunity to Conſult together, and to Act, not only as a part of the *State-Convention*; but by their *Own Authority*, as a proper *Eccleſiaſtical Synod* too. Such was, for Example, the Synod of *Mentz*, in which *Rabanus* Archbiſhop of that Place condemned *Goteſchallus*; and of which *Trithemius* [11] in his Chronicle reports, that by the Command of *Louis Lotharius* the *Emperor*, he called a *Synod* of *Biſhops*, and *Abbots*, *Anno* 848, and therein Condemned a certain *Heretick* named *Goteſchallus*, and Ordained many things to the *Honour* and *Dignity* of the *Church*. But the [12] *Annals* of *Fulde* are more expreſs.

[11] Chron. Hirſaug. ad Ann. 848.

[12] Annal. Fuld. ad An. 848.

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They tell us, that about the 1st of *October*, *Louis* the King *held* a *General Council* (*placitum*) at *Mentz*. And so go on to declare First the *State Affairs* that were transacted there, and then the Conviction of *Goteschall* in it. And the only Reconciliation that can be made between these different Relations is this; that the Emperour at that time held his *Great Council* at *Mentz*; and the *Archbishop*, at the same time, Summon'd a *Synod*, by the *Emperour*'s *Command*, to meet there. The *same Persons* were Cited by a *double Authority*, for a *double End*; by the *Emperor* to his *Civil Council*, by the *Archbishop* to a *Church-Synod*.

This was so strictly Observed, that tho' the *Bishops* were come together to the *State-Council*, yet if they wanted their *Ecclesiastical Summons*, they refused to *Act* as a proper *Church-Synod* at such times as they had not been regularly premonish'd so to do. A notable Instance of which we meet with in [1] *Flodoard*, in the Dispute between *Artaldus* and *Hugo*, concerning the Bishoprick of *Rhemes*. The two Kings, *Louis* and *Otho*, held their *Council* at the River *le Cher*. The Cause was brought before the *Bishops* who were Assembled there upon the Occasion of the *Other Meeting*. But, says the Historian, *because a* Synod *was not then held, the* Controversy *could not be* Determined; *but was deferr'd to a* Synod *to be held for that purpose, about the Middle of* November *following*.

[1] *Flodoard.* lib. 4. cap. 33.

It is true, it seems to have been the usual Custom for the *Bishops* to have an *Ecclesiastical Summons*, as well as a *Civil Call* to these *Meetings*; and that the One, issued out from the *Metropolitans*, almost as regularly as the *Other* did from the *Prince*: Insomuch that when [2] King *Louis* sent to the *Bishops* of the Provinces of *Rhemes* and *Roan*, to come to one of these *Councils* before him, vii. Kal. *Decembr.* there to treat with him and the rest of the *Fideles* of those parts, concerning the *Restoration of Holy Church*, and the *State* and *Welfare* of the *Christian People*; among other Excuses which they made to put off their Attendance, they alledged this as One of the Chief; that it was forbidden by the *Canons* of the *Church*, that either the *Archbishops*, without their *Com-Provincial Bishops*, or they without their *Archbishops*, should presume to meddle with any thing, but what belonged to their own proper *Dioceses*. And that in so short a time as he had named, it was not possible for them to have their *Mandatory Letters* from their *Archbishops* to go to that *Convention*.

[2] *Capitular.* Tom. 2. Col. 101. 102.

This was their *Excuse*; and tho' 'tis plain, they would otherwise have declined going at that time to the *Council*, yet this we may Conclude from the Reason here alledged by them in their Defence, that they were wont to have their *Archbishops Mandates*, as well as their *King*'s *Writs*, for these *Assemblies*; and thought they could not Regularly *Act* as a *Synod*, on those Occasions, without them.

I shall add but one thing more, and so have done with these *Foreign Councils*: That, as in the *State-Conventions*, 'tis plain that the *Inferior Clergy* had no *place*; so neither were they yet *Called*, to the proper [3] *Church-Synods*, which consisted only of the *Bishops*; and (sometimes) of the *Regular Prelates*; as I have, in part, already shewn, and might further prove, were it needful to insist upon it.

[3] See *de Marca de Concord.* lib. 6. cap. 25. &c. & *Hincmar. Opp. passim.*

The result of what has been said, upon this Point, is this: That it does not appear that any of the *Inferior Clergy* were wont to be Called to the *Great Councils* of the *Realm* in *France*; on the contrary, it is plain, that they had not any Place in them, unless it were by Vertue of some *Office* which they held at Court, upon the Account of which they were allow'd to be present at them. If therefore these *Councils* were, in effect, of the same Nature with our own *Wittena Gemots*, so that we may rationally argue from the *Constituent Members* of the *One*, to those of the *Other*; then we must Conclude that the *Lower Clergy*, were not only not *Always*, and *Necessarily*, summon'd to them, as he sometimes affirms; nor yet *Oftentimes called*, as he elsewhere Discourses; but were not at all Admitted to them as *proper Members*; tho' possibly they might now and then be there as the *Queen*, or any Others of the *Laity* might be; which is all that Mr. *Sherringham* affirms, or that, I believe, can truly be said in this Case.

Let us see How Dr. *A.* applies the History of these *Councils*, to the Illustrating, if not to the Determining of the Nature of our Own. "Much after the same "manner (says [4] he) I suppose were the mix'd Meetings, [the *Wittena Gemots*] "of our *Saxon* Kings held. "They were Called by the same *Name*: They "were Composed of the *same Persons*: The *Spiritual* and *Temporal* part of the "*Convention* consulted together, or asunder, as they saw *Occasion*; were Con-

[4] *Rights*, pag. 31.

"vened

"vened in like manner *twice* a *Year*; and *One* of thoſe *Meetings* was fixed to the "*Calends* of *May*, as it was in *Germany*: To this all the *Proceres Regni, & Mi-* "*letes, & Liberi homines Univerſi totius Regni Britanniæ* reſorted; and it was ſtiled "*plenus Folcmote*; and diſtinguiſhed from the Other *Folcmote*, where only the *E-* "*piſcopi, Principes*, and *Comites* were preſent.

The Members *alſo of our* Saxon *Councils were alike diſtinguiſhed into ſuch as had Right of* Suffrage *and* Subſcription, *and ſuch as were preſent, chiefly, in Order to* Approve.

The ſame Diſtinction, doubtleſs, there was between their manner of Attending thoſe Great Councils. Which he ſhews to have been alſo much the ſame with that of the *Inferior Laities*, and *Clergy*'s, Attending the like *Conventions* abroad.

Sect. 22.

It cannot be denyed, but that if all theſe Circumſtances can be made out, the Antient *Gallican Placita*, and our *Saxon Wittena Gemots*, muſt have been very like to One another. To ſay nothing to the *Names*, the leaſt Material of all theſe Obſervations; and for which this Author ſtands accountable to another [1] Learned Writer. The main point of all is the next; whether they were *Compoſed* of the ſame *Perſons*? Dr. *A. Affirms* it, and I am clearly of the ſame Opinion: And do therefore conceive, that as I have plainly ſhewn the *Lower Clergy* (as ſuch) not to have been *Conſtituent* Members of the *One*, ſo neither were they of the Other.

[1] Dr. *Kennet* Eccl. Syn p. 214, 215.

But Dr. *A.* is againſt me in both: And therefore as he before gave his *Inferior*, but *Qualify'd Clergy*, a Place, tho' not a *Suffrage*, in the *Great Councils* of the *Realm* of *France*; ſo now he is no leſs liberal in beſtowing an *Equal Right* upon them in our *Saxon Gemots*. [2] He tells us, that *there ſate the* Biſhops, Counts, *&c. and there Attended the* Leſſer Thanes, *and their Equals, the* Prieſts, *&c.* And for this we muſt take his *Word*; for, at preſent, he does not ſo much as offer at any Proof of it. Let us therefore go on.

[2] *Rights*, p. 30.

In *theſe* Councils, *the Spiritual and Temporal part of the* Convention *Conſulted together*, or aſunder, as they ſaw occaſion: This [3] I have agreed to as to thoſe abroad, and had before offer'd as my Conjecture, with Relation to our Own here at home. I alledged the Council in which *Æthelſtan* made his *Firſt Laws*, in Proof of it; and had before Produced that of [4] *Ænham* to the ſame purpoſe.

[3] *Authorit.* pag. 161, 162. 170.

[4] Ib. p. 159.

But Dr. *A.* who always affects to be an Original, and not to *Write* out of any Man's *Second-hand Collections*, reſolved to take his own Method. Inſtead of the *Council* of *Ænham*, which was indeed a *State-Council*; he pitches on that of *Cloveſhoe*, which was as plainly a *Church-Synod*: And for *Ethelſtan*'s Laws, he refers to Sir *Henry Spelman*'s *Gloſſary*; I ſuppoſe as a more *Authentick Record* than either the *Laws* themſelves, or *Brompton*'s Verſion of them: And for both which I refer him to the [5] Cenſure of a more learned Writer, who has juſtly call'd him to Account for both.

[5] *Eccleſ Syn.* p. 212, 213.

Theſe Councils, he ſays, *were call'd twice a Year by a Law of King* Alfred's, *and One of theſe* Meetings *was fix'd (if not in his time, yet afterwards) to the* Calends *of* May, *as it was in* Germany. That King *Alfred* appointed *Parliaments* to meet twice in the Year, is, I confeſs, reported in the *Mirror of Juſtices*; and to him, and to his Authority only, Dr. *A.* refers us for it. Of what Credit ſuch a Relation ought to be, in a Matter wherein not only the Laws of King *Alfred*, but all our *Antient Hiſtorians* are ſilent, it is not difficult to determine. In the mean time, let me ask this Gentleman, with Relation to his own Authority; will he be content to be concluded in this Matter by it? [6] If he will, then the *Perſons* who Conſtituted King *Alfred*'s Parliaments, were only the *Great Men of the Realm*; *Comites Congregari fecit*, ſays *Horn*, to theſe two *Parliaments*; and I ſee no Reaſon why his Authority ſhould not be as great for the Perſons of which theſe *Councils* conſiſted, in which our Antient Authors are generally of his ſide; as for the *Times* of their *Aſſembling*, in which, for ought I know, he ſtands alone, without ſo much as any One Writer before him to ſupport his Allegation.

[6] Mir. loc. cit.

It is a happy Talent to be able to improve a Good Hint. The *Mirrour* had found out a *Law* for two yearly *Parliaments* in the time of *King Alfred*; and Dr. *A.* has diſcovered the very Day on which one of them was, by Law, to meet. *One of theſe Meetings* (ſays he) *was fix'd, if not in* Alfred's *time, yet afterwards, to the* Calends *of* May, *as it was in* Germany. *Debent Populi omnes & Gentes Univerſæ, ſingulis Annis convenire. ſcil. in Capite Calendarum Maii*; ſay the Laws of *Edward* the *Confeſſor*. But to what ought they to come together; to a *Wittena Gemot*, or, *National Parliament*? So this Gentleman would have it thought; but I will venture to ſay, he knew the contrary himſelf: And I ſhall

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leave the *Reader* to judge, whether I am too Uncharitable in my Opinion, when he has Conſider'd the Law to which we are referr'd.

The Subject of that part of the *Law*, which this Author refers to, is to ſhew what Power the *Aldermen* had within their reſpective *Cities*, or *Walled Towns*. It declares that they ought to have the ſame Power and Dignity, that the *Heads* of *Hundreds*, and *Wapentakes* enjoy'd within their *Baillywics*, under the *King's Sheriffs*, throughout the Kingdom. Having fix'd this firſt Point, it next declares what their Duty is, by vertue of their Place, and the *Power* thus given to them. That upon any ſuddain Danger, they ought to ring the *Motbel*, and call the People together, whoſe Aſſembly is ſtiled (ſays the Law) *Folcmote*, i. e. *Vocatio, & Congregatio Populorum & Gentium Omnium*, an Aſſembly of the whole People of that Town, or City, from the higheſt to the loweſt; *quia ibi Omnes convenire debent.*

What was thus to be done by the *Alderman* upon any *ſuddain Occaſions*, was Once every Year, upon the *Calends* of *May*, to be ſtatedly and of Courſe done by him. *Statutum eſt enim quod ibi* (at the like Meeting as before) *debent Populi omnes, & Gentes Univerſæ, ſingulis Annis ſemel in Anno ſcilicet Convenire; Scil. in Capite Calendarum Maii*, and there ſwear to the Defence of the *Kingdom*, and renew their Fidelity to the *Prince*.

This was the Meeting which Dr. *A.* puts upon us for a *Parliament* of the *Kingdom*: A *Common Court*, or Meeting of a *Town* or *City* under its *Alderman*; whether by a real Miſtake, or with a Knowledge of his own Miſrepreſentation of it, let the Equitable Reader Judge.

'Tis true, there is in the ſame *Law* (tho' not in the ſame part of it) an Account of another, and a larger *Folcmote*, which, we are told, was to meet at the ſame time, and after the ſame manner. What the *Aldermen* were to do in their *Cities* and *Burgh Towns*; the ſame the *Earls* or *Sheriffs* were to do in their *Counties*. And to theſe *County Meetings* all the *Proceres*, *Milites*, *& Liberi homines univerſi totius Regni*, were to come, as the *Populus*, or *Citizens* were to the Other: And there *in pleno Folcmoto*, in the *full Aſſembly of the County*, they were to renew their *Oath* of *Fealty* to the *King*, in preſence of the *Biſhops*, who ſate together with the *Civil Magiſtrates* in thoſe *Aſſemblies*. But then this too is as far from being a *Wittena Gemot*, or *Parliament*, as the Other. The former was no more than a *General Aſſembly* of a *City* or *Town*; the latter was the like Aſſembly of a *Whole County*. Indeed, if this Law be Authentick, they met together after this manner, over all the Kingdom at the ſame time, both in the *Counties*, and *Towns*; but then they met diſtinctly before the *Aldermen*, and *Earls*, in ſo many ſeveral Town and County Aſſemblies; not before the King, in one General and National Council.

After what has been ſaid, to ſhew the little Importance of the Law to the purpoſe for which it has been alledged, I ſhall be leſs concern'd in the Doubt which has been raiſed by [1] Learned Men; whether theſe Additions to King *Edward's Laws* be Genuine or not; a Scruple which [2] Sir *Henry Spelman* would not undertake to determine. The Learned [3] *Editor* of them tells us, that in the more Antient, and Authentick Copy of them, all theſe Acceſſions were wanting: And this, if it does no more, yet, at leaſt, gives us a juſt ground of Suſpicion againſt them. In the very Law before us, [4] *Ballivus* is a Word of *Norman* deſcent; and, to Conclude this Matter, with the Cenſure of the *Learned Antiquary* before mention'd; *Et hoc, & alia plura ibidem Vocabula, Eo ſæculo haud recepta apud nos Cenſeo; Ipſaſque adeo leges a recentiore vel auctas, vel ad Normanicum Idiotiſma redactas ſuſpicor.* So little Credit is there in the Authority to which this Gentleman refers us, for his *New Opinion*; and ſo unfairly does he Repreſent, what that Authority (weak as it is) ſays with relation to theſe Aſſemblies.

For the reſt of the Miſtakes (if indeed they were but Miſtakes) concerning the *Saxon Folcmotes*, I ſhall leave him to the Correction of a more [5] Able *Pen*; who has already undertaken him upon that Point.

The next Congruity he offers betwen the *Gallican*, and *Saxon* Councils, is, that the *Members* of them were *alike diſtinguiſhed into ſuch as had* right of Suffrage, *and* Subſcription, *and ſuch as were preſent, Chiefly, in order to Approve.* Whether there was any ſuch diſtinction in the Members of our *Saxon Councils*, I very much

[1] *Biſhop. Stillingfleet Orig. Britan.* pag. 23.

[2] *Spelm. Gloſ. Voce.* Balliva. pag. 57. b.

[3] *Lambard.* p. 136.

[4] *Spelm.* Gloſ. l. c.

[5] *Eccleſ. ſyn.* p. 219. 235. &c.

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much doubt. That many may have been occaſionally admitted to them, at the ſolemn *Opening* or *Cloſing* of them; or at other Extraordinary Seaſons when *Laws* were to be *Publiſh'd*, or (it may be) *Charters* to be *Confirmed*, I do not deny. It is upon theſe Occaſions, that not only the *People*, but our *Queens*; not only the *Clergy*, but *Abbeſſes*, are ſometimes ſpoken of as being preſent there: Of whom yet I believe this Gentleman will not affirm that they were *proper, conſtituent Members*, even for *Approbation*, of theſe *Meetings*. That being *Occaſionally preſent*, they might ſometimes ſubſcribe as *Witneſſes*; or give ſome token of their *Aſſent*, or *Liking*, to what had been done by the *King* and his *Councill*, I can alſo allow. But that any beſides our *Great Men* and *Prelates* were wont to be called to theſe *Councils*, as the *proper Members* of them; or that the *Members* ſo called were ever diſtinguiſhed into ſuch *as had right of* Suffrage *and* Subſcription, *and ſuch as were preſent Chiefly in order to* Approve, I am yet to learn; nor does this *Gentleman*'s Proofs at all convince me that they were.

In the paſſing of King *Ina*'s Laws, I find none but *Biſhops*, *Aldermen*, *Witen*, and *Servants of God*, or *Regular Prelates*, to have been preſent; and all theſe, I conceive, had a full *Right* of *Suffrage* in them, as well as of Summons to them.

[1] His *Charter*, here Recited, I look upon as clearly ſpurious: *Sexburg* the *Queen adviſes* it, at the *Beginning*, and *Edelburgh* the *Queen* ſubſcribes at the *End* of it. Now, of theſe, the latter indeed was his Queen; and ſo continued to the time that he left his Crown for a Monaſtick Retirement: But the other never was, but Wife to *Cenwalh* King of the *Weſt Saxons*, and dead many Years before *Ina* came to the *Throne*. The *Year*, and the *Indiction*, are irreconcileable with one another: And what is at laſt, *Cum preſentia populationis?* Did thoſe Four laſt Witneſſes *Subſcribe for* the *People?* Or did they need the *Peoples leave* to ſet their hands to that Charter? But, the truth is, whatever the reſt be, yet that part of the *Charter* is certainly falſe. [2] The Copy of *Malmsbury* does not only want it, but concludes directly contrary to this Author's Intereſt; whilſt to the *Archbiſhop's* Subſcription, it adds only this, *Et* Magnates *quamplures alii.*

[1] *See Biſhop* Stillingfl. Orig Brit. p. 17, &c.

[2] Lib. V. de Pontif. Edit. Oxon. p. 312.

Of his laſt *Charter* we have three Copies remaining: In two of them, theſe *Subſcriptions* are intirely wanting, In the Third, if they prove any thing, it is more than he would have. The Subſcribers are *Archbiſhops*, *Biſhops*, and two *Kings*, *Beorrede* King of *Mercia*, and *Edmund*, King of the *Eaſt-Angles*: *With an Infinite Multitude of* Abbots, Abbeſſes, Dukes, Earls, *and* Nobles *of the whole Land, and* Other Fideles; *Who all Commended or Approved the* King's Charter: *Dignitates vero ſua nomina ſubſcripſerunt.* How ſhall we here diſcover whom theſe *Dignitates* include? None below *Biſhops* are ſaid to have *ſubſcribed.* All the reſt are joined in an equal andoppoſite Claſs of *Approvers.* And if we take it thus, then the *Nobles*, and *Regular Prelates*, no leſs than the *People*, are Excluded from all right of *Suffrage* and *Subſcription.*

If, to avoid this, he ſhall think fit to carry it farther, and take in all but the *Fideles*, it will then be another Queſtion, Whether *Fideles*, doe there denote the *Common People*? Eſpecially when join'd to the *Great Lords*, with ſuch a Relative as it there is, *Ducum, Comitum, Procerumque totius terræ*, ALIORUMQUE FIDELIUM. Or if this too ſhould be granted, yet ſtill the greateſt Difficulty of all will remain, how to prove that theſe *Fideles*, whoever they be, were all *proper Members* of this *Council*; which, at this rate, muſt have been a very Large Aſſembly indeed; *Infinita fidelium multitudine*, ſays the Subſcription: An Expreſſion that can hardly be reconciled to the proportion of an *Ordinary State-Council*, or to the *Conſtant Members* of ſuch an One.

But what if we ſhould ſuppoſe this to have been a more than *Ordinary Convention*? And that this pious King deſigning ſo great and general a Priviledge to the Church; as to aſſure to it the *Tenths* of all his Dominions for ever; to *free* it from all *Secular Service*; from all *Tributes* and *Taxes*; even from the *trinoda neceſſitas*, of *Expeditions*, *building of Bridges*, and *fortifying of Caſtles*, (which were wont to be reſerved in thoſe Caſes where Lands were granted in the moſt free manner to the *Clergy*) ſhould call all the Landed Men of his Kingdom to it; that ſo what was to concern *All*, might be conſented to by *All*? What if this *Charter*, made in *Council*, and agreed upon there, were, (as it is moſt probable) afterwards *Publiſh'd* and *Subſcrib'd*, in a general Aſſembly of both *Lords*, *Prelates*, *Clergy*, and *People*, in the *Great Church* at *Wincheſter*, which indeed, I

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take to have been the Caſe; and ſhall hereafter give ſome farther Reaſons for it? I do not ſee but that in any of theſe Suppoſitions, we may very well allow the *Fideles*, even in its *loweſt ſenſe*, to have been preſent at *this Aſſembly*, without being ever the more Intituled thereby to any *Conſtant Place*, or *Right* of *Conſent*, in the Other Ordinary *Councils* of the *Realm*.

[1] *Rights*, p. 33.

For the Application which this [1] Author makes of this, to the Following *Rights* of the *Commons in Parliament*; both as to their *Right* of *Suffrage*, and *manner* of *Attendance*; I ſhall not need to ſay any thing more than this; that from the time that the *Commons* were called to *Parliament*, their *Approbation* was ſo neceſſary, that nothing paſs'd in the *Legiſlative way* without it. But indeed, the difference between the *Commons*, as they have been ſince King *Edward* the *Firſt*'s Time, when they were (as I ſuppoſe) firſt made one of the *Three Eſtates* of the *Realm* in *Parliament*, from what it was in thoſe days of which we are now ſpeaking, is ſo great, that no one can reaſonably argue from the Intereſt they have had in the *Great Councils* of the *Realm* ſince, to prove either what they were Allow'd, or, of Right, ought to have *Enjoy'd* two or three Hundred Years before.

There is yet another far-fetch'd Fancy of this *Author*, taken from a Conjecture of *Mr. Seldens*, and made worſe by his own Improvement of it, which might be conſider'd; of a certain Correſpondence, not only between the *State-Aſſemblies* of our *Own Country*, and thoſe of our *Neighbours* in *France*, but between the *Set times* of our *Wittena Gemots*, and the *Eaſtern Churches-Synods*, by the *Canons* of the *Antient Greek Church*: But this being nothing to the Point under debate, and having been [2] already more fully examined than it deſerved, I ſhall not give it the Countenance of a farther Refutation.

[2] Eccleſ. Synods, pag. 232. 233.

Hitherto, I think, I may venture to ſay, there has been nothing alledged to give the leaſt Colour to his Pretence, that the *Inferiour Clergy* were, in any Reſpect, *Conſtituent Members* of the *Saxon Councils*. Let us ſee whether his *Hiſtorical Allegations* be any more to the purpoſe, and how far they may ſerve to Clear [3] *the Antient Rights and Priviledges of the Commons Spiritual in this Particular*.

[3] *Rights*, p. 278.

The firſt Inſtance he offers, is the *Preface* to the *Laws* of *Ina*: That thoſe Laws were Publiſh'd in a great *Council*, is on all hands agreed; and the *Perſons* who are Enumerated as *preſent there*, viz. *Biſhops Aldermen*, and *Witen*, ſufficiently ſhew it. But how does it appear that the *Lower Clergy* were there too? Why yes, 'tis added, *Multaque Congregatione* SERVORUM DEI. Now that theſe were Clergy, is (he ſays) no doubt: *And that the Words are farther to be underſtood chiefly of the* Inferior Orders *of the* Clergy, *appears both from their Numbers* (*for the* Weſt Saxon Biſhops, *and* Abbots *were but few*) *and from the like uſe of the* Phraſe in other Places.

As for the *Numbers* that is not Conſiderable: The *Servi Dei* may be ſaid to be there in a great *Congregation*, in reſpect of the *Biſhops*; which were but two: Or of the whole Number of the *Regular Prelates* of that *Kingdom*, if either all, or the *greater part* of *them*, were preſent at the paſſing of theſe *Laws*. The only queſtion is, how it does appear, that theſe *ſervi Dei*, were *Inferior Clergy men*, ſuch as this *Author* is now pleading for, and would from hence, prove to have been *Members* of this *Great Council*.

Why, for this, two Paſſages are alledged: One from the Council of *Cloveſhoe*, *Anno* 824. where the *Servi Dei* then preſent, are thus in the next Words explain'd, *Presbyteri, Diaconi & plurimi Monachi*: So this Author underſtands it; but he will excuſe me if I take the Liberty to ſay, that I look upon him to have utterly miſtaken the ſenſe of it.

The great Buſineſs of that Council, was to determine a Controverſie between *Heabert* Biſhop of *Worceſter*, and the *Religious* of *Berclea*, concerning the *Monaſtery* of *Weſtburg*. The Agreement was, that the *Biſhop* who had the *Land*, and the *Books*, *Cum Juramento Dei Servorum, Presbyterorum, Diaconorum, & plurimorum Monachorum, ſibi in propriam poſſeſſionem terram illam cum adjuratione adjuraſſet*. Here (*ſays Dr.* A.) the *Dei ſervorum* are Explain'd by *Presbyterorum, Diaconorum, & Monachorum*. But how does that appear? By what Note does he collect, that the latter Ranks of *Prieſts*, *Deacons*, and *Monks*, were intended for the ſeveral Orders of thoſe who who were before, in General, called *Servorum Dei*? 'Till this be ſhewn, he will give me leave to think, that *Dei Servorum*, are here of themſelves a particular *Order* of Men; and were intended to De-

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note those *Abbots*, who accordingly were present at the making of this Oath; as the Acts themselves tell us: *Juramento illi astiterunt & idem præstiterunt.* ✠ *Friomund Abbas.* ✠ *Eadberht Abbas.* ✠ *Ecgberht Abbas.* And my Reason is this, because 'tis evident that these *Abbots* were then present; and 'tis as evident, that if they are not meant by *these words*, there is no other proper Title under which they are included. *The* SAXON *Times.*

'Tis true, these *Prelates* were *Priests* too: And therefore in the *Saxon* Catalogue, which speaks only with Relation to their *Ecclesiastical Order*, they are all called by the Common Name of mæssepreoster. But in the *Acts* of the *Synod*, where they were ranked under their several *Characters*; the Title of *servi Dei* was used to distinguish the *Regular Priests*, from the *Secular*: And for the same Reason they were set in the first Place; because that tho' by their Order, they were no more than *Other Priests*, yet, in Dignity, they were above them, and so were to be ranked according to their Degree before them.

But his other Passage is yet more clearly against him: *In a Charter of* Mildred *Bishop of* Worcester, *Anno Domini*, 774. He makes his Grant, *cum Licentia* SERVORUM DEI *qui sub meo Regimine, Dei Providentia, Constituuntur*, i. e. says Dr. *A. of all the Clergy of his Diocese:* But, as I conceive, of the *Prior* and *Convent* of his *Cathedral Church of Worcester.*

It would, I believe, be difficult for Dr. *A*—— to tell us how a *Bishop* should need the License of *All* the *Clergy* of his *Diocess*, to grant an *Estate* belonging to his *Bishoprick*. But, on the other side the Matter is plain. [1] King *Ethelred* grants an Estate to *Dunnan*, to build a *Religious House* upon it: *Dunnan* grants both the *Monastery* and *Land* to her Daughter *Hrothuare:* Upon some endeavours to deprive whom of it, *Nothelm*, Archbishop of *Canterbury* in his *Provincial Synod*, adjudges the Estate to *Hrothuare* for her Life; and afterwards to go to the *Episcopal See* of *Worcester*. This Land, *Mildred*, Bishop of *Worcester*, Grants to *Ethelburg* Daughter of *Elfred*, for her Life; after which it was to return to the *Church* of *Worcester* again. And this Grant he makes, *cum Licentia Servorum Dei*, &c. with the Consent and Allowance of his *Cathedral Prior, and Convent*, who by the *Tenure* of the *Estate* had an Interest, in right of the Church, in it. This was the Case; and I shall leave it to any Impartial Person to say who these *Servi Dei* were: Whether the *Prior* and *Convent* of *Worcester*; or *All* the *Clergy* of that *Large Diocese*, who had no particular Interest, or Concern; no Power, or Authority, in that Matter.

[1] *Monasticon. Angl.* Vol. 7. pag. 121, 122.

The Case was, [2] he says, the same in *Athelstan's Laws*, which were made *Consilio Wolfelini Archiepiscopi mei, & Omnium Episcoporum, &* DEI MINISTRORUM, that is, according to his Account, the *Inferior Clergy*. I agree it was: All the difference is, that I still affirm, these MINISTRI DEI to have been the *Religious Prelates*; and why I do affirm it, I come now to shew.

[2] *Rights*, p. 279.

That the *Greater Abbots* were allow'd to be Members of these *Assemblies*, is, I suppose, a Point on all Hands agreed. They are often particularly Mention'd as such; and I do not know that there have been any Exceptions to Exclude them from a Part in them. If therefore these *Prelates* had any Part in those *Councils*, in which King *Ina* first, and then King *Athelstan*, made their Laws; They must be express'd under the Character of Gober Deopena, SERVI DEI, or they are not mention'd in them at all. *Episcopi, Senatores, Sapientes, Servi Dei*; are all the Words in King *Ina*'s Laws: *Archiepiscopi, Episcopi, Servi Dei*, are all in King *Æthelstan*'s. Let any equal Person Judge, whether be the more just Account, and more agreeable to the Nature of these Assemblies, to interpret them; *Bishops, Lords*, and *Religious Prelates*; or to say, *Bishops, Lords*, and *Inferior Clergy-men*; and so totally to exclude the *Religious Prelates*, from their Place and Right in them.

As for the Language it self, it agrees to this *Account*, much better than to any other. In the *Pœnitential* of our Own [3] *Theodore, Accedere ad* SERVITUTEM DEI *in* MONASTERIO, is the Phrase used to become a Religious: And *Servi Dei* are not only in Our [4] *Histories*, but even in our *Conciliary Constitutions* too, often set for the *Religious*, as distinguish'd from the *Secular Clergy*.

[3] *Theodor. Pœnitent.* cap. xi. pag. 10.

[4] See *Ingulfus* pag. 2. 5. 7. 18. 43, &c.

In the Synod of [5] *Cloveshoo, Anno* 747, the 29th *Canon* is, *Ut nullus* SERVORUM DEI *inter laicos habitet. Malmsbury*, in his Epitome, calls them plainly *Monachi*, and the *Canon* shews that *Monachi & Sanctimoniales*, are the *Clerici* which the Antient Inscription means by SERVI DEI.

[5] *Spelm. Concil. Tom.* 1. p. 254.

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In the Synod of *Winchester*, *Anno* 855, in which *Ethelwolf* Granted those Liberties to the *Church*, I before took notice of; [1] *Placuit Episcopo cum suis Abbatibus, & Servis Dei, Consilium, inire* to command the *Fratres*, and *Sorores*, as well as *Presbyters*, to say such a Number of *Psalms*, and *Prayers*, and *Masses*, for the King, who gave them; and for all his *Great Men* who *Consented* unto them. Where if the *Servi Dei* were not the *Priors* of such Religious Houses as had not *Abbots* over them, (as yet I conceive they were) 'tis plain, they must be understood of such of the *Religious* as had Power to make such an *Order*, and to *Oblige* the *Monks* and *Nuns*, to a performance of it.

[1] *Spelm.* ibid. p. 349.

In an Antient *Charter*, cited by *du* [2] *Fresne*, *Montanus*, an *Abbot*, with his *Convent*, doubles the Character, and call themselves *Servi Servorum Dei*. And *de Marca*, an Author much approved of by Dr. *A.* doubts not to give the same Account of this Expression; where the *Members* of the *Councils* of *France* being Enumerated in the very same terms, with those of which we are now speaking, [3] *Episcopi cum aliis Sacerdotibus, sive* SERVIS DEI (an Explication which had this Gentleman met with in our *Laws*, he would have have thought it a decisive Interpretation of the SERVI DEI to his Sense; and have told us, it was plain that they were *Sacerdotes*, or *Parish-Priests*) Yet that Learned Writer doubts not roundly to add this Comment to it, *hoc est Abbatibus.*

[2] *Gloss.* lat. Vol. iii. pag. 841.

[3] *Marca de Concord.* lib. 6. cap. 25. §. 3.

Having given this Account of the Reasons which induce me to interpret the *Servi Dei*, not *Rural Priests*, or *Deacons*, as Dr. *A.* would have them; but as both the tenour of the *Laws* require, and the *Customary* Usage of that Phrase on other Occasions, warrants me to do, of the *Religious Prelates*, who had a Constant Place in these *Councils*; I now go on to another Instance which this *Author* thinks a decisive Proof; but which, being Examined, will appear to be a meer Delusion. It is the Council of *Becanceld*, *Anno*, 694. [4] *Where, together with the* Duces, *or* Satrapæ, *Abbates*, *Abbatissæ*, there met also *Presbyters*, and *Deacons*; who are there said in *Unum Glomorati de statu Ecclesiarum Dei pariter tractare.* And accordingly in the *Subscriptions* of that *Council* yet remaining, there are the Names of Eight *Presbyters* to be seen.

[4] *Rights.* p. 280. &c.

This is the Story; and I must beg leave to insist a little more largely upon it than it deserves, because I have formerly incurr'd this Gentleman's Displeasure, by intimating some suspicion of this *Council*, without declaring for what Reasons I doubted of it. *And indeed* (says he) *I cannot imagine what Ground there can be to suspect the Truth of it: There are no Marks of Imposture in it; nothing that* disagrees *with the* Story, *or* Manners *of that time.* This is boldly said, how truly, we will now Enquire.

And, *First*; It is suspicious that so famous a *Council* should be held, and not one of all our *Antient Historians* take the least notice of it. Let *Bede*, *Malmsbury*, *Huntingdon*, M. *Westminster*, *Brompton*, *Gervase*, be Examined; and let this *Author* tell me, if he can, where These, or any Other of our *Historians*, do give so much as a hint of it?

But to this he has an Answer ready: [5] For, *In the Antient Saxon Chronicle, there is at the Year* 694, *a very large and particular Account of this Council:* So indeed he tells us; but that too is, like all the rest, a meer Imposition upon his Reader. The ANTIENT *Saxon Chronicle* has not one Word of this *Council:* One *Copy* of it there is, (and but One) which has been miserably interpolated, and that has, among many Others, this goodly Story inserted into it. But it is the *Only Copy* that I can yet find which has it, and that one of the *Latest*, and least *Authentick* of any.

[5] Ibid. pag. 281.

The most *Antient Copy* of that *Chronicle*, from whence *Wheelock* Printed it, has no mention of this Matter. In another, wrote about the time of King *Edgar*, in the *Cotton Library*, there are no Footsteps of it. In two other *Copies* in the same *Noble Treasury* of Learning, this pretended *Council* is omitted. So it is in that of *Archbishop Laud* at *Oxford*. *Florence* of *Worcester*, who closely follows the same *Chronicle*, is silent in the Case. Only this one manifestly depraved Copy inserts it into this Year; and that, with Dr. *A.*, must pass for an *Antient Authority* upon us: *In the Antient Saxon Chronicle*, says he, *there is a very Large and particular Account of this Council*; when all the while the truly *Antient Saxon Chronicle* has not a Tittle of it; nor is it any where to be found, but in One corrupted Copy of that *Chronicle*.

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To make this the more apparent, I must obſerve that this *Copy* of the *Saxon Chronicle* was written about the time of King *William* the *Conqueror*, the very Age in which moſt of theſe Forgeries were made. It contains the *Annals* of that *Chronicle* firſt in *Saxon*, and then in *Latin*. Now the Interpolation of this place, as I am aſſured by thoſe who are well acquainted with that *Language*, is a later kind of *Saxon*, than what was uſual in the Age in which that *part* of this *Chronicle* was wrote. But that I am no competent Judge of: The *Latin*, which I muſt inſiſt upon, is not only no *Tranſlation* of the *Saxon* (as in the Other Parts of that Book) but is a long *forged ſtory* of what the *Monks* of *Canterbury* had been hammering out for the Honour and Intereſt of *themſelves firſt*, and then of all the Other *Monaſteries* of *Kent*. I will not ſay that the very Original *Invention* of it was due to the Writer of this *Copy*, of which we are now ſpeaking; But 'tis plain, that in this MS. we have One of the firſt *Draughts* of it.

This the *Corrections* and *Raſures* in the MS. it ſelf; the *Collation* of it with the *firſt Copy* of Sir *Henry Spelman*; (which ſeems to have been the *Second Edition* of this *Synod*) and then the Compariſon both of This, and That, with his *Third Copy*, which was that, I ſuppoſe, they finally reſolved to ſtick by, ſufficiently ſhews: And that the Reader may be himſelf the Judge of it, I ſhall preſent him in the [1] *Appendix*, with the Acts of this goodly *Council*, exactly taken from this *Saxon Chronicle*, with all the *Raſures* and *Corrections* of it; and ſhall leave it to him to Compare it with the *Other Copies*, which were afterwards drawn with greater Exactneſs, upon the Deſign, and Model, of this *Original*.

[1] Appendix ad Ann. 694.

But Dr. *A.* Goes on. [2] *Sir* Henry Spelman *Printed it from five good* MSS, *and One of them near as Old as the* Saxon Age. He ſhould alſo have Added, that all theſe Mſs. came from One and the ſame place, the *Church* of *Canterbury*, by whoſe *Monks* the whole Story was invented. That the only Other *Copy* we have beſides, of it (if it were Another) is in the *Evidentiæ Cantuarienſes*, which ſtill renders the Matter the more ſuſpicious.

[2] *Rights*, &c. p. 281.

For, 2*dly*. It is plain that the whole Hiſtory of that *Council* was deſign'd to give Credit to a *Charter*, for the Benefit of that *Church*. The *Original* is order'd to be laid up there; and the *Copies* of it, have all come from thence. And yet, which is no good ſign, *W. Thorn*, in his *Chronicle* of the *Monaſtery* of *Canterbury*, takes no manner of notice of it. Now I need not ſay how Notorious, or rather Infamous, the *Monks* of *Canterbury* have been for Forgeries of this Nature. [3] *Gervaſe* of *Canterbury* gives a ſufficient account of it; and to him I refer for the reaſonableneſs of my ſuſpicion in this Caſe.

[3] Ad Ann. 1181. Col. 1458. *See W. Thorn.* Chron. cap. xiv. Sect. 3 Bp. *Stillingfleet* Orig Brit. pag. 18.

3*dly*. They who ſpeak moſt in favour of this *Charter*, allow it to be the firſt *Authentick Inſtrument* of this kind, [4] and tell us that 'till then, the *Church* of *Canterbury* enjoy'd all its *Liberties*, and *Cuſtoms*, without any *Written Charters* or *Muniments*. But how does it appear that the Antient Cuſtom was now Changed? The only Authority that I can perceive for it, is the Mſ. of *Canterbury*, from whence this *Charter* is taken; which how far it ſhall be allow'd to be a good Evidence in its own Caſe, let the Circumſtances of this *Charter*, now to be examined, determine.

[4] *Spelm. Concil.* Vol. 1. pag. 125.

If either the *Acts* of this *Synod*; the *Evidences* of the *Church* of *Canterbury*; or the *Saxon Chronicle*, be to be relyed upon, they all agree to fix this *Council* to the Year 694. Let us ſee how the Relation will agree to the *Perſons*, *Characters*, and *Cuſtoms* of that *Time*.

Among the *Laity* who were preſent at this pretended Council, the *Satrapæ* bring up the Rear: I will not undertake to affirm, that that Word was never uſed in that *Age*, in the ſenſe which there it muſt have. But I believe upon Enquiry, it will be found to be of a later Date, and that for near two Hundred Years after this time, no *Authentick Proof* can be produced for the Uſe that is there made of it.

In the *Subſcriptions*, the [5] King *Subſcribes* for *himſelf*, and for *Werburgh* his *Queen*: But in his *Charter* granted the very next Year, his *Queen* appears to have been *Kynigyth*, and which of theſe we are to give the more Credit to, I would be Glad to be inform'd.

[5] *Spelm. Concil.* Vol. 1. p. 192.

He ſubſcribes not only for *Himſelf*, and his *Queen*, but for *Ailrick* his Son: This is Extraordinary, and will be yet more ſo, when we ſhall conſider that this

Ailrick

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Ailrick was his youngeſt Son of *Three*; and why the King ſhould paſs by the two *Elder*, and *Subſcribe* for the *Youngeſt*; or what need there was of that Young *Prince*'s *Confirming* it at all, would deſerve to be conſidered.

[1] *Malmesbur.* fol. 5.

[1] *Ethelbert*, his *Second Son*, Subſcribes for himſelf, and his *Elder* Brother *Eadberht*. This, again, is very odd: If *Eadberht* were not there, the proper Method, one ſhould have thought, would have been for the *King* to have *Subſcribed* for himſelf, and his *Eldeſt Son*, and to have left the *Second*, if it muſt be ſo, to do it for the *Youngeſt*.

Dr. *A*—— takes ſome pains to prove, that I ought not to be offended at the *Subſcriptions* of the *Abbeſſes* to this *Charter*. I am not offended at all at it: I agree with him, that as Witneſſes on theſe Occaſions they might be, and were admitted to this Priviledge. But yet one thing ſticks with me, in which I ſtill need ſatisfaction in this Particular; That two (at leaſt) of theſe Abbeſſes [2] *Mildred*, and *Etheldride*, were dead, the One 15 Years before this pretended *Synod*, the other probably yet more: And how they could then be preſent at this *Counceil*, and *Subſcribe* to it, I cannot underſtand.

[2] Fl. *Wigorn.* ad Ann. 695.

What Biſhop *Botred* was I ſhould be glad to know: In the *Kingdom* of *Kent* there were but two Biſhopricks, *Canterbury* and *Rocheſter*, and of both thoſe we had the *Biſhops Subſcriptions* before. How comes another *Biſhop* to be *preſent* at this *meeting*? Or being *preſent*, how come three *Presbyters* to *Subſcribe* before him? It is true, we are told, that [3] *Abbots* who had the *Supreme Authority* over their ſeveral *Houſes*, did ſometimes take place of *Biſhops* in the *Subſcriptions* of *Synods*. But then methinks if thoſe Three had been ſuch, they ſhould have *Subſcribed* before the *Abbeſſes* too; and not have been ſo Ceremonious on ſuch an Occaſion, as to allow the *Ladies* to take place of them.

[3] *Baluz. Ann. in Agobard.* vol. ii. p. 73.

In three of the Manuſcript Copies of this *Synod*, and in the *Evidences* of the Church of *Canterbury*, they are ſaid to have met together to conſider, *de ſtatu Eccleſiarum Dei in Anglia*, and that was the laſt Correction of it. I ſhall not now enquire by what Authority the *King* of *Kent* undertook to deliberate of the *State* of *Churches* within the *Dominions* of other *Princes*: But becauſe the ſame word Occurs again in the *End* of the *Charter*, I would gladly know, by what Authentick proof it can be made appear, that *Anglia* was at all uſed for the Name of our *Country* in thoſe Days. *Bede* wrote the Eccleſiaſtical Hiſtory *Gentis Anglorum*; He runs it through all the Parts of the Nation: Yet in all his Hiſtory, he does not once call this Land *Anglia*; nor was that Title yet applied to it. I know [4] *M. Weſtminſter* has a ſtory of a meeting of the *Saxon Kings*, to ſettle the Limits of their Dominions, above one Hundred Years before this. Which being done, they reſolved utterly to deface the Name of *Britain*, and ſo agreed together that the Iſland ſhould no longer be called *Britain* from *Brute*, but *ab Anglis Anglia*. Let the Hiſtorian anſwer for the Authority of this Relation; I meddle not with the Truth or Faſhood of it. But that any Writers in the Age of which we are now diſputing, called this Country by that *New Name*, I am yet to learn; let this *Author* ſhew, if he can, that they did.

[4] Ad An. 586.

Let me add yet more; that had ſuch Priviledges been granted to the Church, as this *Charter* pretends, and been ſo ſolemnly Confirmed by all the *Eſtates* of the *Kingdom*, *Spiritual and Temporal*; I cannot ſee what need there would have been to have had them again renew'd within ſix Years after, as yet they are ſaid to have been; and that in a leſs full and ſolemn manner than before. In that latter *Charter*, the [5] King takes notice of his own Ignorance, that he was not *able to Write his Name*, and therefore ſet only a Croſs ✠ in *Confirmation* of it. But in the other before, he *Subſcribed* for *himſelf*, for his *Wife* and *Son*, without any ſuch Excuſe, or Acknowledgment made by him. Had the Order been inverted, We might have thought that in ſix Years time he might have learnt to write his Name. But how a King ſhould be able to Subſcribe to the *Acts* of a *Council* in 694, and not be able to Write his Name in 700, will be a more difficult matter to diſcover.

[5] Spelm. Concil. Tom. 1. pag. 198.

One of the firſt Uſes that was made of this *Invention*, was to give Countenance to a Second, in the Council of *Cloveſhoe*, *Anno* 742: In which *Æthelbald*, King of the *Mercians*, is made to Read, Approve, and Confirm the *Priviledges* granted in this Synod of *Becanceld*. Now for that too Dr. *A*— may (if he pleaſe) refer us to the ſame *Saxon Chronicle*. There it ſtands, and yet more

more plainly beſpeaks its own Forgery. The Inſertion being made, and by conſequence the *Story Invented* after that very *Copy* was written; and the Acts of Three Years raſed out, to make Room for it. They had not, it ſeems, Contrived this New *Charter* when that *Copy* was wrote; and therefore probably they took this Method to inſert the one, at the ſame time they made thoſe *Corrections*, and *Interlineations*, of which I before ſpake, in the Other. *The* SAXON *Times.*

And thus have I offer'd to the *World*, and to this *Author*, ſome of thoſe Reaſons which move me ſtill to ſuſpend my Belief of the whole Story of this *Council* of *Becanceld*: Let him now, in his turn, ſhew, that in all theſe *there are no marks of Impoſture*; *nothing that diſagrees with the Story or manners of that time*; as he has very confidently, and, I think, no leſs raſhly affirm'd.

In the mean time, allowing for the truth of it; how does it appear, that this was a *Parliamentary Council* of the *Kingdom* of *Kent*, and not an *Extraordinary Aſſembly*, called upon a ſingular, and Extraordinary Occaſion? The *Saxon Chronicle* ſtiles it not by the Uſual Title of *Wittena Gemot*, nor of *Mycel Synod*; but by a Phraſe which I know not whether it Occurs again in the whole Book, *Mycel Concilium*. In this *Concilium*, the *King*, the *Archbiſhop*, and *Biſhop* of *Rocheſter* preſided: A Circumſtance not very agreeable to an Ordinary *State-meeting*. Theſe *treated altogether* with the *Abbots*, *Abbeſſes*, *Prieſts*, *Deacons*, *Dukes* and *Lords*; a Confuſion which will not ſuffer it to be accounted a proper *Church Synod*. It muſt therefore be look'd upon as an *Extraordinary Aſſembly*; not as the common Model of the *Great Councils* of that *Kingdom*.

But to ſuppoſe even that too: What will this Author at laſt infer from it? That all who are here mention'd, were, in the *Saxon Times*, *Conſtituent Members* of the *Wittena Gemots*, or *Parliaments* of the *Realm?* This would be ſtrange indeed: Yet this, Dr. *A*— makes no ſcruple to affirm. [1] *Nor*, ſays he, *can this be matter of Surprize to any one in the leaſt acquainted with the ſtate of thoſe Times*; *when it was not unuſual for* Women *to aſſiſt at their* Synods *and* Great Councils. We are [2] told indeed, that among the Old *Germans*, and *Gauls*, they came to their *Publick Councils*; debated of *Peace* and *War*; and ſo among the Antient *Saxons* abroad too. But yet for our own Country, in the Times we are now ſpeaking of, I believe Dr. *A*— is the Firſt that made Uſe of the *few Examples* of ſome *Womens* being preſent, upon extraordinary Occaſions, in ſuch Aſſemblies, to infer a *Right* in them to be reckon'd among the Members of our *Great Councils* of *State*. Now this he muſt ſay, or he muſt allow that this Inſtance proves nothing to the purpoſe for which he alledges it. For however he is ſometimes forced to mince the matter; yet, I preſume, he would have it thought that his Inferiour *Clergy* had a *Right* to come to them, and were not only now and then, by accident, permitted to be preſent at them.

[1] *Rights*, P. 281.

[2] *Arumæus de Comitiis.* cap. iv. n. 84.

But let us conſider his Authorities: [3] *Ælfled* was an *Abbeſs*, and the *King*'s Daughter: She was admitted into an Extraordinary Meeting called by the *Pope*'s Order, Communicated by *Berthwald*, Archbiſhop of *Canterbury* to the *Nobility* and *Clergy* of *Northumberland*, for reſtoring of *Wilfred* to his See, from whence he had been too rigidly Expell'd. Her Buſineſs there was, to bear Witneſs to the Company what *Alfrith*, the Father of their preſent *King*, had declared in her Preſence upon his Death-bed, concerning his Intentions to have Reſtored *Wilfrid*; and had Commanded his Son, by her, to do. This was the Aſſembly, and this the Occaſion of *Ælfled's* being preſent at it. The *Aſſembly* was no *Parliament*; and the *Abbeſs* was preſent upon an extraordinary Occaſion at it; as a Witneſs of the late *King's* Order, not as a *Member* of the *Convention*.

[3] Edd. Vit. *Wilfrid.* cap. 58.

His next Inſtance, is alſo of a Meeting of an Extraordinary Nature: Neither a *State-Council*, nor a proper *Church-Synod*; but a ſolemn *Conference* between two different Parties about the *Celebration* of *Eaſter*. The Meeting was appointed to be held in the Monaſtery of *Streaneshalch*, and *Hilda*, being at that time the *Abbeſs* of it, and a *Party* in the *Contention*; was allow'd to be *preſent* at the *Debate*.

As for the *Charter* out of *Ingulphus*, I have already accounted for it. All that the *Abbeſſes* there did, was to *Subſcribe* as *Witneſſes* among the reſt; but it does not appear that they were any part of the Aſſembly; which was again no *Ordinary Council*, but rather an Irregular mix'd Aſſembly, for the Extra-

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ordinary Buſineſs of Granting the *Liberties* and *Priviledges* there mentioned to the Church.

But this Gentleman does not ſtop here: The *Abbeſſes* were not only *Members* of the *Saxon Councils*, but, if we may believe him, of the *Norman* too; for ſo he goes on. [1] *And there is Reaſon to believe, that this Practiſe was not confined to the Times* before *the* Conqueſt, *but continued* long after *it*; *if at leaſt an Expreſſion in* M. Paris *may be relyed on, who tells us that in the Year* 1210, *Venerunt ad Generalem Vocationem* [*Regis*] Abbates, Priores, Abbatiſſæ.

[1] *Rights*, p. 281, 282.

It is one part of the Artifice which this *Author* uſes upon all Occaſions, to Confound *Extraordinary*, and *Irregular Aſſemblies*, with the *Stated Councils* of the *Realm*, and *proper Synods* of the *Church*: And from what paſſed in the *One*, to raiſe a *Preſident* for the *Eſtabliſh'd Rights*, and *Cuſtoms*, of the *Other*. He is now to ſhew that *Abbeſſes* were ordinarily Members of our Antient *Parliamentary Councils*. He has already produced Three Inſtances, two of which were evidently Extraordinary Meetings, that cannot properly be reduced to either *Great Councils*, or *Synods*; and I think the laſt was ſo too. He here purſues the ſame practiſe, in another *Convention*, which has no manner of Relation to either the *One*, or the *Other*.

King *John* was newly return'd from *Ireland*; he wanted Money, and he reſolved to raiſe it upon the *Religious* of his *Realm*. The *Biſhops* were generally fled out of the Kingdom, upon the Quarrels between the *King* and the *Pope*; inſomuch that none but the Biſhop of *Wincheſter* remain'd behind; and he was in the King's Intereſt, and Employ'd about his Affairs.

[2] *M. Paris*, p. 230.

In this Juncture, as [2] *M. Paris*, relates it, he cauſed all the *Prelates* of *England* to Aſſemble before him: *Abbots*, *Abbeſſes*, *Templars*, and the *Keepers* of the *Lands* of the *Order* of *Cluny*; and of other *Foreign Convents*, of whatever *Order*, or *Degree*, and Extorted an immenſe Sum of Money from them. And this, ſays another [3] *Hiſtorian*, was eaſie to be done, conſidering what Circumſtances they were in; and that they were glad, upon any Terms, to enjoy but a ſhort Peace, and not ſuffer yet more by their Refuſal.

[3] *Walt.* Coventre Mſ. ad Ann.

This is the Inſtance, which this Author puts upon Us, to prove that the *Abbeſſes* continued, even after the *Conqueſt*, to come to our *State-Councils*. An *Aſſembly* called by the *Prince* alone without a *Biſhop*, or *Secular Prieſt* of any kind, ſummon'd to come to it, therefore no *Regular Synod*. An *Aſſembly* only of *Prelates*, and *Heads* of *Religious Houſes*, no *Lay-men* at it; therefore no *Engliſh Parliament*. Let the Reader judge what Fallacies are put upon him; when ſuch *Conventions* as theſe are Urged for *Stated Councils*; and not the leaſt Intimation given, of their being *Extraordinary*, and *irregular Aſſemblies*; which prove nothing but the Inſincerity of the Writer, and the Weakneſs of the Cauſe, that muſt be defended by ſuch Allegations.

[4] *Rights*, p. 282.

But he goes on: [4] *In the year* 697, *the Conſtitutions of* Withred *were made by the* Biſhops, & Cæteri Ordines Eccleſiaſtici illius Gentis, *in which ſeveral of the* Clergy, *under* Abbots, *muſt be included.*

[5] *f.* þæp þæp ȝeramnaþ eaþiȝra ȝeheatenlicpa ẏmb cẏnne. *Ubi Congregati erant illuſtriores & potentiores inter Nationem.*

Dr. *A*—— ſtill proceeds upon ſupected Inſtances, and upon dark Paſſages, of which nothing certain can be determined. "Theſe *Conſtitutions* (he ſays) "were made by the *Biſhops*, *et cæteri Ordines Eccleſiaſtici*; that is not ſo: They were made by Them, and the Laity there preſent; *Communi Omnium Aſſenſu*, ſay the *Acts*: And I hope this Author is not ſo Warm in his Defence of the *Clergy*, as to bring the whole Right of *Suffrage* and *Authority*, even in *Parliament*, within the *Pale* of the *Church*; and make the *Other Eſtates*, but meer Aſſenters to what the *Clergy* do.

[6] *f.* 7 þæp þæȝ anpæðe ælc haþ ciricean þæpe mæȝþe anmodlice *Et omnis Ordo Eccleſiæ iſtius Gentis cum auſcultante Populo Concors & Unanimis erat.*

But what if theſe *Cæteri Ordines Eccleſiaſtici*, were, after all, no Members of *this Meeting*, but only admitted, with the *People*, to be preſent there; to *Hear*, and *Aſſent*, to what the *Prelates*, and *Great Men* of the *Laity*, did? This I take to be the Truth; and I appeal to the *Acts* themſelves, when truly Render'd, for proof of it. "In the Fifth Year of *Withred* King of "*Kent* (ſay they) in a place which is called *Berghamſtede* [5] þæp þæȝ ȝeramnaþ "eaþiȝra ȝeheatenlic ẏmcẏme; there was aſſembled an Illuſtrious Council "of the Great Men: There was *Brightwald*, Chief Biſhop of the *Britains*; and "the King before mention'd, and *Gibmund* Biſhop of *Roceſter*, [6] 7 paþ þæȝ "7 cpæþ ælc haþ ciricean þæpe mæȝþe ac modlice. There the ſaid *Great* "*Men* with the Conſent of All, *Eſtabliſhed* theſe Laws. This is the true Account

account, as far as I can give it, of the Introduction to this *Council*: And it evidently ſhews who were the *Authoritative Members* of it. They were the Eaðigna, the *Nobles*, or *Great Men*. Thus much is *plain*; but for the reſt, the *Acts* are too *Corrupt*, and *Obſcure*, to ſuffer us clearly to Underſtand them; much leſs to build any Opinion upon the *Authority* of them. *The* SAXON *Times.*

There is therefore but little uſe to be made of this *Precedent* to the Purpoſe for which Dr. *A.* produces it, ſuppoſing theſe *Acts* to be *Genuine*, and *Authentick*. But, indeed, that is what I muſt beg leave very much to doubt of. For, Firſt, Our Hiſtorians here again are abſolutely ſilent in this Caſe: Not One, that I know of, makes any mention of ſuch a *Synod*.

Theſe *Acts* tell us that it was held in the *Fifth* year of King *Withred*, the *Firſt Indiction*. But the *Fifth* year of that King falls in with the *Tenth Indiction*; and how this can be reconciled, I cannot conceive.

They call *Brightwald* not *Archbiſhop* of *Canterbury*, but by an odd Expreſſion [1] Bpetone Heah-biſcop; *Chief Biſhop* of the *Britains*; a Phraſe which in thoſe times would hardly have been made uſe of; and eſpecially with relation to one of whom it is particularly taken Notice in our *Saxon Annals* that he was the firſt of all the Biſcopar Engliſce, the *Engliſh Archbiſhops* of *Canterbury*. [1] Sax. Chron. An. 692.

They add that *Gybmond* was then Biſhop of *Rocheſter*: But it is certain that *Gybmond* had been dead [2] Five years before; and that *Tobias* was now in the Fifth year of his *Government* of that *Church*. [2] Anno 693. Chron. Sax.

How far theſe Exceptions ſhall be thought ſufficient to take off from all Credit of this *Synod*, I cannot tell: But thus much is plain, that we cannot much depend upon the accuracy of thoſe *Acts* in which we find ſuch Palpable Miſtakes; nor determine a Cauſe of this Moment by an Obſcure Expreſſion, in ſuch an erroneous, and unaccurate Relation.

His next [3] Proof is from the Synod of *Cloveſhoe Anno* 747. This in the Firſt Chapter was a proper *Church Synod*: Now it is turn'd into a *State Council*. Before it was a good Evidence of the Right of the *Inferiour Clergy* to ſit in *Eccleſiaſtical Synods*; Now it is as good an Argument to prove the Right of the ſame *Clergy* to ſit in *Parliament*: And what he will next take Occaſion to prove by it, I cannot tell. But the truth is, it behoves an *Author*, in this Caſe, to be a good Husband of his Inſtances; and to apply them to as many Purpoſes as he can. There are not many that even Art it ſelf can ſo far diſguiſe, as to make them look like Authorities either for the *One*, or *Other*, of his *Aſſertions*; and therefore he ought not to be blamed for his Careful management of them. [3] Right. p. 282. Comp. p. 13.

But then as the Preſence of the *King*, and his *Lay Lords*, ſufficiently ſhews that All are not to be look'd upon as the proper *Members* of *Church Synods*, who have ſometimes been permitted, or reported, to have been *preſent* at them: So this Meeting being evidently an *Eccleſiaſtical Aſſembly*, and Convened upon an *Eccleſiaſtical Account*; proves nothing but the diſingenuity of the *Author*, who againſt his own knowledge, teſtified by his former Right Application of it, produced it for that, which he was ſenſible, at the ſame time, it had no manner of Relation to.

The next [4] Inſtance he calls the *Synod* at *Calcyth*, and mentions a *Legate* being preſent at it. One would think that theſe were tokens ſufficient to have ſhewn that it was no *Wittena Gemot*; but what the [5] Learn'd Editor of our *Councils* ſtiles it, *Concilium Calcuthenſe Legatinum*. The Occaſion of it was to receive the *Pope*'s Admonitions, and they All relate to matters of *Faith*, or *Diſcipline*; that is, to the Buſineſs of a *Church Synod*, not of a *State Aſſembly*. But however let us hear what he ſays of it. "In the *Legates* Relation to Pope *Adrian*---- [6] It is ſaid "that every thing was done *in Concilio publico coram Rege* Ælfuualdo & *Archiepiſcopo* Eanbaldo, & *omnibus* Epiſcopis & Abbatibus *Regionis*, *ſeu* Senatoribus & "Ducibus & Populo Terræ. Well! and under which of theſe does he rank his *Inferiour Clergy?* Here are All that were preſent in this Publick Council; and not one word of any *Inferiour Clergy* there? [4] Right. p. 282. [5] Spelm. Concil. Tom. 1. p. 292. [6] Ib. p. 300.

For that therefore we muſt go yet further: [7] "And at the cloſe of the *Subſcriptions* we find theſe Words, *Illis quoq; ſaluberrimis Ammonitionibus*, Presbyteri, "Diaconi *Eccleſiarum*, & Abbates *Monaſteriorum*, Judices, Optimates, & Nobiles, "*unopere uno Ore Conſentimus & Subſcripſimus*. Let it be allow'd; After the Decrees were publiſh'd, and agreed to in the *Council*; *Presbyters* and *Deacons*, as well as *Others*, Subſcribed to them? How does this make them Members of it? [7] Rights, Ib.

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But has this Author forgot what he had ſaid before? Or does he think that no Body elſe will attend to it? Theſe things being propoſed in the Council, to the *Biſhops*, *Abbots*, and *Lords* or *Senators*, were Conſented to by them, and (which he has omitted) *Confirmed* with the *Sign* of the *Holy Croſs*. The *Abbots*, *Senators*, and *Lords* therefore who were in the *Council*, had before *Subſcribed*? Who are theſe other *Abbots*, *Judges*, and *Nobles*, that come in after with the *His quoque*? Either theſe muſt be ſome Others who were not *preſent* at the *Meeting*; or rather, as 'tis moſt probable, all theſe Subſcriptions muſt have been meer *Forgeries*, and of no Authority.

For, give me leave to ask this Diſputer, how comes *Dilberchus Auguſtadenſis præſul*, (or rather *Gilbertus*, or *Tilbertus*, *Auguſtaldenſis*, as it ſhould have been) to Subſcribe before the Archbiſhop of *York*? He was both *Conſecrated* in *time* after him; and of a *See Inferiour* to him. Who is the *Ædilberchus Candenſis Caſæ*? But eſpecially who is *Adulphus Myienſis*, and *Æthilwinus*, Subſcribing by his *Legates*?

Let us therefore leave the *Subſcriptions*, and Recur to that which is of much more *Authority*, to the *Acts* of the *Synod*; and there we ſhall clearly ſee who were the *Conſtituent Members* of it. Upon the Arrival of the Popes *Legates* here, *Offa* King of the *Mercians*, (or rather *Britricus*; for the other was now Dead,) *Chuniulphus* King of the *Weſt-Saxons*, *cum* Pontificibus & Senioribus *terræ*, adviſed the Separation of the *Legates*, and that *Georgius* ſhould go to the *North*, and *Theophylact*, to the parts of *Mercia*.

George being come to *Northumberland* to King *Oſwald*, and the *Archbiſhop* of *York*; the *day* of the *Council* was appointed; *Ad quem Convenerunt* Omnes Principes Regionis, *tam* Eccleſiaſtici *quam* Sæculares.

This *Council* being over, the *Legate* return'd to his Companion, and brought the *Decrees* of it to the *Council* of the *Mercians*, *Ubi glorioſus Rex* Offa, *cum* Senatoribus terræ, *una cum* Archiepiſcopo--- *S.* Eccleſiæ Dorovernenſis, & Cæteris Epiſcopis *Regionum Convenerat*. Theſe alſo agreed to the *Conſtitutions*: And then *tam* Rex, *quam* Principes *ſui*, Archiepiſcopus, *cum* Sociis *ſuis*, Subſcribed to them.

Here now is the whole Account of both theſe *Councils* as to this Matter. Where does this *Author* find his *Inferiour Clergy* in them? Let them, if you will, have afterwards *Agreed* with them; let them have *Subſcribed* in their Places to what their *Governours* had done before them: Tho' I have no value for the *Subſcriptions*, yet I inſiſt not upon the *Spuriouſneſs* of them. But let not this Author pretend to blind our Eyes, and bring his *Subſcribing Clergy* into the *Council*, as Members of it, againſt the *direct* (and therefore I doubt by him *ſuppreſs'd*) *Words* of its Own *Acts* to the Contrary.

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[1] Rights p. 283.

But this [1] laſt Quotation furniſhes Another in the ſame Terms: For thoſe ſame *Words*, he ſays, *Occur in a* Charter *of the Year* 996. *Granted to the* Dean *of* Wolverhampton *in a* Great Council *of the* Realm. But he is here again at the ſame foul Play; and impoſes upon us in his Repreſentation of this Matter. Thoſe Words do not Occur in that *Charter*, but are a *Note* added to the *Bottom* of all the *Subſcriptions* to it, if one could tell how to make Senſe of it: [2] *His quoq; ſaluberrimis Ammonitionibus*, Presbyteris, Diaconibus & Abbatibus *Monaſteriorum*, (for in this New Order they are ranked, firſt *Prieſts* and *Deacons*, and then the *Prelates*) *Judices*, *Optimates*, & *Nobiles*, *uno Ore conſentimus*, & *ſubſcripſimus*. But the *Body* of the *Charter* (which ought not to have been diſſembled) makes directly againſt his Pretenſions. *Hæc namq; decreta* Segerich *Archiepiſcopus*, *in* Placito *coram Rege* Ethelredo, & Eboracenſi Archiepiſcopo, & Omnibus Epiſcopis, Abbatibus *Regionis* Britanniæ, *ſeu* Senatoribus, Ducibus & Populo Terræ, *propoſuimus*; and they ſubſcribed to it. Theſe were the *Members* of that *Council*, as that very *Charter* recounts them; let this Author tell us where his *Inferiour Clergy* are to be found among them.

[a] Monaſticon. Tom. 1. p. 991. b.

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[3] Spelm. Conc. Tom. 1. p. 328.
[4] Rights p. 283.

[3] "In a ſecond Synod at *Calcyth Anno* 816, we find the King, *Cum ſuis* Principibus, Ducibus, & Optimatibus, *tum undiq; Sacri*--- *Ordinis* Præſides, *cum* Abbatibus, Presbyteris, Diaconibus, *pariter tractantes de neceſſariis*, & *Utilitatibus Eccleſiarum*. This is [4] his next Inſtance, and it is like moſt of the Others, unfairly Repreſented, and nothing to the Purpoſe. The Meeting is a proper *Provincial Synod*: *Wulfred*, the Archbiſhop, *preſided*: The other *Biſhops* of his *Province* were his *Aſſeſſors*. The *King*, attended with his Great Men, was (after the manner of

thoſe

thoſe times) *preſent* at it; *Dum undiq; Sacri, &c.* "Whilſt the Holy Orders "there preſent, the *Biſhops*, with the *Abbots*, *Prieſts* and *Deacons*, *Treated* together "of ſuch Matters as were neceſſary or profitable to the Church.

This is the whole of the Matter; and how this proves any Right in the *Prieſts* and *Deacons* to be Members of *State Councils*, I ſhall leave it to this Author, at his better Leaſure, to Inform us.

In the mean time, he will give me leave here again to put him in mind, that the *Acts* of theſe *Synods*, are too often very faulty, in what relates to the Circumſtantſtials of them; ſo that 'tis hard to found any good *Argument* upon them. Of this *Synod*, for Example, I do not know any one of our *Hiſtorians* that makes the leaſt mention. Whence the *Acts* of it were taken, Sir *Henry Spelman* informs us not. But the faults of the Introduction, are beyond Number, and without Excuſe. *Beornmode* Biſhop of *Rocheſter*, is made a Member of it, Twelve years after his Death. *Sibbanus* and *Tidfrithus* mention'd as Biſhops of the *Eaſt Angles*; where at this time *Weremund* ſate. *Wulfheard* Biſhop of *Hereford*, where *Beonna* had been ſeated Seven years before. And, on the contrary, *Ælnoth* Biſhop of *London*, advanced to that Dignity, almoſt Twenty years before his time.

Theſe are ſome of the *Errors* of thoſe *Acts*: And from whence tho' I would not take Occaſion utterly to deny all Credit to them; yet are they ſufficient to ſhew the Unaccuracy of them in theſe Circumſtances; and to convince any impartial Judge, how little ſtreſs we can lay upon their Expreſſions to prove an Aſſertion of ſuch moment, as this *Author* is pleas'd to found upon them. But let him make the beſt he can of his Argument: The *Synod*, as 'tis there Repreſented, was plainly an *Eccleſiaſtical Council*; and to ſuch, tho' I deny that any beſides *Biſhops* had *Right* to *Come*, yet I do not doubt, but that others of a *Lower Order*, were oftentimes admitted, as I have before ſhewn, to be preſent at them.

But if the *Inferiour Clergy* had not a *Right* to come to *Parliament*, yet at leaſt they had to come to a *Coronation*. For, [1] "At the *Coronation* of King *Edgar*, *Anno* "973, the *Saxon Chronicle* tells us, *Convenerat* Sacerdotum Cœtus, Monachorum "*turba*, Sapientumq; Concilium. This *Concilium* is a dangerous Word; and may be thought, as it there ſtands, to imply no leſs than a *Wittena Gemot*. To remove that difficulty, let it be obſerved that the *Saxon* has no ſuch Appoſite Signification: It is a piece of *Poetry*, and in the *proper Tranſlation* of it, which I am forced here to be exact in, runs thus; *Ibi, Quemadmodum ego Accepi, Ingens Doctorum* Sacerdotum *Cœtus*, Monachorumq; *Gnarorum Magna* Turba *Convenit*. "At this *Solemnity*, a great number of *Prieſts* and *Monks* were gathered toge- "ther; What *Prieſts* and *Monks* the *Poet* defines not; nor is it any great Matter of what kind they were.

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[1] Right. p. 283.

However let us ſee how one of the moſt exact followers of the *Saxon Chronicle*, [2] *Florence* of *Worceſter*, relates the Matter, in the very Solemnity under Debate. "King *Edgar*, ſays he, was Bleſſed, and Conſecrated with great Honour "and Glory, *Quinto Id. Maii*, on the day of *Pentecoſt*, by the Bleſſed *Prelates*, "*Duſtan* and *Oſwald*, *& à Cæteris totius Angliæ* Antiſtitibus. [3] *M. Weſtminſter* is yet more diſtinct: *Præſentibus* Præſulibus Dunſtano, Oſwaldo, Cæteriſq; Angliæ Pontificibus, *ac* Magnatibus *Univerſis*. Theſe are the Perſons of whom the *Saxon Chronicle* ſpake; which never intended to thruſt out the *Biſhops*, from this Great Solemnity, and to bring D. *A——*'s *Inferiour Prieſts*, into the *Place*, and *Office*, of them.

[2] *Flor. Wig.* ad Ann. 973.

[3] *M. Weſtminſter* ad Ann.

But it may be, I miſtake his Meaning; and they are not the *Sacerdotes* or *Monachi*, but *Sapientes*, that he would have to Repreſent his *Inferiour Clergy* in this place. For ſo he reads the *Adjective* ȝleappa, for a *Subſtantive*; and makes a new ſort of Perſons to have been Summon'd there, the piten or *Sapientes*. To allow for his miſtake in a Language which he profeſſes not to underſtand; That even in ſuch a Caſe *Sapientes* ſhould have denoted his *Inferiour Clergy*, would have been very ſtrange, becauſe then he muſt exclude the *Lay Nobility*; and make us a *State Council* only of the *Clergy*. Now this he was himſelf aware of; and therefore gives ſuch an Account of them, as I think renders his Proof but very little to his Purpoſe. [4] "By the *Sapientes* here mentioned, the *Laity* are "*chiefly* to be underſtood. But in other places, where the *Lower Clergy* are not "diſtinctly *Named*, the *Word* comprehends them alſo, and is deſign'd to Expreſs "them. So that wherever then we meet with *Sapientes*, we muſt underſtand by it, the *Parliamentary Nobles*, and the *Inferiour Clergy*. Is that what he would have?

[4] Right. p. 283.

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have? I cannot think any thing more Extravagant could possibly have been suggested by him: Nor of which it was more impossible to give an Example. Let this *Author* try his Skill, and see if he can produce any one Passage relating to the Members of the *Saxon State-Councils* in which *Sapientes* absolutely put, without any *Other Word* to determine the signification of it, Denotes the *Inferiour Clergy*; and bespeaks them, as well as the *Lay Nobles*, to be *Members* of them.

As for the Passage which he offers in proof of it, 'tis so very foreign to his Pretence, that one would wonder what he meant by the Citation of it. *Simeon Dunelm.* speaking of the Synod of *Finchale*, says, *In diebus Justorum* Regum, & Ducum *Bonorum*, *atq*; S. S. Episcoporum, *Aliorumq*; Sapientium, Monachorum *Scil. atq*; Clericorum: But does he speak of these as Members of a *Wittena Gemot*? By no means. He only says that the *Council* there met, debated about several good Orders, which heretofore in the time of the Just *Kings*, and *Dukes*, and of the *Holy Bishops*, and other *Wise Men*, as well Regulars, as Seculars, had been Establish'd.

Again, is *Sapientes* there put Absolutely, without any Relative to determine the Sense of it? Not so neither. But on the contrary it is limited on both sides; and refers to the *Just Kings*, *Good Dukes*, and *Holy Bishops*, which went before; and to the Monks and Clergy, which follow after. All which are here set forth to have been *Wise*, as well as *Good Men*: And therefore such whose *Constitutions*, upon both those Accounts, deserved to be Enquired into.

But what is it therefore that this *Author* would prove to Us? That *Sapientes* is a Common Character, and is not so restrain'd to the *Great Men* of the *Realm*, but that it may be, and oftentimes is, Applied to Others also? I know no Body that Opposes him herein. I can easily allow that his *Inferiour Clergy* may deserve the Title of *Wise* as well as *Good Men?* Nor am I an Enemy to their being *Call'd* so. That which I want is some Passage to shew, that any Ancient *Authors* that wrote Correctly of these things, speaking of the *Saxon Councils*, and the *Sapientes*, as Members of them; have used that Word *Absolutely*, without any *Relative* to determine the *Sense* of it, for the *Lower Clergy* in *Parliament*; which he would here insinuate, but I am pretty Confident will never be able to prove.

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He concludes his Induction with an Instance fit to bring up the Rear of such sort of Allegations; an Example neither fairly represented, nor at all to the purpose, in these *Words*; [1] "At the Great *Council* of *Westminster* Convened, *Anno* "1066, by *Edward* the *Confessor*, upon the Consecration and Endowment of that "*Abbey*, there was *Generalis totius fere* Nobilitatis Angliæ *Conventus*: And on "the Church Part, Episcopi & Abbates *totius* Angliæ, & Monachi, & Clerici; "Who went aside to *Excommunicate* the *Infringers* of the Priviledges then "granted. This was a large Parliament indeed; almost all the *Nobility* of *England*; and *All* the *Bishops* and *Abbots*, and *Monks* and *Clergy*. But yet it had One terrible Defect, according to this *Author's* Hypothesis, that large as it was, his *Lay Commons* were not Called to it; nor, for what appears by the Relation, were they at all present at it.

[1] Right. p. 283.

With what strange Security do some Men Write? And how much do they depend either upon the Ignorance, or Carelessness, of their *Readers?* "At the "Great *Council* of *Westminster*, Convened by King *Edward* the *Confessor* upon the "*Consecration* and *Endowment* of that *Abbey*, there was *Generalis totius fere* No- "bilitatis Angliæ Conventus: Does the *Ramsey* History indeed say this? Or does this Author only say it, the better to Accommodate it to his own design? Let the Reader be his own Judge. [2] "*Dehinc Rex* Edwardus, *in die* Natalis Do- "minici, facto Londoniæ *Generali totius fere* Nobilitatis Angliæ *Conventu*, *cum Gloria* "& *Honore Regio Coronatus est*. Here is nothing of *Westminster Abbey*; nothing of any great *Council* Convened at *Westminster*. It only takes notice that according to the Custom of those times, *King Edward* the *Confessor* was solemnly Crown'd at *London* upon *Christmas-day*, and that for this there was a General *Conventus*, or *Assembly*, of almost all the *Nobility* of *England*.

[2] Hist. *Ramsi-ens.* cap. 20. p. 461.

[3] And "On the Church part (at this Great Council) Episcopi, & Abbates *totius* Angliæ, & Monachi & Clerici. Does [4] Sir *Henry Spelman* tell us that? Just as the *Ramsey* History did the other. The History thus wretchedly Disguised, and Confounded by this Writer, was plainly this. King *Edward* having solemnly kept his *Christmas* with his *Nobility*, and finding his Health decay, hasten'd to the *Dedication* of the *Church* of *Westminster*; which he had just then

[3] Rights, Ib.

[4] *Spelm.* Conc. Tom. 1. p. 629.

finish'd

finiſh'd the Building of. Accordingly three days after, upon *Innocents-day*, *Cum gaudio celebri, & apparatu ſolemni, fecit dedicari*; ſays his own Hiſtorian.

To this *Dedication* not only his *Great Lords*, who had kept their *Chriſtmaſs* with him, but a mighty Confluence of Perſons from all parts Came. The *Regular Prelates* were in great Numbers preſent: The King's *Charter* to this *Abbey* was ſolemnly *Sign'd*, and *Ratified*; And that being done, all the *Clergy* who were there gathered together, *Biſhops*, *Abbots*, *Monks*, and *Clerks*, *Excommunicated* (not going aſide, as this Author would have it, but) in the *preſence* of *All* the *Laity* thoſe who ſhould infringe it, or ſuffer it to be infringed.

This is the Sum of the Matter; and this the Aſſembly which this *Author* turns into a *Parliament*. But leaſt this Gentleman ſhould tell us that this *Charter* would not have been Valid without the Conſent of *Parliament*; we will Enquire who they were that did concur with the King to the Making, and Eſtabliſhing, of it.

Firſt, [1] the King being under a Vow to go to *Rome*; his *Optimates* were much troubled at it; and *Communi habito Concilio*, deſired him to deſiſt from any ſuch Intention. The *Pope* thereupon Abſolved him from this Vow, and Commanded him to Expend the Charges he ſhould have been at in that Journey, on Works of Charity.

[1] *Spelm.* Ib. pag. 628.

Having received this Diſpenſation, and determined to Repair and Endow this *Abbey*; and to Grant ſome extraordinary *Priviledges* to it; We are, in the next Place, told by what Advice and Authority he did it: [2] *Cum* Concilio, *&* Decreto Archiepiſcoporum, Epiſcoporum, Comitum, *Aliorumq; Omnium* Optimatum.

[2] Ibid. pag. 634.

In a [3] MS. Copy of this *Charter* it is ſaid, that having not only done all this himſelf; but Renew'd all the *Priviledges* which had before been granted to that Place; he again Confirm'd his Grant, *Cum conſenſu atq; Conſultu* Primatum *ſuorum*.

[3] *Chartæ Antiquæ.* vol. ii. U. 1.

And *Laſtly*, Upon the Day of this ſolemn Dedication; he commanded this his *Charter* to be Recited, *coram Epiſcopis, Abbatibus, Comitibus, et Omnibus Optimatibus Angliæ*: Which being done, *Omni Populo audiente et Vidente*, in the Preſence and hearing of all the People, he cauſed the *Excommunication*, of which this [4] Author ſpeaks, and for which he carries the *Clergy* aſide by themſelves, to be publiſh'd.

[4] *Spelm.* Ib. pag. 635.

The *Subſcriptions* to this *Charter*, muſt alſo be taken notice of; tho' I do not pretend, with this *Author*, to prove any thing One way or Other by them. Firſt the *King*, then the *Queen*, ſubſcribe it. After them the *Archbiſhops*, *Biſhops*, and *Abbots*, with three of the *Capellani Regis*; who (I preſume) had Places of *Dignity* in the *King's Court* and *Chappel*, as we are told, they had in the *Court* of *France*; the Cuſtom of which King *Edward* very much follow'd. After theſe, we have only the *Laity*; with whom our Argument being not concern'd, neither ſhall I take any farther Notice of them.

I ſhall Conclude this whole Paſſage with the Ingenuous Note of our Learned [5] *Spelman*, upon this Meeting: *This Convention* (ſays he) *I do not call either a* Council, *or a* Synod; *becauſe tho' it has the Appearance of a* Council *or* Synod, *yet I do not find it ſo named by the Antient Authors, but a* Conventus. And indeed a *Conventus* only it was; neither a *Parliament*, nor *Synod*: As, by the whole proceſs of the Hiſtory before touch'd, does evidently appear.

[5] Ibid. pag. 636.

This therefore may be added to all the reſt, to ſhew not only the Weakneſs of the Allegation, but the Diſingenuity of this *Author*, in the Alledging of it: Who tho' he ſaw this Remark before him, and could not but be ſenſible of the Juſtice of it, yet nevertheleſs produced ſuch an *Aſſembly* for a true and proper *Council*, which he had been told, no Antient Author had ever thought fit ſo much as to Call by the Name of a *Council*; as knowing that indeed it was not any Regular *State-meeting*, but an Extraordinary *Convention*, upon the *Dedication* of that *Antient* and *Venerable Church*.

And thus have I Examined his Hiſtorical Allegations to prove the *Lower Clergy* to have been Members of the *Saxon Wittena Gemots*, or *Parliaments*; and may preſume to ſay, have ſhewn that there is not One that comes up to what he pretends; and ſcarcely any that ſo much as belongs to the Buſineſs for which he produced them. And yet as if his Inſtances had been clear, even to Demonſtration, he Triumphantly Concludes: [6] *Theſe Inſtances are ſo plain, as to need no Comment, and to admit no fair Reply.* 'Tis a great Felicity which ſome Men

Sect. 38.

[6] *Rights.* p. 284.

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Men Enjoy, always to think well of their Own Performances. That his Instances needed a *Comment*, I am very sure; and accordingly I have endeavour'd to give some Historical Light to them. Whether my Reply to them be fair, or No, neither this Gentleman, nor I must judge. We have made a publick Appeal to the World in this Case, and to that we must now Leave it to judge between Us.

[1] *Rights*, p. 286.

But he has yet [1] *Another Clear proof of the* Lower Clergies Assisting frequently *at those* Great Councils, *drawn from the* Subscriptions *of* Charters, *where we frequently meet with* Capellani, *and* Presbyteri; *and sometimes with simple* Deacons *among the other Witnesses.* I cannot but remark the several odd Expressions which this *Author* makes use of in his Prosecution of this Argument. Sometimes his *Lower Clergy Attend* at those *Councils*; sometimes they are *present* at them; and here they are *Assistant* at them: Words of a *Large Sense*, and which may agree to those who were by no means the *Proper Members* of such *Conventions.* But the true State of the Question, would he deal fairly and Openly with Us, is this; whether the *Lower Clergy*, in the *Saxon times*, were by the *Constitution* of our *Government* in those days, proper Members of the *State Councils*, as the *Great Men* and *Bishops* were? If not, as indeed he dares not (at last) himself affirm, that they were; then what kind of *Members* they were? What *Right* they had to be Called to Them? And at what *Times*, and upon what *Occasions*, they came to them in Consequence of that *Right*?

[2] *Rights.* p. 215. 277. 285. 286.

This would be plain dealing: But to talk of them sometimes as a [2] *Constant and necessary Part of our Great Councils*; Sometimes as coming *Oftentimes* only, "and distinguish'd from the *Constant and Standing Members*: In one place as *Obliged to Attend in that Capacity*; in Others, as coming there only *Sometimes* like the *Queens*, and *Lay-Commons*; nay, or like the *Common Croud* of the *Court*, in *waiting* upon the *King*, is to perplex, not to clear this *Matter*; and seems to have been design'd only as a ground for an Evasion, if he should chance to be call'd to Account for his Assertions.

Sect. 39.

However let us consider this *Argument* too: *Presbyters*, and *Deacons* are sometimes found, he says, among the Subscribers to the *Saxon Charters.* To make this a good *Argument*; we must add; That all these *Charters* were made in their *Wittena Gemots*; and all that *Subscribed* as Witnesses to them, were *proper Members* of those *Councils*; and therefore the *Presbyters*, and *Deacons*, were proper Members of them. Now how will this *Author* ever make out either of these Two *Assertions* to Us? The *latter*, he does not so much as attempt: For the *former* he offers One, and but One, *Reason*; that if they were not made in *Parliament*, (give me leave to anticipate the Use of that Word) they were not *Valid* and *Binding.*

Now this, indeed, if it be true, may be a good Reason why those to whom such *Charters* were made, should have got them Confirm'd some time or other, by *Act of Parliament*; but it does not necessarily infer, that all such *Charters* must Originally have been made there. And true it is, that in Case the King did by his *Charter* grant any *Priviledges* which were contrary to *Common Right*; or dispose of such *Lands*, which he had not, alone, the Power to Alienate; it was necessary in such Cases that the *Great Councils* should *Consent*; and if they did not; we find they did often come with *Acts* of *Resumption*, and take them back again to the Crown. But was it necessary that the *Lower Clergy* should *Consent* in such *Cases*, where the *Charter* was pass'd in the *Great Council*, or *Confirm'd* by it? So far from it, that even in the times after the *Conquest*, when we all allow the *Commons*, and *Clergy*, to have been *proper Members* of our *Parliaments*, yet the *King* and his *Lords only* Determined these Matters. They were the *Council* which, even then, *Consented* and *Agreed* to them; and if the Consent of the *Clergy* was not thought needful to be taken then, this *Author* will find it hard to perswade any reasonable Man that it was either *Required* or *taken* before.

[3] *Regist. Eliens. penes Episc. Norwic.* fol. xxvii. &c.

Let me, in Proof of this, give one Instance from an [3] *Antient* and *Authentick Record*, relating to the Church of *Ely.* 'Tis in a large *Charter* of the 1st of King *Richard* the 2d, and comes up very near to the times for which I alledge it. In the Recital of a *Charter* of King *Edward* the 2d, we find an intire Grant of King *Edgar*'s repeated by an *Inspeximus* to that Church, *Anno* 970. In this the *Authority* by which that *King*'s *Charter* was Confirmed, is thus deliver'd, *Scientibus totius Regni mei* Primatibus, *quorum quædam nomina hic infra inseri, ad testimonium*

†

ſtimonium in poſterum mandamus. And again, *In hijs igitur teſtibus & aliis compluribus, de omnibus* Dignitatibus, & Primatibus *Regni mei, hæc conſtituta & peracta noſcuntur.* Theſe are the *Perſons* who joyn'd with that Prince; none other mentioned to have concurr'd with him in his Grant. *The* SAXON *Times.*

King *Edward* the 2d, (for to him, I think it refers, and not to King *Edward* the 3d) Confirms this *Charter*, *de Aſſenſu* Prælatorum, Comitum, Baronum, & *Aliorum* Procerum *regni noſtri, in Parliamento noſtro apud* Ebor. *Convocato exiſtentium, Anno Regni*, xii.

By another *Inſpeximus* there is recited another *Charter* granted to the ſame Church by *Edward* the *Confeſſor*: It recites the *Charter* of *Edgar*, as made *ſancto Dunſtano alacriter Mandante, Cunctiſque* Primatibus *Regni, Privilegio firmatum.* And then himſelf Confirms it *ſuorum conſenſu fidelium*; which perhaps Dr. *A*—— will tell us, were his *Commons* and *Clergy*.

To prevent any ſuch Miſapplication; he may pleaſe to know, that in another [1] *Charter* of King *William* the *Conqueror* to the Church of *Fiſcham*, there is the very ſame Expreſſion; He ratify'd it with the Aſſent of his *Queen, Children* and *Lords*; & *Manibus* FIDELIUM *meorum* (ſays he) *corrobandum trado.* Yet among all theſe FIDELES in the Subſcription, there is not One beſides the Royal Family, *Biſhops*, and *Barons*; ſo that we are in no Danger, I think, on that ſide.

[1] *Chartæ Antiquæ* S. 1.

After another recital of *William* the *Conquerors Charter* to the ſame Church; the ſame *King Edward* the 2d, comes again to ratifie theſe *Charters*, as he had done the fore-going: And he does it, as before; *De Aſſenſu* Prælatorum, Comitum, Baronum, & *aliorum* Procerum *Regni Noſtri in* Parliamento *noſtro apud* Ebor. *Convocato Exiſtentium.*

Thus were theſe Charters Ratified in *Parliament* after the acknowledged admiſſion of the *Clergy* to that *Great Council.* And I ſhall leave it to any one to conſider, what probability there is, that the Concurrence of the *Inferior Clergy* ſhould have been required to make ſuch *Grants* valid, in the *Saxon times*; when it is yet to be proved, that they were at all *Members* of our *State-Conventions*; whoſe *Conſent* was not required in thoſe following times, when 'tis not doubted but that they were truly *Members* of our *Engliſh Parliaments.*

To make this the more evident, let us take the only Inſtance he alledges in Proof of what he aſſents; and which, even in his Own ſhort Quotation of it, ſpeaks againſt him. [2] King *Baldred* had given ſome Lands to the Church of *Canterbury*, *ſed quia non fuit de Conſenſu* MAGNATUM *Regni*, the Gift was not held to be valid. Where is the Conſent of his *Inferior Clergy* required? The *Conſenſus Magnatum* was thought neceſſary: But for any others, it is not mention'd; nor was it taken upon the New Ratification of this very Grant. Sect. 40.

[2] *Rights*, p. 288.

The Hiſtory of it, in the Place to which he refers, is this. [3] "In the Year "828, a *Council* was called at *Kingeſtune*; King *Egbert* and his Son *Athulph* præ"ſiding in it, with *Ceolnoth* the *Archbiſhop*, and the reſt of the *Biſhops*, and *Nobles* "of *England.* Here we have a plain Account of the *Members* of this *Great Council*: Let us now proceed to the Hiſtory of it. Among other things which were ſaid and done there, *Ceolnoth* the *Archbiſhop* ſhew'd before the whole *Council*, how that King *Egbert*, and his Son *Athulph*, had given to the Church of *Canterbury*, the Mannor of *Mellinges* in *Suſſex*, free from all *Secular Service*, and *Royal Tribute*; Except that of *Expeditions*, and the Building of *Bridges*, and *Caſtles.* The *Charter* therefore by which this Grant was made, did not paſs Originally in *Council*, (as this *Author* ſuppoſes them all to have done) but being granted by the *King*, was now brought to be Confirm'd by the *Council.* And ſo it ſeems King *Baldred* had done before: He had granted the ſame *Eſtate* to that *Church*; but his Princes being not well pleaſed with him, they refus'd to Confirm his *Gift.* Wherefore King *Edgar* and his *Son*, at the *Archbiſhop's* Requeſt, made good the Grant; and now it was moved that the *Council* would do likewiſe.

[3] *Evident. Cant. apud Script.* X. col. 2218.

The reſult of this matter ſeems therefore to be this: Our Kings made their *Charters* either in, or out of *Council*, indifferently. But if the Gift were of ſuch a Nature as required the Conſent of the *Lords*, as well as the *Kings*; in that Caſe, they commonly obtain'd the *Council's* Ratification of them; which was what I before obſerved, and is, I believe, the whole Truth of this Matter.

Let me add, that even when it was ſo ratified, yet was it a very common thing for the Religious to deſire, and to obtain, New Confirmations of their *Charters*,

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Charters, almoſt under every Reign. So that it is no new thing for the Church of *Canterbury* to get ſuch a reiterated *Grant* from King *Edgar* in this Caſe, but a Matter of Cuſtomary Practice, and of which it were eaſie to give a great Number of Examples.

But ſtill the main point is to be proved; how it appears that all who *ſubſcribed* to ſuch *Charters*, when *paſſed*, or *ratifi'd*, in the *State-Council*, were the *proper Members* of that *Aſſembly*? This therefore muſt be left to ſome future Proof; and 'till then, I might diſmiſs his Inſtances too, without Enquiring any farther into them.

Sect. 41. There is yet one thing more to be conſider'd, whether the *Charters* which he alledges be *Authentick* or not? To that he Anſwers, it is no great Matter, whether they be *Genuine* or *Not*: [1] For ſuppoſing them *Forged*, *they muſt be allow'd, at leaſt, to be well* Counterfeited, *or elſe they would not have paſs'd upon knowing Men when firſt produced. The* Monks *who Coin'd them were no Bunglers; but underſtood very well the State of thoſe Times, to which they adjuſted theſe* Inſtruments, *and drew them, no doubt, according to* Authentick *Forms* and *Patterns.* But this too, is contrary to the Beſt Accounts we have of theſe Matters, and ſhews how little this Author underſtood what he wrote in this Particular.

[1] *Rights*, p. 491.

The time in which moſt of theſe *Charters* were forged, was in the Reign of the *Conquerour*, or in thoſe which *immediately follow'd.* The Priviledges granted by him to *Battle-Abbey*, were both the Occaſion of them, and the great *Pattern* by which they drew them. Now the *Normans*, who forged them, were not only utterly unacquainted with our *Saxon Hiſtory*, but could not ſo much as *Read* the *Saxon Letters.* The Men upon which they paſs'd them, were not at all *more knowing* than the *Inventors*; and therefore might eaſily enough be impoſed upon by them. And yet this *Author* either does, or I am ſure ought to know, that theſe *Charters* did not paſs ſo currently neither, but that great Quarrels were raiſed by means of Them, and abundance of Knavery was diſcovered in relation to them. And therefore theſe forged *Charters* are not ſo much to be depended upon, as he ſuppoſes; but rather are to be as little valued for *Hiſtory* Now, as they were accounted of for *Matters* of *Rights* and *Priviledges* heretofore.

Sect. 42. But if *falſe Charters* be of ſo Good Authority in this Caſe, what does this *Author* think of *True Ones*? If we muſt determine in the preſent point by *Charters*, why ſhould we not rather take thoſe which are allow'd to be *Authentic*, than ſuch as we are ſure are not? I will make him a fair Offer: Let the Matter be referr'd to the *Saxon Charters* of *Ingulfus*; and let our Cauſe ſtand, or fall by Them. He Collected them in the time of the *Conqueror*: Or rather he found the Greateſt part of them Collected to his Hand, by *Contemporary Authors*, before: He underſtood the *Saxon Antiquities* excellently Well; and this Author himſelf agrees with me in allowing of his *Authority.*

[1] *Ingulf. Edit. Oxon.* pag. 2. [2] His Firſt *Charter* is that of *Ethelbald*, *Anno* 716; how it was Confirm'd, the Hiſtorian tells us; and it is, full to our purpoſe, *Chartam ſuam in preſentia* Epiſcoporum, Procerum que *regni ſui Securam ſtatuit.* Yet to this One *Ingulphus a Presbyter*, was a Witneſs; ✠ *Ego* Ingulfus *Presbyter*, *& humilis Miniſter vocatus audivi.* It is probable, he drew the *Charter*, and therefore, as in other Caſes, was a Witneſs to it.

[3] Ib. pag. 6. Of this we have a more plain inſtance in the [3] *Charter* of *Offa*, *Anno* 793. In which the only *Presbyter* which ſubſcribes, is *Tilhere*, one of the *King's Prieſts*, who alſo *wrote* the *Grant.*

[4] Ib. pag. 7. The ſame was the Caſe of [4] *Sigga*, in the Charter of *Kenulph*, *Anno* 806. But in the great Charter of *Witlaff*, *Anno* 833, *Swithin* the *King's Prieſt* ſubſcribed, and *Boſa* drew the *Charter*: But by whoſe Authority was it Confirm'd? 'Tis a remarkable Paſſage, and the rather to be taken notice of, becauſe this *Charter* was actually granted in ſuch a *State-Council* as we are now diſcourſing of. *Iſtud Chirographum meum* (ſays the King) *Domino Siwardo Abbati, &c. Quondam premiſſum, in preſentia Dominorum meorum*, Egberti *Regis* Weſtſaxoniæ, *et* Athelwlfi, *filii ejus, coram* Pontificibus, *&* Proceribus Majoribus *totius* Angliæ, *in Civitate Londonia* (*ubi* Omnes *Congregati* fuimus pro *Conſilio capiendo contra* Danicos *Piratas littora* Angliæ *aſſidue infeſtante*) *ſigno* ſanctæ Crucis *Confirmavi.*

Such were the Perſons of whom the *Saxon Councils* conſiſted; and ſo plainly does it from hence appear, that this *Presbyter*, tho' a Subſcriber to the *Charter*, was

was yet (as ſuch) no *Member* of the *Gemot*, in which it was paſs'd; unleſs by ſome ſpecial Call, or *Office* at the *Court*, he was required to come to it.

What this Charter of *Withlaff* plainly enough ſhews, the next of [1] *Bertulph* his Succeſſor, will put out of all reaſonable doubt. One of their *Monks* had made Application to the *King* in his *Council* for ſome farther Confirmation and Enlargement of their Priviledges. Let us hear, who were the Members of the Council; *coram Prælatis, & Proceribus totius Regni mei Merciæ, apud* Beningdon *ultimo Congregatis.*

[1] Ib. p. 14.

The King accordingly granted what was deſired, [2] *Cum Communi Conſilio totius regni mei.* And of whom did that Council Conſiſt? It follows as before, *Conſentientibus omnibus Prælatis, & Proceribus meis.*

[2] Ib. p. 13.

But the King went farther yet; He granted them yet more: And ſtill with the ſame Conſent; *Cum Communi Conſilio, gratuitoque Conſenſu Omnium Magnatum Regni mei.*

And finally to cloſe all, [3] *Cum unanimi Conſenſu totius præſentis Concilii hic apud Kyngesberi Anno Incarnationis Chriſti Domini*, 851. *in hebdomada paſchæ pro Regni Negotiis Congregati*, he ſubſcribed to it. The Form of the Subſcription is remarkable; and it is this. ✠ *Ego* Bertulphus *Rex Merciorum, palam omnibus Prælatis & Proceribus Regni mei, divinam deprecor Majeſtatem*, &c.

[3] Ib. p. 15.

Here we have the Members of two *Saxon* Gemots plainly repreſented to us; The *Prelates* and *Nobles* only are mentioned: They *Conſent*; they *Confirm* with the King; and by ſo doing ſufficiently ſhew of whom thoſe *Councils* in thoſe times Conſiſted.

The next [4] Charter is that of King *Ethelwolf Anno* 851. which this Author has before produced in proof of the Right of the *Lower Clergy* to be preſent at, and approve of what was done in, the *State Councils* of thoſe times. But this both *Ingulfus*, and the *Charter* it ſelf, apparently Contradict. The *Hiſtorian* ſays, he made it, "Omnium *Prælatorum ac Principum* ſuorum gratuito Conſenſu: The *Charter*, that he paſs'd it, "Cum Conſilio *Epiſcoporum* ac *Principum* meorum. The latter declares who were the *Members* of the *Council*; The former ſhews whoſe *Conſent* was requiſite to the *Paſſing* of it.

[4] Ib. p. 17.

After this, I ſhall not Diſpute with this Author who the *Fideles*, and *Dignitates*, ſpoken of in the Subſcription were. The *Charter* was *Made* and *Confirmed* in *Council*. That being done, it was Sign'd, and Offer'd to God, before the *High Altar* in the *Church* of *Wincheſter*. And upon ſo ſolemn an Occaſion, it is not to be wondred if a vaſt Confluence appear'd in the Church, and Approv'd of the Piety and Munificence of the *King*, and his *Council*; tho' only the *Dignitates* Subſcribed. The *Infinita multitudo*, was *preſent* at the One, but it does by no Means thence follow that they were alſo Members of the Other.

The Charter of [5] *Beorred* not being made in Council, I ſhall take no Advantage of it, tho' not one *Prieſt*, or *Deacon*, Subſcribed to it. But haſten to the next of King *Ædred* made in *Council* at *London*, *Anno* 948. and which is another plain Evidence againſt the new Model of this Author.

[5] Ib. p 18.

In the Feaſt of the *Nativity* of the Bleſſed *Mary* (they are the Words of [6] *Ingulphus*) "Cum Univerſi *Magnates* Regni per *Regium Edictum Summoniti*, tam "*Archiepiſcopi*, & *Epiſcopi*, ac *Abbates*, quam Cæteri totius Regni *Proceres*, & *Optimates*, *Londoniis* Convenirent ad *Tractandum de Negotiis publicis totius Regni*; *Turkettle* the *Abbot* obtain'd this Charter of the King. Theſe were the Members of that Great Aſſembly, by the Hiſtorians Account; let us ſee how the *Charter* agrees with it. [7] "*Iſta donaria*, ſays the King, prædictis monachis ſta- "bilivi in Anno 948. in Præſentia *Archiepiſcoporum*, *Epiſcoporum*, & *Procerum* reg- "ni mei Subſcriptorum. Yet here we meet with ſeveral of this [8] Authors *Miniſtri* among the *Subſcribers*; who, I am pretty ſure, were no Members of the *Council*; or if they were, they muſt have been other kind of *Miniſtri*, then he would have them to be.

[6] Ib. p. 32.

[7] Ib. p. 35.

[8] Rights pag. 289.

We now come to King [9] *Edgars Charters*; and thoſe too made in his Council at *London*. Let us Enquire who were preſent at the Making of them. "Sancitum "eſt hoc Chirographum meum in Anno 966. præſentibus *Archiepiſcopis*, *Epiſco-* "*pis*, *Abbatibus*, & *Optimatibus* regni mei Subnotatis. And yet here again we have more of the *Miniſtri* in the *Subſcriptions*; and are not at all concern'd at the ſight of them.

[9] *Angulf.* ib. p. 42, 44.

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This *Charter* being thus paſs'd by the *King*, was corroborated by the *Archbiſhop*, with *Eccleſiaſtical Cenſures* denounced againſt the Infringers of it. And their Decree, paſs'd at the ſame time, was made, in like manner; [1] "in præ-

[1] Ib. pag. 35. "ſentia Regis *Edgari*, *Prælatorum*, *Procerumq*; ſuorum — apud *London*. Collecto-"rum, in the Church of St. *Paul*'s, upon the *Octaves* of *Pentecoſt*; where yet I ſuppoſe this Gentleman will hardly affirm the *State Council* to have been held.

[2] Ib. p. 46, 47. The other [2] *Charters* of this *King* to the *Monaſteries* of *Medeſhampſted*, and *Malmesbury*, do not appear to have been made in *Council*, and therefore I ſhall

[3] Ib. p. 58. not inſiſt upon them; as neither that of [3] *Knute Anno* 1032. Whether that of King *Edward* the *Confeſſor* was made at his *Eaſter Council*, then attending at his *Court*, I am not able to ſay; but do think it moſt probable that it was. If ſo, we ſhall there have another Inſtance for what we have been obſerving: The Subſcri-

[4] Ib. p. 64. ption being thus; [4] "Teſtibus *Egitha* Regina mea, ſays he, *Edſio* & *Alfrico* "Archiopiſcopis; *Godwino*, *Leofrico*, & *Siwardo* Comitibus; cum Cæteris *Optima-*"*tibus* meis qui aſſunt in *Curia* mea multis.

And thus have I run thro' all ſuch Charters of *Ingulfus* as I can find by any Marks to have been Paſs'd, or Confirm'd, in the *Great Councils* of the *Realm*. And, I think, it is plain from every one of them, not only that the *Inferiour Clergy* had nothing to do in thoſe *Synods*, but that the *Conſtituent Members* of *them* were the *Prelates*, and *Great Men*; as thro' the whole Courſe of that Antient, and Exact Hiſtory, does evidently appear.

Sect. 43. I might, to theſe add ſeveral other Charters out of the *Chartæ Antiquæ*, relating to thoſe times; but I ſhall, for Example ſake, take only ſome of the *loweſt*, and of which the leaſt Mention has yet been made; Granted by King *Edward* the *Confeſſor*; and upon the Credit of which we may the beſt rely.

[5] *Chartæ Antiquæ* P. 1. [5] In his Charter to St. *Edmunds*, the ſanction runs thus: Hyct ic ge redd habbe þid mine Ercebiſcopes ⁊ Biſcopes, ⁊ Abbodes, ⁊ Eorles, ⁊ þid ealle mine Thegnes.

[6] *Meldunenſe*. Ib. Q. 1. [6] In that to the Monaſtry of *Malmesbury*, *Cum Conſenſu* Epiſcoporum, Optimatumq; *meorum*.

[7] Ib. T. 10. [7] In that to the Abbot and Monks of *Gant*; "Sub aſtipulatione *Primatum* quorum nomina Caraxata videntur.

[8] Ii. 2. [8] In that to the Church of *Eli*, "Sancto *Dunſtano* Mandante, cunctiſq; *Primatibus* Regni.

To conclude this Matter: That this was the true *Saxon* Form, we have not only the moſt *Authentick Charters* themſelves to Witneſs, but our Venerable *Bede*, to prove to us, in his *Epiſtle* to *Archbiſhop Egbert*; where ſpeaking of ſome who abuſed theſe kind of *Grants* to wicked Purpoſes, he makes his Complaint of

[9] *Bed. Epiſtolæ duæ. Dublin.* 8vo. p. 76. Them in theſe Remarkable Words, [9] *Ipſas quoque literas* Privilegiorum *ſuorum quaſi veraciter Deo dignas*, Pontificum, Abbatum, & Poteſtatum *ſæculi*, *Obtinent ſubſcriptione Confirmari*. This was the Authority by which our *Saxon* Anceſtors Confirmed their *Charters*; and therefore if this Author's *Charters* be ratified by any Others, we may look upon that alone to be a fair Ground to conclude that they are *Counterfeit*, and of *no Worth*.

Having ſaid thus much in Anſwer to his Argument drawn from the *Saxon Charters* to ſhew, that the truly *Antient*, and *Authentic Charters* which were paſs'd in the *Great Councils* of thoſe Times, or Confirm'd by them, are all againſt the new Pretences of this *Author*; and the reſt ſpurious, and of no Authority; I ſhall now briefly Examine ſuch of them as Occur to Me; and by the inſignificancy of thoſe, ſhew what Account is to be made of the reſt.

[10] *Rights*, p. 286. [10] That of King *Edgar*, or *Ethelred*, to St. *Paul*'s, has among the *Subſcriptions*, two Perſons noted *Pr*. whether *Presbyteri*, or *Præfecti*, or *Præpoſiti*, I cannot tell. But in the Body of the *Charter*, bad as it is, there is thus much of the *Old Form* ſtuck to, that the *Grant* is ſaid to have been made *cum Conſilio atque Conſenſu Epiſcoporum meorum*, & *Sapientum meorum*; Which I think ſufficiently excludes the *Lower Clergy* from giving any Force, or Authority to it.

[11] Ib. p. 287. The [11] Other of the ſame *King*, has no manner of Note to prove that it was made in *Council*, or at the time of any ſuch Meeting, and is indeed ſo evidently Counterfeit, that no more needs to be ſaid of it.

[12] Ib. p. 287. The [12] Charter of the Church of *Peterburgh* is next alledged; a Forgery ſo notorious, that it even ſurpaſſes the Council of *Becanceld* in the falſity of it. And, to Obſerve that too by the Way; the only *Copy* of the *Saxon Chronicle*, which

has this *Charter* in it, is that of Archbiſhop *Laud*, which formerly belong'd to the Monaſtery of *Peterburgh*, as the Other of Sir *John Cotton*, no doubt, did to that of *Canterbury*.

But however, let us examine this too a little; leſt Dr. *A.* again demand my Reaſons for Rejecting of it. This Charter (as we are told) was made by King *Wolfere*, *Anno*, 656. In this Monaſtery therefore, we will ſuppoſe it to have been carefully laid up with the Other of King *Ethelred*, and *Pope Agatho's Bull*, for two hundred Years, 'till the *Daniſh* irruption, *Anno* 870. And what became of them then, let [1] *Ingulphus* tell us. The *Danes* invading that *Monaſtery*, *Tubba* the Brother of *Hulba*, the Chief Commander, was accidentally ſlain in the Aſſault. This ſo enraged *Hulba*, that he utterly deſtroy'd the whole Place. He ſlew all the *Monks* with his own Hands; his Souldiers butcher'd all the others who had for ſecurity fled thither. The Barbarous Army dug up all their *Altars*, broke their *Monuments* to Pieces, *burnt* their *Library*; tore in pieces their *Charters*, pull'd down their very Walls; burnt their *Church* and all their *Offices*, and ſpent Fifteen Days in utterly ruining of that Place.

[1] Ingulf. Hiſt. p. 23.

The *Monaſtery* being thus totally raſed, *Beorred* ſeized the Lands which belong'd to it, and gave them to his *Souldiers*; and ſo put a final end to that foundation. In this deſolate Eſtate it continued for an hundred Years; at which time *Ethelwold* Biſhop of *Wincheſter* ſet himſelf to the reſtoring of it. And here the [2] *Saxon Chronicle* helps us out to a Wonder: For being at Work upon this Deſign, they found in a piece of an *Old Wall* theſe *Charters* ſtill preſerved, and by that means Diſcovered what *Lands*, and *Priviledges*, had ſo many hundred Years before, been Granted to them.

[2] Chron. Sax. ad An. 963.

This is the *Legend* of theſe *Charters*; which after all, were they never ſo Authentick, are nothing to his Purpoſe: For the Meeting of which his *Charter* ſpeaks, was not a *Great Council*, but only a ſolemn *Aſſembly*, for the *Dedication* of a *Monaſtery*; at which no Body denies but that the *Inferiour Clergy*, as well as Others, might be preſent.

In the Relation of the [3] *Charter* of *Ramſey*, this Author deals more artificially, than fairly. The truth of the matter, which he has Studiouſly diſguis'd, is this. At *Chriſtmas*, [4] "*Cum omnes* Majores *totius Regni* — *tam* Eccleſiaſticæ Perſonæ, "*quam* Sæculares, *ad Curiam meam Convenisſent*, ſays the *King*; at the Requeſt of the Archbiſhops, he Confirmed all the Lands, *&c.* which had been given to that place, *Coram tota* CURIA *ſua*. Who that *Curia* was, we before heard; It conſiſted of the *Majores totius Regni*, as well *Spiritual* as *Secular*. And accordingly it follows again, to the ſame purpoſe, "*Favore, & Conſenſu*, Primatum & Optima-"tum *meorum*, *prænominatæ Eccleſiæ*—*Conceſſi & Confirmavi*. This *Charter* being thus made by the *King*, and his *Great Lords*, (no *Presbyters*, no *other Clergy*, beſides *Prelates*, concern'd in it) All the *Biſhops*, *Abbots*, and *Presbyters*, who that day were there in great Numbers, *Excommunicated* all ſuch as ſhould break the Eſtabliſhment, or Cauſe it to be broken. This was the *firſt Occaſion* upon which the *Presbyters* were mentioned.

[3] Rights, p. 287.

[4] Monaſticon. Tom. 1. p. 235.

The Account of this Excommunication being, *in rei memoriam*, added to the *end* of the *Charter*, the *King* proceeds to the *Subſcription* of it. The *Prelates*, and *Lords*, Subſcribe after the *King*: And then in the End come *Six Presbyters*, as *Witneſſes* of the *Eccleſiaſtical* part of it, the *Excommunication*. ✠ "*Ego* Ethelſi "Presbyter, *cum ſupradictis & aliis quamplurimis* Presbyteris, *infractores hujus fir-*"*mitatis Excommunicavi*, ſays the laſt of them. This was the *other Occaſion* of the *Presbyters* being mention'd in it.

And now what is there in all this to prove the Right of the *Inferiour Clergy* to be *Members* of the *Saxon Councils?* The Buſineſs of the *Council* was over; the *King* had *Granted*, and his Lords had *Aſſented* to the *Priviledges* conferr'd upon that *Monaſtery*. The *Charter* of them was drawn; and none but the *King*, his *Prelates*, and *Nobles*, were concern'd in it. When this was done, and the Grant finiſh'd, the *Biſhops* then joyn their *Presbyters* with them in an *Eccleſiaſtical Act*, of *Excommunicating* the *Infringers* of the *Charter*, which the King and his Council had made. And all this, both of the *Paſſing* of the *Charter*, and the *Excommunication*, being to be *Atteſted*; Six *Presbyters*, in the Cloſe, ſet their hands to it; and diſtinctly tell us what they intended by it; namely, to teſtify thereby that themſelves, together with a great many others of the ſame Rank, had Aſſiſted at the *Excommunication* recorded in the Cloſe of that *Charter*. This was the whole of

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that matter; let this Author, upon the True State of it, make what Advantage he can from it.

I have now attended Dr. *A.* thro' this *first Period*; and ſhewn, that he has not yet produced ſo much as One ſingle Teſtimony in proof of the ſuppoſed Right of his *Inferiour Clergy* to ſit in the *Great Councils* of the *Realm*, that Comes up to the Point; and but few but what ſhew the quite Contrary. If it ſhall be ask'd what then, upon the whole, I take the *Politie* of the *Saxon* times to have been? I will freely offer my Opinion; and ſhall ſubmit it to thoſe of better Skill in theſe Matters, to Judge as they pleaſe of it.

For *Civil Affairs*, they had their *Wittena Gemot*, or *Parliament*: To this the *Great Men*, and *Prelates* alone were Called: None elſe, as far as I can obſerve, were ever accounted any proper *Part*, or *Members* of it.

In this *Council* they treated of the *Great Affairs* both of the *Church* and *State*: And made *Laws* for the *Outward Peace*, and *Government* of both. The *Laws* which they paſs'd here, were oftentimes prepared before by the *King's Counſellors*, and only propoſed in this *Aſſembly*, and *Confirmed* by it. The *Biſhops* and *Prelates* who met at theſe *Councils*, ſometimes acted at the ſame time a-part by themſelves, in a *Synodical manner*; and came to ſuch Reſolutions as they thought needful for the Edification of the *Church*. Theſe were ſometimes agreed to by the *Great Council*, as well as paſs'd by the *Synod*; and ſo came forth at once both as *Laws* of the *Land*, and *Canons* of the *Church*.

But then there was, beſides theſe, other proper *Church Councils* appointed by our *Metropolitans*, and held by them with his *Suffragan-Biſhops*, and *Prelates*, when no *State Council* was *Summon'd*. To theſe very often the *Kings*, attended by their *Great Men*, Came: And were not only *preſent* at their *Debates*, but if they approved of what was done, gave their own *Aſſent*, and *Authority* to them. And tho' I know Dr. *A.* will have all theſe to have been *Mix'd Councils*, in which moſt of the *Antient Canons* of the *Church* were framed; yet the Nature of the *Aſſemblys*; the *Authority* by which they met; the *Perſons* who *acted* in them; the *work* which they *did*; and all the Other *Circumſtances* of them, plainly ſhew them to have been true *Eccleſiaſtial Synods*; and not at all the leſs ſo, becauſe of the *Laities* Appearing at them. Unleſs Dr. *A.* will ſuppoſe, that the proviſion made for the Admiſſion of the *Laity*, to the moſt Early *Synods* of the *Church*, and Continued down in the following Ages of it, changed the *Nature* of thoſe *Aſſemblies*, and made them alſo *mix'd Meetings*, not true *Eccleſiaſtical Councils*.

Theſe were the great ſetled *Conventions* both of the *Church* and *State* heretofore, as they are with us now. But then upon any *extraordinary Occaſion*, ſuch as the *Dedication* of a *Church*, or *Abbey*; the *Publiſhing* of ſome ſolemn *Charter*, or *Priviledge* to the *Clergy* in general, or to any *Particular Body*; there were alſo, of courſe, *Extraordinary Meetings*. For tho' theſe might oftentimes be ſo managed, as to be join'd in time with the *Regular State-Councils*, yet the *Aſſemblies* were *different*: And all that came, and could be receiv'd into the Place, were freely admitted into the *One*; tho' they were far from becoming thereby any *part* of the *Other*.

King *Edward* the *Confeſſor*, kept his *Court*, and *Chriſtmas* with his *Lords*, the laſt Year of his Life. Three Days after he *dedicated Weſtminſter-Abbey*: His *Lords* were call'd to it; but beſides them, a vaſt Confluence of all ſorts of People, eſpecially of the *Clergy*, came thither alſo; and were Spectators, and Witneſſes, of the *Grant*; which nevertheleſs the *King* only with his *Council Ratified*.

In other Caſes, *Charters* of *Priviledge* were paſs'd by the *King* and his *Great Men*. But that being done, they were *publiſh'd* and *ſigned* in the *Churches*, at the *High Altars*, for the greater Piety, and Solemnity of the *Act*: And many were thereby preſent at the Signing, and Confirmation of theſe kind of *Grants*, who had nothing to do in the *Councils* by which they were *Confirm'd*.

As for any *Conſtant* or *Set-times* of holding either the *State-Councils*, or *Church-Synods*, there ſeem to have been none at the beginning. The firſt Settlement that I have obſerved of that kind, was founded upon the Solemnity with which our Princes came afterwards, to keep the Three *great Feſtivals* of the *Church*; and to require the Attendance of their *Prelates* and *Lords* at them.

This I take to have been the true *State* of our *Saxon Government* in theſe Caſes. To enter upon a particular Proof of all theſe Matters from *Antient Hiſtory*,

Hiſtory, would be to deviate too far from the Buſineſs in hand. I ſhall only add ſome few Inſtances more, to thoſe I have already offer'd, to Confirm my main Aſſertion, as to the *Members* of their *State-Councils*, and ſo conclude this Period.

How far that Expreſſion of [1] *Bede* concerning the Practice of *Ethelbert*, will be thought an Evidence in this Caſe, I cannot tell: That he made his Laws *cum Conſilio Sapientium*. But as the Uſe of that *Word*, in thoſe Times, was, in great Meaſure, appropriated to the *Members* of theſe *Councels*; ſo whom this Author meant by them, we may, in part, conclude from another Paſſage, in the ſame Book, where [2] he again employs it to the like purpoſe. *Paulinus* having preach'd the Faith in the Northern Parts; and perſwaded the *King* to embrace it; the King reſolved to hold a *Council* with his *Great Men* concerning that Matter. The Words of the Hiſtorian are theſe; *Cum amicis* Principalibus, & Conſiliariis; or, as in Other Copies, *cum* Amicis, Principibus, & Conſiliariis *ſuis*, *ſeſe do hec Collaturum eſſe dicebat*. In the *Title* of the *Chapter*, 'tis *cum Optimatibus*: And theſe are all in the next Sentence, comprehended under the ſame general Word *Sapientes*; *Habito cum Sapientibus Conſilio*.

[1] Hiſt. Eccleſ. Lib. 2. Cap. 5.

[2] Ib. Cap. 13.

But we will look a little farther into this *Meeting*; and ſee if we can find yet more exactly of what Perſons it conſiſted. And firſt, we find there *Coifti* his *Chief-Prieſt*; who ſpake in Favour of the *Chriſtian Faith*. To him *Alius* Optimatum *Regis*, gave his Aſſent. After which *Cæteri* Majores natu *ac Regis* Conſiliarii, did likewiſe. The *Saxon* Verſion calls them plainly witum and Ealdormen And both the One and the Other ſeem evidently to refer to thoſe of *Higheſt Rank* and *Dignity*, and to Exclude the Common Ordinary People.

What he here ſays of the *State Councils*, [3] he elſewhere intimates of the *Church Synods*. He ſpeaks of the *Biſhops* only as the *Members* of them; and to them, in Conjunction with the *King*, aſcribes the *Authority* of what was done in Them.

[3] *Bede* Epiſt. P. 47.

If from our *Saxon Hiſtorians*, we proceed to the *Remains* of our *Saxon Laws*; they will yet more plainly ſpeak the ſame thing to us. I have already accounted for thoſe of *Ina*, and *Æthelſtan*: The only Difficulty that can be made in them is, that the *Servi Dei* are added (not to *Prælati*, but) to *Archiepiſcopi*, and *Epiſcopi*: And I think it is ſo plain both from the Omiſſion of the *Regular Prelates*, in both thoſe places, and the Ordinary Uſe of the Phraſe its ſelf to the ſame purpoſe, that thoſe muſt be meant by it, that it is in reality no Difficulty at all.

King *Ælfred* made his *Laws*, [4] Conſilio Sapientum *ſuorum*: He communicated the Collection which he had gathered out of the Laws of *Ina*, *Offa*, and *Ethelbert*, *Omnibus* SAPIENTIBUS *ſuis*; who approved of Them, and anſwer'd, that it pleas'd them that they ſhould be obſerved. And till it can be ſhewn that the *Inferior Clergy* have ever been rank'd among theſe *Sapientes*, I muſt beg Leave to Conclude, that only Thoſe are meant by them, who are elſewhere expreſly ſaid to fall under that Character.

[4] *Brompt.* Col. 820.

[5] *Edmund*, aſſembled his myccelne Synoth at *London*, at the Feaſt of *Eaſter*. The *Eccleſiaſtical Members* were *Odo* and *Wulſtan*, Arch-Biſhops, with many Other Biſhops; no Others of that Order named. Another Council he held at *Culinton*. The Members were, *Rex*, & *Epiſcopi ſui*, *cum Sapientibus ſuis*: which, I think, determines the Senſe of what follows, with relation to another of theſe *Councils*; where the *Laws* are ſaid to have been made by the *King*, *cum Sapientibus*, *Clericis*, & *Laicis*: that is, his *Great Men* of both kinds.

[5] *Brompt.* Col. 858, 859. *Sleges* Saxon. Lamb. p. 57.

[6] Ib. *Brompt.* Col. 860, 871, 893, 895, 899.

[6] The ſame is the Language of *Edgar* and *Ethelred*: They made their Laws *Conſilio ſapientum ſuorum*; the meaning of which was in thoſe times ſufficiently underſtood, and needed no farther Explication. The *Laws* of the next King *Cnute*, will afford us an Antient and Venerable Teſtimony in Proof of what I am now aſſerting. [7] He made them, ſays the *Saxon*, with the Advice of his witena: Says the Old Latin of *Brompton*, *ſapientum*. And who theſe were, let the [8] *Textus Roffenſis determine*; *Hæc eſt Conſtitutio quam* Cnud *Rex*, *cum Conſilio* Principum *ſuorum Sapientium*, made. And again, ſpeaking of his *Secular Laws*, which he made with the Advice of his witenan. [9] *Sapientum*; the ſame Manuſcript gives this farther Interpretation to the ſame purpoſe. *Hæc eſt Inſtitutio ſæcularis quam Ego per Conſilium & Conſenſum* Optimatum *meorum ſervare per totum Regnum meum ſtatui.*

[7] Leges Saxon. p. 97. *Brompton.* Col. 918.

[8] Text. *Roffens.* fol. 58. n. 24.

[9] Leges Sax. p. 107. *Brompt.* Col. 922.

[10] Text. *Roffens.* fol. 63. n. 25.

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It were an eaſy matter to Confirm this Interpretation with many [1] other Authorities; but I ſhall offer but one more to the ſame purpoſe, and with Relation to a *Council* held in the ſame times under King *Ethelred*; the [2] *Council* of *Æn-ham*. In the *Saxon* Mſ. of this *Council*, the *Laws* are called *Decreta Sapientum. Eruditi tulerunt*, ſays the Introduction; and in ſeveral of the *Conſtitutions* it is expreſly repeated, *Decernunt Sapientes*. Now, who thoſe were, the Antient *Latin Interpretation*, expreſly declares; [3] *Regis* Æthelredi *Edicto concrepante*, Archipræſulumq; Ælfeahi & Wulſtani *hortatu Inſtigante*, *Univerſi Anglorum* Optimates, *die Sancto* Pentecoſtes — *acciti ſunt Convenire*.

Thus did theſe Kings make their *Laws*; As for *Edward* the *Confeſſor*, the [4] *Litchfield Chronicle* tells us, that he renew'd the Laws of his Predeceſſors, *Conſilio Baronum Angliæ*; and the Authority ſeems to be the greater, for that we find the ſelf ſame Account inſerted into one of his *Laws*; and that in the more Antient and Faithful Copy of them.

From what hath been ſaid, it appears, upon what ſlender Grounds Dr. *A.* has laid his Foundation, in his Deduction of the ſuppoſed *Rights* of the *Inferiour Clergy*, viz. that in the *Saxon* [5] times, "They were called to the *Great Councils* of "the *Realm*, and made a *Conſtant* and *Neceſſary part* of them. 'Tis true he has afterwards very much qualified his Aſſertion; and from being *Conſtant* and *Neceſſary parts* of theſe *Councils*, comes only to ſay, "That the *Inferiour Clergy*, as well "as *Laity*, were then *Oftentimes* Called to the *Great Councils* of the *Realm*; [6] And "Oppoſes them to thoſe *who were the conſtant and ſtanding Members of them.* But neither thus will his Account hold true: For, indeed, they were not *Called Oftentimes* to theſe *Conventions*, tho' ſome of them might happen to be *Oftentimes* there. And even when they were Occaſionally at them, yet they acted not as *Members* of them; Nor were they *Called*, that is *Summoned*, to Come, in any ſuch Capacity to them.

But if this therefore be a meer Miſtake of the Nature of thoſe *State Councils*, as in Truth it is, then it will follow that all the reſt of his Imaginary Scheme which he builds upon it, muſt be an Empty Hypotheſis; and the iſſue only of his own Conceit. "That the *Clergy* being Obliged ſo frequently to *Attend* in "that (their *Civil*) *Capacity*; they had neither Leiſure, nor need to Obſerve the "*Set-times* of their *Provincial Aſſemblies*. The *Ordinary Buſineſs* of theſe was diſ-"patch'd at thoſe *State-Meetings*, which were frequent; and gave the *Clergy* an "*eaſy Recourſe* to the *Civil Power* for a *Confirmation* of their *Decrees*. And this, "by degrees, brought on a diſcotinuance of *Provincial Synods* — Thus the Mat-"ter ſtood throughout the *Saxon Times*. Now all this, as to what concerns the *Inferiour Clergy*, to whom he applies it, is pure Invention. They were no Members of the *State Councils*; they had no *Summons* to *come* to them; nor were they ever *Called* ſo much as to give their *Approbation*, under the Character of *Inferiour Clergy*-men, in them.

They *came*, indeed, ſometimes, to the *Provincial Synods*, in *Attendance* upon their *Prelates*; Or to be *Witneſſes* of what was done; or, it may be, to Conſent to it. But neither were they any *proper Members* of thoſe *Conventions*, any more then of the Other: They were not *Ordinarily Summoned* to them; nor did they Sit, by *Authority*, but only by *Permiſſion*, in them. And ſo the *Deacons*, nay, and even the *Laity* themſelves did, as well as the *Presbyters*: Nor do I know any Right which the One can pretend to in this Caſe, that may not with as good Reaſon be alledged in favour of the other.

Let this then be the Reſult of what I have here been diſcourſing: 1. That ſuppoſing Dr. *A*'s Argument to be true in every part of it; That the *Convocation* had been *wont* heretofore to *Attend* upon the *Parliament*, after the manner that he pretends; yet the Statute of the 25*th* of *Henry* the *Eighth*, C. 19 has made ſuch a *Change* in this Matter, that from thenceforth the *King* became intituled to a *Legal Power* to *Call*, *Prorogue*, and *Diſſolve* it, whenever he pleaſes; and that without any reſpect to any ſuch Attendance for the future. If therefore the *Cuſtom* of *Calling* it at the *time* of the *Parliaments Sitting*, ſince the making of that *Act*, has not *limited* his *Prerogative*; 'tis certain that nothing elſe has: And whether that has done it, ſhall hereafter be Enquired.

2. That as far as Concerns the *Saxon* times, his *Allegation* is utterly *falſe*. The *Clergy* were not, then, any Part of the *Great Councils* of the *Realm*; nor did they, as ſuch, *Attend* upon them. The *Biſhops* and *Prelates* only, of all the *Eccleſiaſti-*

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[1] See *Somner Gloſſ.* Sax. *Brady's* Introd. *Gloſſ.* p. 66.
[2] *Spelm.* Concil. Tom. 1. p. 513.
[3] Ibid. p. 525.
[4] Apud Lamb. ad fin. Bed. p. 150, 158.
[5] Rights p. 215.
[6] Ib. p. 277, 285.

cial State, had a *Right* to *come* to them; that *Right* they Enjoy'd throughout all the following *Changes* and *Revolutions*, only with ſome Limitation of the *Latter*, as long as there were any *Regular Prelates* left among us; and our *Biſhops* continue, at this day, to Enjoy it. The *Piety* of our *preſent times*, is not at all leſs, in this reſpect, then was that of our *Saxon Anceſtors*: Their *Prelates* only were *Called* to their *Great Councils* then; and *Ours* are, in like manner, *Call'd* to our *Parliaments* now. *The* NORMAN *Times.*

CHAP. VI.

The Hiſtory of the Clergy, *and* Church *of* England, *continued from the Reign of King* William *the* Conqueror, *to the* xxiiid *of* Edward *the* Firſt: *In all which time it does not appear that the* Lower Clergy *were either wont to be Called to* Parliament; *or were accounted any* Proper, *or* Neceſſary Members *of our* Provincial Councils. *Dr.* A's Allegations *to the* Contrary, Conſider'd, *and* Anſwered.

Sect. 1.

WE are now come to the *Second Period* of our *Engliſh* Hiſtory: And concerning that, Dr. *Atterbury* tells us, [1] "The *Norman* Revolution made no "Change in this Reſpect: Tho' the *Conqueror* is known to have divided the Court "of the *Biſhop* and *Earl*, who before mix'd Juriſdictions, yet he continued ſtill "to *Aſſemble the Clergy Nationally* with the *Laity* here, as in *Normandy*; and united "them more cloſely than before, by his *New Tenure* of *Knight-Service*, which "obliged all Perſons that *held* of the *Crown*, whether *Spiritual* or *Temporal*, "Equally to attend his *Great Councils*. And to theſe therefore were Summoned, "not the *Biſhops*, and *Great Abbots*, alone, but many others alſo of the *Lower*, "and even of the *Undignified Clergy*; who as [2] *Domeday-book* ſhews, *held Lands* of "the *King* in every Shire, and to be ſure therefore were preſent together with "the other *Crown Tenants*, even in the Conquerors *Curiæ* held a-courſe at [3] the "Three Great *Feſtivals*; and Appear'd, no doubt, in greater Numbers, at his "more Full, and General Aſſemblies of *All* the *States* of the *Realm*. This is his next Aſſertion; and it muſt the more carefully be examin'd, becauſe we have here not only *Hiſtory*, but the Grounds of it too, delivered to us; and both repeated again and again in the ſeveral other parts of his Book, as if it were a Matter of Clear and Unqueſtionable Authority.

[1] Rights, p. 35, 36. Compare p. 74, 215.

[2] Comp. p. 296.

[3] Comp. p. 295.

The Point which he inſiſts upon is this; That the *Conqueror Aſſembled* the *Clergy* to *Parliament*, *Nationally*, here, as in *Normandy*. That to oblige them to a more *cloſe Attendance* upon it, he veſted 4711 KNIGHTS-FEES in *Parochial Churches*, beſides what were given to the *Barons Spiritual*; And that by vertue of theſe, all ſuch as held of him were obliged to be preſent in his Cuſtomary *Curia*, at the Three *Great Feſtivals*; and yet much more in the *Full* and *General Aſſemblies* of the *States* of the *Realm*. Now if in all this there be not one Word of Truth; if not only his Matter of Fact, as to all theſe things, be falſe, but his Arguing upon them Inconſequent; then I think we may conclude him to have given as diſingenuous an Account of the *Norman*, as he had before done of the *Saxon* Times; and that he is equally to be cenſured as, at leaſt, miſtaken in both.

That the Conqueror did not Aſſemble the *Lower Clergy* to his *Courts* or *Parliaments* here, ſhall be Fully, and Hiſtorically, proved by and by. In the mean time, let this Teſtimony of one who knew both *Him* and his *Court* very well, ſuffice to aſſure us of it; where ſpeaking of his Solemn Celebration of the three Great *Feſtivals*, he tells us; That then there were preſent at it, [4] Omnes *Optimates* per totam *Anglorum* terram; *Archiepiſcopi*, & *Diœceſani Epiſcopi*, *Abbates*, & *Comites*, *Thani*, & *Milites*. Theſe were the Perſons who came to theſe *Curiæ*; No *Inferior Clergy* were either required, or obſerved to have come (as he ſpeaks) a *Courſe* to them.

[4] Chron. Sax. on. p. 189, 190.

That the *Lower Clergy* were not Summon'd to his *Full*, and *General Parliaments*, let that very *Statute*, by which he divided the *Court* of the *Biſhop* and *Earl* ſhew; A *Statute* which this Author had certainly ſeen, and ſhould not have diſſembled

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the Authority by which it was made: It was [1] "Communi Concilio, & Con-
"silio, *Archiepiscoporum* meorum, & cæterorum *Episcoporum*, & *Abbatum*, & Om-
"nium *Principum Regni* mei. These are the very Words of that *Statute*: And
in the *Petition* of the *Clergy*, presented to King [2] *Edward* the *First*, containing the
Grævamina Ecclesiæ Anglicanæ, of which they desired a Redress, the very same
Account recurs; "Cum *Willielmus* dudum *Rex Angliæ* de Communi Concilio
"*Archiepiscoporum*, *Episcorum*, *Abbatum*, & Omnium *procerum* Regni sui. And if I
may be allow'd to this to add another Argument which Dr. *Atterbury*, I am sure,
ought not to except against from his Charter to *Battle-Abbey*, he tells us, that he
made it [3] "Assensu *Lanfranci Archiepiscopi Cant.* & *Stigandi Episcopi Ciceſtrensis*
(the one the *Metropolitan* of the *Province*, the other the *Bishop* of the *Diocese*,
in which it was founded) "& Consilio etiam *Episcoporum*, ac *Baronum* meorum.

[1] Selden. Not. ad Eadmer. p. 167.
[2] Ib. p. 168.
[3] Ib. p. 165.

These are good Presumptions, at least, that the *Lower Clergy* were not Called by the *Conqueror*, either to his *Solemn Courts*, or to his *Fuller Parliaments*; for so I must speak, tho' I confess, improperly, with this Author. That they were not Called by him to the *Parliaments* in *Normandy*, I appeal to his own Instance, the Council of *Lillebonne*, to prove against him. [4] The Authentick Acts of which thus tell us who were present at it, "*Sub ejusdem* Regis *præsentia*, "*præsente* Rotomagensi Archipræsule Willelmo, *Congregatis etiam* Episcopis, & "Abbatibus, Consulibus *quoq*; *& cateris* Normanniæ Principibus. As for his other Instance, it is of a proper *Ecclesiastical Synod*: And even that was held by the Archbishop of *Roven* and his Suffragan Bishops. They only acted Authoritively in it: "*Gulielmus Archiepiscopus*, says his own Author, aliiq; *præsules* Au-"toritate sua Corroboraverunt: And again, *Odo Bajocensis*, &c. præfatum Sy-"*nodum* sanxerunt. All that is said of the *Abbots* and *Clergy*, is no more than what is said, in an equal manner of the *Laity* too, that they were *present* at the *Sanction*; *Abbates* cum *Clero*, & *parte procerum*, adfuerunt.

[4] Concil. Labb. Tom. 10. Coll. 391.

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It is plain then that his Historical Account of these times, is not Good: Let us see whether the Grounds on which he builds, be at all better. As for the *Romance* of his 4711 *Knights Fees* vested in Parochial Churches; a very [5] Learned Man has shewn, that no such thing is affirm'd by the *Eulogium*, as we are sure that no such thing Occurs in the *Domesday-book*, to which he refers. Mr. *Selden* himself, from whom he borrowed this Instance, plainly understood it of the number of *Parochial Churches*, not of *Knights Fees* vested in such *Churches*. And for his Deduction from it, that by vertue of those *Fees*, the *Lower Clergy* were obliged to come to his *Parliament*; [6] Another Excellent *Author* has shewn him that he is out in that too. That it was not every *Knights Fee* that, in those days, either Obliged, or Entituled the Possessor, to Come to these Assemblies. That this was required only of such as held immediately of the King in *Capite*; and not of them neither, unless they had an *intire Barony*, to which, for the most part, a great many such *Fees* were necessary. This is indeed, the Truth; and it shews how utterly deceived this *Gentleman* has been in his Notions of these things: And with what little Success, he has entred upon the History of the *Norman* Times.

[5] History of *Engl.* Councils p. 135.
[6] Eccl. Synods, p. 241, &c.

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Let us see, how he proceeds, upon this Foundation.

[7] "At such (Assemblies) only, *Church Affairs* seem to have been transacted, "not at his Ordinary *Curiæ* (tho' some of the Clergy of all Ranks might be pre-"sent there) unless when these *Curiæ*, and those *Greater Councils*, were Coincident, "and the latter *Summon'd* to meet, *Extraordinarily*, at the same time that the for-"mer met a-course. As the Case was in that *Mixt Convention* at *Winchester*, "where *Stigand* was deprived; and in another at *Glouceſter*, where several Bishops "were made. What this *Author* proposes to himself, in transferring the most proper *Ecclesiastical Affairs*, from the *Synods* of the *Church*, to the *Civil Assemblies* of the *State*, I cannot tell: But I believe he is one of the first who has discovered, that in *William* the *Conqueror*'s time *Bishops* were Deposed, and others Chosen in their Room, by *Authority* of *Parliament*.

[7] Rights, &c. p. 36.

That this, in *Fact*, is not True, all the Histories of that time do clearly demonstrate. For the present I shall content my self to shew, in his own Instances alledged for it, that what he pretends was done in *Parliament*, was indeed done in a *proper Ecclesiastical Synod*; altogether distinct both in its *Nature*, *Summons*, *Members*, and even in *Time* it self, from the *Parliaments* with which he Confounds them.

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In 1070 King *William* the *Firſt*, kept his *Eaſter* at *Wincheſter*; and according to his Cuſtom, held his *Solemn Court* there. The *Wedneſday* following a [1] *Logantine Council* was Order'd to be held at the ſame *Place*, to Examine the Cauſe of the Archbiſhop *Stigand*, and of ſome other *Biſhops*, and *Abbots*, who were thought worthy of *Deprivation*. To this End *Mandatory Letters* were iſſued out by the *Popes Legats* to the *Biſhops*, to be themſelves in *Perſon* at *Wincheſter*, the *Third* Day after *Eaſter*, and to bring all the *Abbots* of their reſpective *Dioceſes* along with them. One of theſe *Summons*, directed to *Wulſtan* Biſhop of *Worceſter*, is ſtill remaining in a [2] *Book* Written by his Direction for the Uſe of his Church. And becauſe it is the moſt Antient *Conciliary Summons* I have yet met with, and will ſerve effectually to Convince this *Author* how much he has miſrepreſented this *Council*, in aſcribing that to the *Conqueror*, and his *Parliament*, which was done in a proper *Church Synod*, by the *Popes Legats*, with the *Biſhops* and *Abbots* of the *Engliſh Church*; I will here inſert a *Copy* of it.

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[1] *Spelm. Concil.* Vol. 2. p. 3.

[2] Bibl. Bodl. inter. Mſſ. Franc. Iunii. N°. 99.

ЄPISTOLA CARDINALIUm URBIS RÖmAЄ ADWLSTANUm ЄPISCOPUm.

I. & P. Pr'bri Cardinaleſ ſ'ci PЄTRI Wlſtano de Wihraceſtre Є'po Sal.

Licet Romana Aeccleſia circa correctionem omnium Chriſtianorum invigilare debeat. ſpecialiuſ tamen ea conuerſationiſ veſtræ moreſ conuenit inquirere. et Chriſtianam religionem quã uoſ primituſ inſtruxit diligentia ſuæ viſitationiſ reparare: Hujus itaq; ſollicitudiniſ debito noſ qualeſcunq; beati PЄTRI Apoſtoli miniſtroſ & uice atq; autoritate domini noſtri Papæ ALЄXANDRI fultoſ. ad parteſ veſtraſ direximuſ. ut Concilium uobiſcum celebraturi. quæ in uinea Domini Sabaoth male pullulant receſemuſ. & animarum & corporum utilitati profutura plantemuſ. Veſtram igitur fraternitatem in partem tantæ ſollicitudiniſ Apoſtolica autoritate inuitamuſ. ut tertia die poſt proximum Paſcha. remota omni Occaſione ad Winceſtram conueniatiſ. & omneſ Abbateſ Dioceſiſ u're oſtenſis hiſ literiſ noſtriſ vobiſcum venire commoneatiſ:

Thus was this *Synod* Aſſembled, and of theſe Perſons did it conſiſt. Being met, they firſt Degraded *Stigand* for Three Cauſes, all of them *Eccleſiaſtical*; then his Brother, the Biſhop of the *Eaſt Angles*; after that ſeveral *Abbots*; and all this after a *Conciliary manner*, in a proper *Church Aſſembly*, not in a *Parliamentary Convention*.

The ſame was the Caſe of his [3] other Aſſembly, which he no leſs falſely calls a *Mix'd Convention*. The King kept his *Chriſtmaſs* at *Glouceſter* with his *Lords*, and there held his *Court* Five days. After which the *Archbiſhop* and *Clergy* held a *Synod* for Three days. In this *Synod*, *Mauritius* was Choſen Biſhop of *London*; *William* Biſhop of *Norfolk*; and *Robert* of *Cheſter-ſhire*. This being done, the King laſtly held his *Parliament* with his *Lords*, and there agreed upon that *Survey* which was afterwards made of the *whole Realm*. This is the Account, which the *Saxon Chronicler* gives of this Meeting; and it ſufficiently proves, againſt this *Authors* Aſſertion, that there was a *Church Synod* held about the ſame time, but upon different *Days*, and by different *Perſons*, from that of the *State-Parliament*: And that what concern'd the *Church* was done in a proper *Eccleſiaſtical Council*, and not, as he is pleaſed to repreſent it, in a *Civil* or *Mixt Aſſembly*.

[3] *Sax.* Chron. p. 186. *An.* 1085.

To ſtate therefore the Caſe of theſe times, which this Author has ſo much either Miſtaken, or Miſrepreſented: King *William* the *Conqueror* kept the Three Solemn *Feſtivals* of the *Year*, with great State and Magnificence. [4] At thoſe his *Lords* and *Great Men* generally reſorted to his Court: And the better to Manage the *Great Affairs* of *State*, *Writs* were commonly iſſued out to them, to hold a *Parliament* with the *King* at thoſe times. The *Feſtival* being celebrated with Pomp, and Solemnity; at the day aſſigned the *Great Council* began. To this, as far as I can obſerve, none but thoſe who held of the King by *Barony*; his *Great Lords*, *Biſhops*, and *Prelates*, were Call'd. At the ſame time, if any thing were to be done in relation to *Church Affairs*, which fell not under the Cogniſance of the *Civil Aſſembly*; the *Archbiſhop*, with the King's Leave, ſometimes by his Command, ſent out his *Conciliary Mandates* for the Meeting of a *Church Synod*, at the ſame *place*, and about the ſame *time*, tho' on a different *day*, from that of the *King's Council*. Thus was both the *King* Royally Attended; and the Affairs of *Church* and *State* regularly and duly Managed, in their ſeveral Courts, and by thoſe to whom the Conſideration, and Determination of them did properly belong: And all this in an Orderly, and Diſtinct manner; firſt the *Feaſt* was

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[4] *Annal. Waverl.* p. 134.

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kept; then (if need were) a *Synod* was held; and laſtly a *Parliament* was Aſſembled; not in that Mix'd and Confuſed way in which this *Writer* repreſents all this to have been done.

Dr. *A.* having thus finiſh'd his firſt Romance of the *Norman Government*, goes on with the ſame Liberty and Truth, to point out to us the *Change* of it; and in that we are, indeed, beholden to him; for 'tis a Diſcovery that none of our Antient Hiſtorians have favour'd us withal; which may make ſome Perſons apt to think (upon his own [1] Principles) that no ſuch *Change* was made, becauſe that if there had, our Hiſtories would certainly have been full of it. But let us hear the Fable: [2] "How long exactly the *Saxon* Manner of *Mixt Councils* con-"tinued, is not eaſy to ſay; however that for ſeveral *Reigns* after the *Conqueſt* "it obtain'd, 'tis certain; and it is probable that the diſuſe of it might be-"gin towards the middle of *Henry* the *Second*; when the *Clergy*, we are "told, disjoyned themſelves from the *Laity* in every reſpect, and ſet up to be "Independent. And from [3] thenceforth the *Affairs* of the *Church* came to be "tranſacted in *Two ſeparate Provincial Synods*; In which, as he aftewards tells us, "[4] They *Attended* the *Parliament* under their ſeveral *Archbiſhops*: Which *Synods* "of the *Province* were held [5] Concurrently with the *Parliament Seſſions*, and ſo "it continued to King *Edward* the *Firſt's* time.

[1] Rights, &c. p. 307, 308.

[2] Ib. p. 36.

[3] Ib. p. 37.

[4] Ib. p. 38, 74, 215.

[5] Ib. p. 317.

Now that this muſt be all pure *Fiction*, is very certain; becauſe that I have already ſhewn, there never was any Ground for ſuch a *Change* as he here ſpeaks of. The *Lower Clergy* had no place in the *Conqueror's Parliaments*: The *Affairs* of the *Church*, which were properly *Spiritual*, were not tranſacted in his *State Aſſemblies*. Thoſe *Councils* were no more *Mix'd Councils* than our *Parliaments* at this day are; in ſuch, if the *Biſhops* ſtill continue to ſit as they did then; and ſeveral Matters relating to the *Church*, as it is a *Member* of the *State*, are Order'd and Determin'd now, as they were wont to be heretofore. To Point out therefore the time when a *Change* was made, where 'tis certain there was never any *Change* made at all, muſt be a meer Dream and Invention: And will ſerve for no other Uſe that I know of, but to vindicate to this Author the Character he ſeems above all things to affect, of *Walking* in *Untrodden Paths*; and making ſuch Diſcoveries as no one before him had ever attempted to do.

But this will better appear in the Courſe of thoſe Hiſtorical Allegations, which he offers in Proof of his Aſſertion: And to which I ſhall now apply my ſelf, after I have juſt put the *Reader* in Mind what the Points to be Proved are; Namely, 1*ſt*, That the *Lower Clergy* were *call'd* to the *Parliaments* of theſe *times*: 2*dly*, That in theſe *Parliaments*, or *Mix'd Councils*, the *Affairs* of the *Church* were wont to be tranſacted: 3*dly*, That this Method continued till about the *Middle of Henry the Second's time*: And, 4*thly*, That from thenceforth the *Clergy* ſeparated themſelves from theſe *Councils*, and from *One another*; and *Attended* upon the *Parliament*, in two *Provincial Synods*; till King *Edward* the *Firſt* brought them back again to the antient Method of coming *Nationally* to *Parliament*, by the *Præmunitory Clauſe* inſerted into the *Biſhops Parliament Writs* for that End.

KWILLIAM *the* Conqueror.

Sect. 7. 1070.

Theſe are the Points which he affirms, and in every One of which I look upon him to have been miſtaken. Let us ſee, how the Hiſtory of thoſe times lies; and whether it makes for him or me, in theſe particulars.

Why Dr. *Atterbury* omitted the *Great Councils* and *Synods* of the Year 1070, the firſt year that, for ought appears, the *Conqueror* began, in good Earneſt, to ſettle the Affairs of the *Church* and *State*, might deſerve to be enquired. Eſpecially when it ſhall be Conſider'd that the Account given, of *Archbiſhop Lanfranc's* Election, by the *Continuator* of the *Saxon Chronicle*, does at leaſt ſeem to favour his Cauſe, as much as any Authority he has alledged for it. He was Choſen, [6] ſays that Author, by the Elders of the Church of *Canterbury* with the *Biſhops* and *Princes*, the *Clergy*, and *People* of *England*, in the *King's Court*. But indeed, [7] at that time, no *Parliament* was held; and the other *Councils* both *Civil*, and *Eccleſiaſtical*, of that year, ſpeak ſo directly contrary to his Hypotheſis, that we ought not to wonder if he was willing rather to ſlip over one inſignificant Inſtance in ſilence, than to touch upon a year in which ſo much Buſineſs was done, and all in a manner intirely repugnant to his Repreſentation of theſe Matters.

[6] Chron. Sax. ad An. 1070. So *Gervas.* Col. 1653.

[7] Die Aſſumpt. B. V.

At

K. WILLIAM *the* Conqueror.

At *Wincheſter* that year the *Conqueror* kept his *Eaſter*; and thither on the *Third day* after, the *Popes Legats* Summon'd a *National Council* for *Church Affairs*. The Perſons call'd to it were *Biſhops* and *Abbots*; and in it they Degraded *Stigand*, and his Brother, Biſhop of the *Eaſt Angles*; and ſeveral *Abbots*, by a Canonical Procedure.

The *Synod* being over, the *King* held his *Parliament*; and there order'd an Enquiry to be made into King *Edwards Laws*, [1] "Conſilio *Baronum* ſuorum; or as Others have it, "Cum *Principibus* ſuis conſtituit. * Theſe were afterwards ſettled by the ſame Authority; poſſibly in the Council of *Pedrede*, about the End of this ſame year. In what *Council* it was that the Order was made for ſeparating the *Biſhops* and *Sheriffs Court*, I cannot certainly determine: But the Authority by which 'twas done, the Inſtrument it ſelf ſpeaks; It was made in one of his *Great Councils*, and by the Advice of his [2] *Archbiſhops*, *Biſhops*, and *Abbots*; and of all the *Princes* of his *Kingdom*; who were therefore the proper Members of them. This is again confirm'd by the *Charter* to *Battle-Abbey*, before mentioned; which is expreſly ſaid to have been made by the Counſel of his *Biſhops*, and *Barons*; as his *Laws* before had been.

[1] Chron. *Litchfeld. Hoveden.* fol. 342, 343, Leges *Henr.* I. p. 176. *M. Par.* p. 75.
* *Selden.* Tit. of Hon. part. 2. p. 580.
[2] *Spelm.* Concil. Vol. 2. p. 14.

At *Whitſuntide* following, the ſame year; the *Conqueror* kept his Court at *Windſor*; [3] and there diſpoſed of the *Biſhopricks* of *York* and *Wincheſter*. The next day *Armenfride* the *Popes Legate* held his *Synod* by the *King's Command*. There *Agelric* Biſhop of the *South Saxons*, and ſome other *Abbots*, were injuriouſly Degraded. But tho' the Perſons had not deſerved ſuch ſevere Treatment, yet the Proceſs was made in an *Eccleſiaſtical Council*; not in this Author's *Mix'd Aſſembly*.

[3] *Walt. Coventre* Mſ. ad An. *Spelm.* Concil. Vol. 2. p. 3.

Lanfranc being Choſen *Archbiſhop* of *Canterbury*; *Auguſt* the 15*th*, and Conſecrated the 29*th* of the ſame Month; Conſecrated, ſome time after, *Thomas Archbiſhop* of *York*. And then the Cauſe of *Wulſtan* Biſhop of *Worceſter*, in Behalf of the Revenues of his Church, which had been wrongfully transferr'd to the See of *York*, was brought upon the Stage in a *Parliament* of *Pedrede*, and there, as in a proper Court, determined. The Members of this Parliament are particularly Enumerated by many of our Antient Hiſtorians; *Archbiſhops*, *Biſhops*, *Abbots*, *Comites*, & *Primates*, totius *Angliæ*, ſay [4] ſome; Coram *Rege*, & *Doroberniæ Archiepiſcopo*, & *Primatibus* totius *Angliæ*, ſay [5] others: But that the *Inferiour Clergy* were ever called either to the *Councils* of the *Realm*, or to the *Synods* of the *Church*, not one of them, that I know of, has any where aſſerted.

[4] *Walt. Coventre* Mſ. ad An. *Hoveden.* fol. 260. *Sim. Dunelm.* Col. 260. *Flor. Wigorn.* ad An.
[5] *Spelm.* Concil. Vol. 2. p. 4.

But what we cannot find in this buſie year, we may perhaps meet with in our next ſtep; the moſt early Inſtance offer'd to this purpoſe by Dr. *A.* 1072. out of a *Cotton* Mſ. "Convenerunt ad Regalem Curiam, apud Civitatem *Wentanam* "in *Paſchali Solempnitate*, *Epiſcopi*, *Abbates*, *Cæteri* ex Sacro & Laicali Ordine; and under theſe ſome of the *Inferior Clergy* he thinks muſt be comprehended. And yet in that very Mſ. of which he ſpeaks, no others but *Biſhops* and *Abbots* are mentioned, in the whole Courſe of the Cauſe between the two *Archbiſhops*, the great Point in Debate, both at *Eaſter* and *Whitſuntide*. [6] "Ex præcepto *Alexan*- "*dri* Papæ, annuente Rege, in præſentia *ipſius*, & *Epiſcoporum* atq; *Abbatum*, ven- "tilata eſt Cauſa de Primatu—— apud *Wentanam* Civitatem, in *Paſchali* Solemni- "tate; poſtea in Villa Regia, quæ vocatur *Windleſore*, ubi & finem accepit in "præſentia *Regis*, *Epiſcoporum*, *Abbatum* diverſorum Ordinum, qui Congregati "erant apud Curiam, in feſtivitate *Pentecoſtes*, Says the *Cotton* Mſ. In the Pre- "ſence of the *King*, the *Biſhops*, and *Abbots*, ſays [7] *Malmsbury*. And in another of the [8] *Cotton* Mſſ. where the whole Agreement is Recorded, with the Subſcriptions to it, we find no others. The ſame *Inſtrument* is preſerved with the Subſcriptions in the Hiſtory of [9] *Ingulfus*; and the Subſcriptions, as well as body of it ſhew, that no others of the Clergy were concern'd in this Accommodation. [10] *Rad. de Diceto* gives the ſame Account of it: So do other of our Writers. [11] When therefore the *Cotton* Mſ. ſpeaks of the *Cæteri* ex *Sacro* & *Laicali Ordine*; (which words are likewiſe the very ſame in the Epiſtle of [12] *Lanfranc* to *Pope Alexander*, concerning this Meeting;) We are not to take them for proper Members either of the Conquerors *State Council*, or of the *Legats Eccleſiaſtical Synod*, (for ſuch indeed this Meeting after all was) but as Perſons admitted to be preſent at the Debate, which in ſuch Caſes was not unuſual to be done. But the *Members* of this *Council*, who *heard*, and *determined*, were the *Biſhops* and *Abbots*: Theſe only Judged in this Caſe, and therefore both

[6] Bibl. *Cotton.* Cleopatr. E. 1.
[7] *Malmsbur.* de Geſt. Pontific. Lib. 1. fol. 111. b.
[8] *Spelm.* Concil. Vol. 2. p. 6.
[9] *Ingulf.* Edit. Oxon. p. 92.
[10] Script. X. Col. 484.
[11] *Labb.* Concil. Tom. 9. Col. 1211.
[12] Ib. Col. 1213.

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in the *Inſtrument* of *Agreement*, and in the *Relations* of our *Hiſtorians*, theſe only are taken Notice of as preſent at the hearing of it.

I ſhall perhaps be thought to go a little out of my Way, to take Notice, that theſe were the Members who, this ſame year, Aſſembled in the [1] Council of *Rouen*: But this Author at leaſt ought not to complain of it, who has himſelf appealed to the *Synods* of that Country, for the Conſtitution of thoſe of our own.

[1] Labb. Concil. Col. 1225, 1229.

Sect. 9. 1075.

In 1075, Archbiſhop *Lanfranc* Summoned a [2] *National Synod*: In that, not in any *Mixt State Council*, he renew'd ſeveral of the Antient *Canons*, which concern'd the Diſcipline of the Church. And tho' in ſome Copies of that Council to the *Biſhops* and *Abbots*, there be added *Other Religious Perſons* as preſent there; yet did the *Prelates* only *Subſcribe* to it, and thereby approve themſelves to have been alone the *Authoritative Members* of it.

[2] *Spelm.* Concil. Vol. 2. p. 9, 10, 11.

1076.

Who they were that met in the [3] *Synod* of *Wincheſter* the next year, we do not diſtinctly find. But there again, in oppoſition to this *Author*'s Notion of *Mix'd Aſſemblies*, we ſee a *Church Synod* tranſacting the *Church Affairs*: And tho' probably the King held his *Court* at the ſame time there, as he was wont to do at the Feaſt of *Eaſter*, yet the *Archbiſhops Council* was as diſtinct from this *Parliament*, as on other Occaſions I have before ſhewn it to have been.

[3] *Spelm.* Concil. Vol. 2. p. 13.

1077.

The next year following the King kept his [4] *Chriſtmaſs* at *London*. The Perſons who attended him were the *Archbiſhops*, and *Biſhops*, and *Princes* of different Ranks, and other Eminent Men; who together Confirm'd a Charter to *Weſtminſter Abbey*; and, in a State-body, joyned in their Subſcriptions to it. But here therefore our [5] Author makes his Advantage: He tells us that it was a *Mix'd Meeting* of the *Temporalty* and *Spiritualty*; and that as to the *Spiritual part* of it, thoſe who the moſt Reſtrain the Words, yet allow that they muſt be underſtood to take in *Deans*, *Archdeacons*, and *other Dignified Perſons*, of the *Clergy*.

[4] *Spelm.* Concil. Vol. 2. p. 14.

[5] Rights, &c. p. 296.

That this was a *Parliamentary Aſſembly*, I readily agree: The *Perſons* of whom it was compoſed; the *Buſineſs* which they did; and the *Time* at which they met, all agree to it. It was held within the *Octaves* of *Chriſtmaſs*, and both the *Biſhops* and *Lords* are expreſly ſaid to have been preſent at it. Nor is it deny'd but that Dr. *Brady*, (whom as if he were ſome New *Smectymnuus*, he alone means by THOSE,) did ſuppoſe that upon ſo extraordinary an Occaſion as he thinks that *Parliament* met about, the *Dignitaries* of the *Church*, which this Author has mentioned, might be Summon'd to it. But how juſtly thoſe Words *Illuſtrium Virorum Perſonæ*, & *Regni Principes*, can be ſtretched to ſuch a Signification may nevertheleſs deſerve a further Conſideration. That ſomething extraordinary Relating to the Church was to be done at that *Parliament*; and that for this ſome more Perſons were cited to come to it, than were wont to be Summon'd on other Occaſions, it is not improbable. But who the *Perſons* ſo ſent for were; after what *manner* they were *called* to it; or what the *Buſineſs* was which they met about, we are no where inform'd; nor can any thing therefore be concluded as to this Matter, with any clearneſs, or certainty, concerning it.

Sect. 10. 1081.

In the Year 1081, came on the famous Caſe between the Biſhop of *Theodford*, or *Norwich*, and the Abbot of St. *Edmundsbury*; which we are told was determined in *Parliament*, and (if true) will afford us a clear Account of the Perſons by whom it was adjudged. Of this we have two diſtinct recitals in the Inſtrument which was made upon it: They were, of the *Church ſide*, *Archiepiſcopi & Epiſcopi*; but then, as under the General Word *Fidelium*, we muſt take in all the *Baronage* of the *Laity*, in one Place; and all under the Degree of *Comites* (who alone are particularly ſpecified) in the other; ſo the Subſcriptions ſhew, as well as the nature of their *Tenures*, aſſure us; that we muſt comprehend under it, the *Regular Prelates* of the *Eccleſiaſtical State* alſo: Who therefore without any others (except *Bernard Capellanus Regis*; who by his Place, and Dignity, is ſet before all the Abbots) alone Subſcribed to the Determination.

Monaſticon *Anglic.* Vol. 1. p. 288, 289.

Theſe were the Perſons of whom that *Parliament* conſiſted; and whom therefore the Hiſtorian, from the Inſtrument its ſelf, aptly calls the *Principes Terræ*. And when, in the 23d. of *Edward* 3d. the Biſhop of *Norwich* was impleaded for Acting contrary to this Deciſion, our *Reports* ſpeak of it as a *Parliament*; and ſay that therein it was ordain'd by the *King*, the *Archbiſhop* of *Canterbury*, and by all the other *Biſhops*, *Counts* and *Barons*; under that laſt title, comprehending the *Eccleſiaſtical* as well as *Lay Barons*; and ſo interpreting to us the

Word

Word *Fideles*; which whatever it may ſeem to import now, yet then extended to no others on theſe Occaſions, but to the *Barons*; the only *Members* of *Parliament* in thoſe days. K WILLIAM *the* Conqueror.

Let me obſerve yet one thing more before I leave this Inſtance: That in reciting the Placing of Monks by [1] King *Cnute* in this *Abbey*, the Inſtrument ſays he did it, "*Communi Conſilio* Archiepiſcoporum, Epiſcoporum, & Optimatum *ſuorum*. And in another Inſtrument out of a *Regiſter* of the ſame houſe, *Cum aſſenſu & decreto Regni ſui* Dominorum Spiritualium & Temporalium *in ſuo* pleno Parliamento: Which ſhews that the Caſe was the ſame before the *Conqueſt*, that it continued to be after; and that the *Lower Clergy* had no manner of place in the *Parliament* of the *Realm*, in the one time, or in the other. [1] Monaſticon. Ib. p 289, 290, 295.

Whether this cauſe was again renew'd the year following, I cannot ſay; but by the Account of that Learned, and Honorable Gentleman [2] Sir *Robert Cotton*, ſo it ſeems to have been: Who tells us that in the "Year 1082, the *King*, the *Archbiſhops*, *Biſhops*, *Abbots*, *Earls*, the *Chief Nobility* of the *Kingdom* preſent (for ſo "are the Words of the Records) the Cauſe between *Arfaſt* Biſhop of *Norwich* "and *Baldwine Abbot* of *Bury* was argued. 1082. [2] *Cotton*. Poſthuma. p. 47.

Dr. *A.* having thus ſilently paſs'd over all theſe Inſtances which make clearly againſt him, comes now in one of the following Years, to pitch upon an obſcure paſſage which he thinks may be manag'd ſo as to ſeem to ſpeak for him. And, indeed, 'tis by ſuch doubtful, and dark Inſtances as theſe, or by none at all, that his Principles muſt be ſupported. [3] "Whether more of the *Clergy* than theſe "(his *Knights Spiritual* of whom he ſo much Romances) even ſome of thoſe who "held in *Frank Almoigne*, might not be preſent at that *Extraordinary Convention* at "*Sarum*, to which all the *Terrarii*, or *Land-holders* of note in *England*, repair'd, "cujuſcunque Fœdi fuiſſent,—— may (he ſays) be worth an Enquiry. I cannot tell for what reaſon it may be worth it, if it were not a *Parliament* (as indeed it was not) but as he truly calls it an *Extraordinary Convention*; and for that very Reaſon, nothing to the Buſineſs in hand. But however to gratify him, I will Enquire into it, little as it is to the Purpoſe; and then ſhew ſome Regular *Parliaments* held theſe very Years, which would have been certainly to the purpoſe, tho' not to his Advantage, to have been taken notice of. Sect. 11. [3] Rights, pag. 297.

The Hiſtory to which he refers is plainly this. [4] The Conqueror having held his *Court* at *Weſtminſter*, and there at *Whitſuntide*, made his Son *Henry* a Knight: Aftewards took his Progreſs into ſeveral parts of the Realm, and ſo order'd his Journey as to be at *Salisbury*, *Auguſt* the 1*ſt*. [5] Thither he had commanded all his *Archbiſhops*, *Biſhops*, *Abbots*, *Earls*, *Barons*, *Sheriffs*, with thoſe who held by *Knights Service* of them, to come before him: Where being Aſſembled, he cauſed all the *Knights* of his *Barons* to Swear Fealty to him, as their Chiefs, upon the Account of their Tenures, had themſelves before done. 1087. [4] Chron. Sax. *An.* 1087. [5] *Florent. Wigorn. ad An.* 1086. *Chron. Sax.* p. 187. *Brompton. Col.* 979. *Hoveden.* fol. 79.

This is the Account which our Ancient Hiſtories give us of this Meeting: And from this the Anſwer to his Queſtion is plain and certain: No *Land-holders* were Summon'd, but ſuch as held by *Knights Service* under the *Kings Barons*. And theſe met to *Swear Fealty* to him; as well as their *Lords*: And therefore none of thoſe *Clergy* who held in *Franc Almoign*, were either Summon'd to this Meeting, or had any thing to do at it.

To clear this Matter a little farther, I muſt obſerve, that not long before this Meeting, the *Conqueror* had order'd the famous *Survey*, of which ſo much is ſaid in our Hiſtories, to be made of the whole *Realm*. Upon the taking whereof, ſeeing how many held by a *Subordinate Tenure* from his *Barons*; he reſolved that not only the *Lords* themſelves ſhould do their *Homage* to *Him*, but their *feudatory Knights* too; and *Swear Fealty* to himſelf, as the *Supreme Lord*, as well as to them.

But can this *Author*, in good Earneſt, make a doubt whether the *Clergy* who held by *Frank Almoign*, might not have been comprehended under the *Feudal Tenants*, who were here called to this Extraordinary Convention? If ſo, I ſhall only beg leave to ſay that he Quoted that which he never Underſtood; a misfortune that I doubt has attended him more than once in the courſe of this preſent Work.

From what has been ſaid, it appears, that neither was this *Meeting* a *Parliament*, nor, if it were, were any of the *Lower Clergy* called to it; unleſs we ſhall make an Exception for his *Pariſh Prieſts* who held by *Knights Service*; and who indeed, in that Capacity might have been obliged to come to it. Let us ſee who were the true Members of the *Parliaments* of the ſame Years.

In

K. WILLIAM *the* Conqueror.

Sect. 12. 1084.

[1] In the 18th of *William* the *Conqueror*, a *Charter* was Signed to the Church of *Durham*, in *Council*. The Persons present were the *Bishops* and *Barons*: So the Instrument speaks; And so the Subscriptions prove it to have been. 'Tis true among those who subscribed, three there are under the Name of *Capellani*, *Mauricius*, *William*, and *Robert*; who the next year were every one made *Bishops*; the first of *London*, the second of *Norwich*, and the third of *Chester*. And this as it shews them to have been all Men of Great Eminence at Court, so from what has been before said of the *French Parliaments*; we may conclude, That they had their Great Offices there; for which by their Places (as the great *Lay-Officers* also were) they were call'd to the *Councils* of the *Realm*, and admitted to a *place* in them.

[1] *Monasticon. Angl. Vol.* 1. p. 44. *Comp. Chron. Saxon.* p. 207.

1085.

[2] The year following, the King kept his *Christmass* at *Glouceſter* with his *Princes*: And after that held his *Parliament* with the same *Princes*; as the *Saxon Chronicle* informs us.

[2] *Chron. Saxon.* p. 186.

I have now pass'd thro' the *Conqueror*'s Reign; and seen all that Dr. *A.* has been able to pick up from our Histories to make good his Two Assertions, * that the *Lower Clergy* were *Members* of the *Parliaments* of his time; and, * that in those *Mix'd Councils*, the *Affairs* of the *Church* were transacted. I may add, and all that he could find in the next Reign too; out of which he brings not so much as one single Proof in favour of his Opinion. And I shall leave it, upon the Evidence produced, to the Judgment of Mankind to determine, whether, in Opposition to both, it does not plainly appear, that only the *Great Men* of the *Church*; such as *Bishops*, and *Prelates*, were called to the *Parliaments* of those days; and whether any *Affairs* of the *Church* were then transacted in *Parliament*, except what have ever been, and still are done there; I mean such Affairs as are of a *Mix'd Nature*, and relate to the Church as it is a Part, and Member of the State; and is incorporated with it.

King WILLIAM *the* IId.

But tho' Dr. *A.* has thought fit to pass over in silence the whole Reign of King *William* the *Second*; I shall take the Liberty to insist very briefly upon it; and to produce such Instances as may suffice to shew, that neither in his time had this Gentleman's *Lower Clergy* any place in the *Courts* of the *King*, or *Parliaments* of the *Kingdom*.

Sect. 13. 1095.

[3] In the Year 1095, the King kept his *Whitsuntide* at *Windsor*, and all his Lords with him. Upon some stirs in the Realm, he had before *Christmass* set forth a Threatning Edict, by which he commanded all who held any Lands of him, to come at the Feast to his Court, if they meant to enjoy his Peace: But neither then were any Others Summon'd to it.

[3] *Chron. Sax.* p. 202, 203.

[4] This *Christmass* was kept by the King at *Windsor*: In *August* 1097; he held a Solemn *Parliament*; in which the Controversy with *Archbishop Anselm* came on; and of which it will be necessary to give such an Account, as the present Argument requires.

[4] Ibid.

1097.

Anselm having desired Leave to go to the *Pope* for his *Pall*; and the King not only refusing him Leave, but declaring that he could not at once both keep his Fealty to him, and against his Will pay Obedience to the *Pope*; [5] Pray'd the King that the Determination of this Matter might be left to the *Bishops*, *Abbots*, and *Princes* of the *Realm*, when they should Meet together. The King agreed to it, and a Parliament was held the 5*th* of the *Ides* of *March*, *Anno* 1094, at *Rockingham Castle*, to Deliberate of this Affair: And by the King's Command *Totius ferme* Regni Nobilitas, were Assembled to it.

[5] *Edmer. Hist. Nov.* p. 26.

Of whom this *Nobility* consisted, the *Acts* of the *Parliament*, presently, tell us: They were *Bishops*, *Abbots*, and *Princes* (or *Lay-Barons*:) 'Tis true the Relator adds, that there was, besides these, a numerous Multitude of *Monks*, *Clerks*, and *Laity*, standing by, to see the Event of this Cause: But that these were *Members* of *Parliament*, I believe this *Author* himself will not affirm. [6] "*Anselm* "being resolved what to do, and the King enraged at it, advised with his *Bi*- "*shops*, and *Princes*, what Answer to make to him. Then the *Bishops* and *Princes* "went in the *King's* Name to *Anselm*. And again, the *Lords* with certain of the "*Bishops*, came to him.

[6] Ib. p. 28 31.

The Result was, that the Determination of this Matter should be put off to another *Council*, and in the mean time, Peace should be kept between the *King* and the *Archbishop*.

The

K. WILLIAM *the* IId.

[1] The year after at *Whitſuntide* 1095; the Cauſe came on again at *Windſor*: There we meet with the *Biſhops* and *Princes* again Managing of it; but of any others we find no mention. Here an Agreement being again for the preſent made up between them, he was admitted to the King's Speech, in the preſence of his *Lords*, and of a Multitude that was gathered together.

[1] *Ibid.* p. 33, 34.

[2] After this in the Month of *Auguſt* 1097, a full *Parliament* was held to conſider of the State of the Kingdom. It conſiſted of the *Biſhops*, *Abbots*, and *Lords* of the *Realm*. There the Archbiſhop repeated his Deſire of going to *Rome*, and was again refuſed by the King.—— But I ſhall not purſue this Affair any farther. From what has been ſaid, it appears who were the Members both of the Solemn *Courts*, and *Parliaments*, of this King; at both which, tho' a Multitude of others came together (as on ſuch Occaſions there never fails to be a Crowd of Perſons attending:) yet the proper *Members* of *both* were only *Prelates* and *Lords*; as from the Inſtances before mention'd does, I think, ſufficiently appear.

[2] *Ibid.* p. 38. *Comp. Selden. Tit. of Hon. par.* 2. p. 581.

King HENRY *the* Iſt.

Sect. 14.

In all the laſt Reign, we met with no proper *Eccleſiaſtical Synod*; in this the very firſt year begins with one; and thereby ſufficiently ſhews that the *Spiritual Affairs* of the Church were not *debated* of, or *determined*, in Dr. *A*'s *Mix'd Aſſemblies*, but in proper *Eccleſiaſtical Councils*. *King Henry* being deſirous to Marry *Mathildis*, Daughter of *Malcolm* King of *Scotland*; an Objection was raiſed, that ſhe had been Vailed in the Monaſtery of *Wilton*, and therefore could not lawfully be Married. [3] To determine the Queſtion, *Anſelm* call'd a *Synod* to meet at *Lambeth*. Upon the day appointed there came together *Epiſcopi*, *Abbates*, *Nobiles* quiq; ac *Religioſi* Ordinis *Viri*. Theſe are afterwards called in general *Eccleſia Angliæ*: And the Decree of this *Synod*, is by *Anſelm* himſelf ſaid to have been made *per Epiſcopos* & *Religioſas Perſonas*. By the *Nobiles quiq*; therefore we are not to imagine that any of the *Laity* were meant; but rather muſt conclude that it is there ſet to denote the Eminence of thoſe who were called to this *Synod*; that they were the *Biſhops*, and *Abbots*, and other *Heads* of the *Religious Houſes* in *England*.

[3] *Eadmer. Hiſt. Nov.* p. 57. *Knyghton, Celebrato Londoniæ Pontificum Concilio. Col.* 2375.

And as this ſhews that none of the *Inferior Clergy* were yet Summon'd to the *Synods* of the *Church*, ſo the next year will prove, that neither were they called to the *Councils* of the *Realm*. [4] At *Wincheſter* the King kept his Court, and that, ſays a Contemporary Author, "*Epiſcopis*, terræq; *Principibus*, ſub uno coactis. At *London* (as I conceive) the year following, he held his Council, adunatis *Principibus Regni*, ſays the ſame Hiſtorian. Sometimes we are told diſtinctly who theſe *Principes* were, viz. *Epiſcopi*, *Abbates*, & *Proceres*; *Epiſcopi* & *Primates*; *Epiſcopi*, *Abbates*, & *Nobiles*; but no where are any other of the Clergy named, as proper Members of theſe *State Councils*; as the [5] Induction made of this Matter, and never yet Refuted that I know of, plainly ſhews: And to which alone it might ſuffice to refer this *Author*, for anſwer in this Caſe.

[4] *Eadmer. Hiſt. Nov.* p. 62.

[5] Dr. *Brady's Introd. Append.* P. 54, 55, 56.

But that I may not ſeem to decline a more particular Proof, I ſhall enlarge the Authorities of this kind, and omitting the Collection of that Learned Perſon, inſiſt only upon ſuch Others, as have been overlook'd by him.

Sect. 15. 1101.

Anno 1101, we have a very particular Account which pretends to be as old as the Meeting it ſelf, of the *Parliament* which ſate in *September* that year. The Relation ſtands thus in [6] Mſ. Regiſtry of the *Priory* of *Norwich*: "Herbert *Biſhop of that See, coming to the Parliament of our* Lord *the* King, *where the* Archbiſhops, Biſhops, Abbots, *and* Lords *of* England, *and* Great Men *were* Aſſembled; *by the Conſent of the* King *and* Queen, *and of* Anſelm *then* Archbiſhop *of* Canterbury, *and of the* Biſhops, Abbots, *and* Great Men, *made another* Charter *(for the Foundation and Dedication of that Church) to which they conſenting Subſcribed*—— *at* Windſor. The Subſcribers were, the *King* and *Queen*; the *Archbiſhops* of *Canterbury* and *York*; Eight *Biſhops*; beſides the *Pope's Legat*; Eleven *Earls*, and *Lords*; Seven *Abbots*; and Four *Clerici*. Who theſe *Clerci* were, it matters not much to Enquire. It is enough that the Relation expreſly ſpeaks of the *Archbiſhops* and *Abbots* only as the *Spiritual Members* of that *Parliament*; and that the Number of thoſe *Clerici*, ſuppoſing them to have been of the *Lower Order* of *Eccleſiaſticks*, (which yet does not appear) was too ſmall to repreſent, in any wiſe, the *Clergy* of the *Realm* in *Parliament*; and might be Witneſſes only for the *Church* of *Norwich*, or might be in ſome place about the *Parliament*, or might upon ſome other account happen to be there, which we neither can diſcover, nor need to be concern'd about.

[6] *Regiſt. I. Priorat. Norwic.* Mſſ. *fol.* 19.

[1] At

King HENRY the I*st*.

[1] At *Michaelmaſs*, the year following, there ſeems to have been another Aſſembly of the *Civil*, and together with that, a *Synod* of the *Eccleſiaſtical State*. [2] Some, indeed, of our Hiſtorians take no Notice at all of any but the *Church Council*; which they tell us *Anſelm* held in St. *Paul*'s Church with his *Suffragan Biſhops*, the *King* being alſo preſent. But others, more exact, ſpeak of the *State-Meeting* too. [3] That at the Feaſt of St. *Michael*, the King was at *Weſtminſter*, with all the *Great Men* of the *Land*, both of the *Clergy* and *Laity*: And that, at the ſame time, the *Archbiſhop* held a *Church Synod*, of ſuch Matters as pertained to Religion. The Caſe ſeems plainly to have been this: [4] "The 27*th* of *September*, *Anſelm* held his *Council* at St. *Paul*'s, *London*. This laſted two days. The third, being, *Michaelmaſs-day*; the *Parliament* began at *Weſtminſter*, at which the *Principes Regni*, as well of the *Clergy*, as *Laity*, were preſent.

But this is not all: The Hiſtorians who omit the *Parliament*, give a defective Account of the *Synod* it ſelf too. They tell us that the *Archbiſhop* held it with his *Suffragan Biſhops*. But the others are more particular; [5] They ſay with *All* the *Biſhops* of *England*: And expreſly name the *Archbiſhop* of *York*, as being Perſonally preſent at it.

I have been obliged to give the more diſtinct Account of this years Meeting, becauſe that [6] one of our beſt Hiſtorians, ſeems wholly to have omitted the *Seſſion* at St. *Paul*'s, *London*; and only to have taken Notice of the Publication of the *Acts* of it, which was made, as I conceive, at St. *Peters Weſtminſter*. The *Archbiſhop* was deſirous that the *Conſtitutions* of this *Synod* ſhould have their due Weight, and by that means a ſuitable effect. To this end, he ſolemnly recited before the *Lords* at *Weſtminſter*, as I have ſhewn, I think, with great probability, and from good Authority, what had before been Decreed by *himſelf*, and the *Clergy* alone in *London*.

The want of this Care has led Dr. *A.* into a fancy that there is ſomewhat in this inſtance very full to his purpoſe; whereas in truth, it is not poſſible to imagine any thing more directly oppoſite to his Principles. [7] *In* Henry *the Firſt's time*, (ſays he) *a* Parliament *met at* London: *And there the* Spiritualty *went a-ſide and made ſeveral* Eccleſiaſtical Conſtitutions. I wiſh he had told us where he found this *Extraordinary Circumſtance*. [8] *Eadmer*, whom he Cites, is ſo far from ſaying any ſuch thing, that he expreſly ſays the *Lords* were preſent at the Aſſembly.

[9] "The *Lower Secular Clergy* therefore were there, whoſe *Conſent* to the fra"ming of *Canons*, was requiſite. That their conſent was requiſite in this Caſe, this Gentleman knows is utterly deny'd; and to ſuppoſe it without Proof, is to beg the Queſtion. Let us ſee therefore how he makes it out in the Inſtance before us.

"*And ſo* Hemingfords *Relation of it plainly implies*, "*Statuerunt* (ſays he) *Archie*"*piſcopi, & Epiſcopi, cum Clero* —— *Which word* Clerus *when oppoſed to* Archbi"ſhops *and* Biſhops, *muſt ſignify ſome of the* Inferiour Seculars, *or* Regulars, *and* "*not meerly* Abbots, *and* Priors. What the word *Clerus* in that Caſe ſignifies, ſhall in due time be Conſidered: In the mean while this *Author* may pleaſe to know, that *Hemingford* has not ſaid one word of this *Synod* at all; but ſpeaks of another which was held about four or five years later, after a Journey of the *Archbiſhops* to *Rome*, and the *Popes* deciſion as to the Point of *Inveſtitures*, brought back by him from thence.

The Hiſtory is plainly this: [10] The King being Reconciled to *Anſelm* in *Normandy*, and the Buſineſs of *Inveſtitures* agreed between them, upon the *Firſt* of *Auguſt*, *Anno* 1107, a *Parliament* was held for the full ſettling of that Matter. The Meeting is thus ſtiled by [11] *Eadmer*, and the reſt of our Hiſtorians, "Conventus "*Epiſcoporum, Abbatum, Procerum Regni*: No others were either call'd to it, or Acted in it.

The year following, 1108, the King applying himſelf to the Regulation of ſeveral Diſorders in the *State*, conſider'd how to Remedy thoſe of the *Church* too. In order whereunto having called together all his *Great Men* to his *Court* at *Whitſuntide*, [12] he treated with the *Archbiſhop* and *Biſhops* how to oblige the *Clergy* to part with their *Wives*, and to live Chaſtly; and promiſed to ſupport them by his Royal Authority in the redreſſing of this ſuppoſed Crime. Upon which the Two *Archbiſhops* and all the *Biſhops* of *England*, in the Preſence of the *King*, and with the Aſſent of the *Baronage*, decreed that *Presbyters*, *Deacons*, and *Subdeacons*, ſhould live *Chaſtly*, &c.

This

[1] *Spelm. Concil. Vol.* 2. p. 23. &c.
[2] *Mat. Paris.* p. 58. *Mat. Weſtminſter.* p. 236.
[3] Chron. Sax. Flor. Wigorn. *Annal. Waverl. Walt. Coventre. ad Annum. Sim. Dun. Col.* 227. *Hoveden. fol.* 269.
[4] *Annal. Margan.* p. 3.
[5] *Angl. Sacr. Vol.* 2. p. 687.
Sect. 16.
[6] *Eadmer.* p. 67.
[7] Rights p. 297.
[8] *Eadmer. Hiſt. Nov.* p. 67.
[9] Rights p. 297.
Sect. 17.
1107.
[10] *Malmsbur. fol.* 92. b. *Spelm* Concil. *Vol.* 2. p. 28.
[11] *Eadmer* p. 91. *Hoveden. fol. Sim. Dunelm. Col.* 230. *Rad. de Dicet. Col.* 500. *Flor. Wigorn. Walt. Coventre ad Ann.*
1108.
[12] *Eadmer.* p. 95. *Sim Dunelm. fol.* 231. *Spelm. Concil.* 2 *Vol.* p. 29.

This is the whole of that Meeting, as related from the very [1] *Acts* of it: Let us see what *Walt. Hemingford* says, to Intitule the *Inferiour Clergy* to any part in it. "Statuerunt, [2] says he, *Archiepiscopi & Episcopi, cum Clero.* And *Clerus* being there opposed (he might more truly have said added) to *Archiepiscopi & Episcopi* must signify some of the *Inferiour Clergy*, and not meerly *Abbots*, or *Priors.* This Author will Excuse me if I cannot yet see the Necessity of any such signification. The Word is general, and the the Nature of the Meeting must, in all reason, determine the sense of it. Now that was a *Parliamentary Assembly.* In such Assemblies I have before shewn, only the *Prelates* (and such *Clergy-men*, if any such there were, who held of the *King* by *Barony*) were concern'd: And it will be much more reasonable to apply it to those, to whom alone it belong'd to come to those *Councils*, than to such of whom it is yet to be proved, that ever they came, in those times, to them.

King HENRY *the Ist.*

[1] Apud *Walt Coventre* Mss. ad Ann. *Flor. Wigorn.* ad Ann.

[2] *Walt. Hemingford* p. 470.

But not to insist upon this Matter; The truth is, *Hemingford* as he stands alone, so was he mistaken in his Relation: The Antienter *Historians*, and the very [3] *Acts* of that Meeting, transcribed by them, speak plainly, and fully, to us. They tell us who were present at it, and that without all Obscurity or Ambiguity of Expression. They were the *Majores Regni*, whom the *King* called to his *Parliament*; they were the *Archbishops*, and *Bishops*, who with the Consent of the *King* and his *Barons*, made these Decrees in it. In this only the present Instance seems to favour this Gentleman's Hypothesis, that this order about the *Manners* of the *Priests* was made by the *Bishops* in *Parliament*: Who yet did not go aside for this End; but, in *Open Council* agreed to these *Constitutions.*

[3] In Ms. *Lambeth.* fol. num. clxxi.

Fom this *Parliament* Dr. *A*—— makes a large step of Fourteen years forward, before he can meet with any thing more to his Purpose: Tho' there wanted not many *Parliaments* within that Compass to have been taken Notice of; and of which an Account, expresly contradictory to his Assertion, had been given by another hand. [4]

Sect. 18.

[4] Dr. *Brady's* Introd. Append. p. 55.

To say nothing of the Assembly at [5] *Burne*, *Anno* 1114, at which were present with the King, the *Archbishops*, *Bishops*, and all the *Nobility* of *England*: The *Parliament* at *Salisbury* two years after, has made a great Noise in our Histories, and very full Accounts have been given us of it. The Controversy between the Two *Archbishops* was heard by it; and the Persons concern'd are by all agreed to have been the [6] *Optimates* & *Barones*; [7] *Comites* & *Barones*, as another has it; *Episcopi*, *Abbates*, & *Principes* totius Regni, says [8] *Eadmer*: And lastly, to let this Gentleman see what *Clerus* signifies in [9] *Hemingford's* Chronicle; *Comites*, *Barones*, cum *Clero*; the *Bishops* and *Abbots* before mentioned, not his *Inferior Priests*; of which there is not the least footstep to be found, in any of our Antient Histories.

[5] Chron. Sax. ad Ann.

[6] *Walt. Coventre* Ms ad An. *Flor. Wigorn.*

[7] *Sim. Dunelm.* ad An. *Hoveden.* fol. 271. *b.*

[8] *Eadm.* p. 117.

[9] *Hemingford.* p. 473.

The King this same year kept his *Christmass* at St. *Albans*; And was present at the Dedication of the Great Church made upon *Innocents-day* there. [10] The Persons who attended upon him were the *Archbishops*, *Bishops*, *Earls*, *Barons*, and other *Nobles*: Among which that we must take in the *Regular Prelates*, neither the Place, nor the Occasion, will suffer us to doubt.

[10] M. Westm. ad Annum.

There was yet one Eminent [11] Occasion for holding a *Parliament*, which should have tempted this *Author* to have look'd into the History of it: The King's advising with the *Lords* about a *Second Marriage.* He held this Council at the *Epiphany* at *London*: There with the Advice of the *Archbishop* of *Canterbury*, "Et *Principum Regni*, quos omnes sub uno Congregavit, he resolved to Marry. And this Solemn Meeting, [12] *Hemingford* calls only, in general, a *Council*; Concilio Congregato; [13] *Simeon* of *Durham*, "Concilium *totius Angliæ*: Which I observe to shew how we are to understand those Expressions upon other Occasions, when they may not be so clearly Expounded to us.

1120.

[11] *Contin. Flor. Wigorn. Walt. Coventre ad An.* 1121.

[12] *Lib.* 3. *Cap.* 45.

[13] *Script.* 10. *Col.* 243.

And now we are come to his next Instance; in which if I do not comprehend what he would prove by it, more than his own unjust Accusation of *Hemingford* for a Fault which he never committed; I am content he should impute it to my want of Penetration, not to any defect in his Judgment. [14] "In the Council of *Glouceſter* (says he) *Anno* 1123, (which *Hemingford* has Confounded with the former) *viz. Anno* 1102, [15] *William de Corboyl*, was Chosen "*Archbishop* of *Canterbury*. But not being a *Religious*, as all the *Archbishops* of "*Canterbury* from *Austin* down to his time had been, the *Prior* and *Monks* of "*Canterbury* Opposed his Election, and so did all the *other Monks*, of the se-

Sect. 19. 1123.

[14] Rights, p. 297, 298.

[15] *Sim. Dunelm.* Col. 247.

King HENRY *the Ist.*

"veral *Orders* there preſent; with whom moſt of the *Earls* and *Thanes* alſo ſided, "if the Monk of *Peterborough* be not partial in his Story. Monks only are men- "tion'd here, becauſe they only were engaged in the Struggle. If I take this *Author*'s meaning a-right, his Argument lies thus: That others of the *Lower Clergy*, as well as the Monks here ſpoken of, were preſent at this *Parliament*, and *Members* of it; tho' in Diſcourſing of a Matter in which they only were concern'd, our Hiſtorians take no Notice of any others beſides them.

But to this the Anſwer is eaſy, theſe *Monks* (all but their Superiours) were no *Members* of *Parliament*; nor did they appear at *Glouceſter* in that Capacity: They were only the *Delegates* of the *Prior* and *Convent* of *Canterbury*, as from the true Account of this Hiſtory will evidently appear.

The *Archbiſhoprick* being void, the King ſent out Writs for a *Parliament* to meet at *Glouceſter* upon *Candlemaſs-day*, in order to the Nominating of a fit Perſon to that See. He Commanded, ſays the Chronicle, his *Biſhops* and *Abbots* and *Thanes* to meet him there, to hold a Parliament, *Procerum Concilium* with him. [1] The *Prior* of *Canterbury*, with ſome of the Chief of his *Monks*, was there; and accounted to them, that they had pitched upon certain Perſons of their Order, out of which the *King* and his *Council* might make Choice as they pleaſed. The King referr'd it to the *Biſhops* to chooſe whom they would; and promiſed to Confirm their Choice. They choſe Four, and left it to the *Prior* and his *Monks* to take One out of that Number. The Matter was warmly Debated on both ſides; the King favour'd the Biſhops; and, as the *Saxon Chronicle* tells the Story, the *Lay-Lords*, the *Monks*. However the latter were forced to Yield; and Chooſe *William Corboyl* out of the Four which were offered by the *Biſhops* to them. Here now is the whole truth of this Matter, and it plainly ſhews for what end the *Monks* came thither. They were ſent from their *Monaſtery* to aſſert their Rights in the Election of the *Archbiſhop* of *Canterbury*: And all the *Monkiſh Prelates* who were preſent, as it was Natural to ſuppoſe, took part with them. But to turn a *Committee* of *Monks*, into *Members* of *Parliament*; and then by the help of a good Fancy, to tell us that the *Other Clergy* (of which not a Word is ſaid) were paſs'd by, becauſe they were not concern'd in the Struggle; is, I think, as Ridiculous, as I am ſure it is falſe. Had they then been preſent, they would, I doubt not, have had a part in the Struggle. They would have been as ſtiff in aſſerting the Honours and Priviledges of their *Biſhops*, as the *Monks* were of thoſe of their *Own Order*. And we ſhould have ſomewhere or other heard too as much of their Zeal, as we now meet with of the Struggle of thoſe of their Rank upon the other Occaſion.

But there is yet one Circumſtance more, which I muſt deſire Dr. *A.* to Account for, in his Relation of this Controverſy. He tells us that the Cauſe of this Contention was, that *William le Corboyl* was not a *Religious*. Yet his own Chronicler ſays, he was a *Regular Canon* of the *Monaſtery* of *Chiche*, in *Eſſex*. And [2] *William* of *Malmsbury* adds, that he was at the time of his Election, *Prior* of that place. Now certainly whatever difference the *Monks* may have made between their ſeveral Orders, yet a *Regular Canon* of St. *Auſtins*, as oppoſed to other *Secular Canons*, muſt be allowed to have been a *Religious*. That therefore was not their Exception: [3] But they were for *One* of their *Own Order*; a *Benedictine*, whom they call'd, in their Language, by way of *Eminence*, a *Monk*. Nor does the *Chronicle* ſay that *All* the *Monks* of the *ſeveral Orders* there preſent oppoſed his Election: It only ſays that all the *Munec-hades-men*, all the other *Monks*, as well as thoſe of *Canterbury*, ſtood out againſt it; but of *their ſeveral Orders*, or that they were of ſeveral *Orders*, not a Word is mentioned.

[1] *Gervas. Dorobern. Col. 1662. Sim. Dunelm. Col. 247.*

[2] *Malmsbur. fol. 135.*

[3] Vid. *Sim. Dunelm.* Loc. Cit.

When ſuch far-fetch'd Imaginations, and uncertain Conſequences as theſe, are obtruded upon us for true Hiſtory; and the plain Words of our Antient *Authors*, on the other ſide, are taken no Notice of; 'tis, I think, a clear ſign either that the Cauſe is not Good, or that it has had the misfortune of meeting with a very indifferent Advocate to plead for it.

And here Dr. *A.* ſhuts up this long Reign, out of which he could pick but two Inſtances that ſeem'd to favour his Pretences, and thoſe, as I have ſhewn, nothing at all to his Advantage. He will Excuſe me if I go on a little farther with it, before I come to his one only paſſage, which he alledges out of the *next*.

Sect. 20. 1125. In 1125, a *Legantine Synod* was held at *London* by *John de Crema*, together with the Two Archbiſhops, Twenty Biſhops, Eleven Abbots, and an Innume-

rable

rable Multitude of the *Clergy*, and *People*; as [1] *W. Coventre* Expreſſes it. In like manner ſpeak the Antient *Mſſ. Acts* of this *Synod*, in the *Lambeth* Library: And our Hiſtorians generally concur in the ſame Expreſſions. Here now Dr. *A.* has a fair Ground to Conclude, that not only the *Lower Clergy* (but even the *Laity* too, if he is minded to go ſo far) were proper Members of this *Council*: Let him ſettle this Matter as he will, this I am ſure, that theſe Expreſſions give the *People* as good a Right to this Priviledge as the *Clergy*; and he muſt aſſert it for both, or neither. And ſo [2] *Hemingford* determines the Caſe; he tells us that the *Cardinal* Celebrated his *Council*, *Coram Clero, & omni Populo.* The *Clerus* and *Populus* were only Standers by, while the *Council* was held; but the *Legate* with the *Biſhops* and *Prelates*, (among whom we are alſo to place the *Archdeacons*, who by the Writs of Summons appear to have been Called to it) were the *proper Members* of it.

The next year after, King *Henry* being returned into *England* with the *Empreſs* his Daughter, now a Widow; call'd his *Parliament*, and there cauſed all his *Biſhops*, *Earls*, *Barons*, and all other Perſons of any Note, to Swear Fealty to Her and her Children. Who theſe *Perſons* of *Note* were, of whom [3] *Hemingford* ſpeaks, none of our other Hiſtorians tell us; [4] they all ſay that at *Chriſtmaſs* he kept his Court at *Windſor*, and call'd all the *Nobility* of the *Kingdom* to it: And there made all the *Biſhops* and *Nobles*, *Principes terræ*, to Swear to his Daughter. If, beſides theſe, the *King's Free-Tenants* who held immediately from him, were, upon that Occaſion, Summon'd to his Court, or any others of whom we can give no certain Account; it matters not: The *Lower Clergy* were none of them; nor does it appear, that they were at all *Conven'd*, even upon ſuch an Extraordinary Juncture, thither.

The year following, is much to be obſerved, for the double relation it has to the Matter before us. The King, in *Rogation-week*, held his [5] *Parliament* at *London*; and the *Archbiſhop* his *Council* at *Weſtminſter*. The *Pope* had newly made him his *Legate*, both in *England* and *Scotland*; and he aſſembled this *Synod*, under that *Character*, added to his own *Metropolitical Authority*. The *Perſons* who were Summon'd to it, are thus reckon'd up by the *Continuer* of *Florence* of *Worceſter*; the *Biſhops*, *Abbots*, and all the *Religious* of *England*. Beſides which, he tells us (as in the *Legantine Synod* before) a great Multitude of the *Clergy*, and *Laity*, were alſo gathered thither, and admitted to be preſent at it. The Buſineſs of theſe *two Meetings* was as different as the Aſſemblies themſelves were. The King held his [6] *Parliament* with Relation to his *Affairs Abroad*. The *Archbiſhop* his *Synod* for the *Government* and *Diſcipline* of the *Church* at home. In the *Synod* the *Archbiſhop* and *Biſhops* only, *Decreed*, and *Eſtabliſh'd*; the *Abbots* and *Religious*, being Called for *Advice*, not *Authority*: And what they ordained, the King approved of, and by his Authority gave a new Force and Sanction to it. So diſtinctly in thoſe times were the Affairs of the *Church* and *State*, tranſacted: Each were ordered in their proper *Council*; not in ſuch Mix'd-Aſſemblies, of the *Clergy* and *Laity*, as this Author has told the World that they were.

Of the Tranſactions of the Year 1129, ſome Account has already been given; yet I muſt once more beg leave, here, in its proper place, to take Notice of them. Among other things which had been Eſtabliſh'd in the *Synod* of 1127, this was one; *Can.* V. To forbid the *Lower Clergy* the uſe either of *Wives*, or *Concubines*, under the penalty not only of *Deprivation*, but of *Degradation* likewiſe. But this Order not proving any more effectual, than the many others which had before been made; the *King*, who had another View in it than the *Biſhops* were aware of, moved them to commit the Correction of this Abuſe to him; who, in that Caſe, would take an effectual Order about it. He had before attempted this in the time of Archbiſhop *Anſelm*, and uſed ſome undue ſeverities under pretence of it. But that *Archbiſhop* ſtoutly oppoſed him in it; and would not yield that he ſhould meddle at all in ſuch Matters as did not properly fall under a civil Cogniſance, but belong'd only to the *Governours* of the *Church* to Correct. But the preſent *Archbiſhop* fell into the Snare, and with his *Biſhops*, conſented that the *King* ſhould take the ordering of this Abuſe into his hands. The Reſult was, that he turned it into a Money Matter; and provided they did but pay him for a *Diſpenſation*, they might freely live on with their Wives as they had done before.

King HENRY *the* Ist.

[1] *Walt. Coventre* Mſ. ad An. Chron. Saxon. p. 229. *Spelm.* Concil. Vol 2. p. 23. Contin. *Flor. Wigorn* p. 661. *Sim Dunelm.* Col. 253. Annal. *Margan* p. 5

[2] *Walt Hemingford.* Chr. lib 3. cap. 48. 1126.

[3] *Hemingf.* Ib. cap. 49.

[4] Contin *Flor. Wigorn.* p. 662. *M Weſt.* ad An. *M Paris* p. 70. *Wykes* ad Ann. 1127. Chr. Saxon. ad *Ann.* 1127. *Brompt.* Col. 1016.

[5] *Sim. Dunelm. Anno* 1128 *Knyghton* Col. 2383, 2384. Annal. *Waverl.* ad *An.* 1127.

[6] *Hunting.* fol. 219. *Hoveden.* fol. 274.

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This was the Matter of Fact; and the only Queſtion (as to our preſent Caſe) is, whether this were now agreed upon in a *Church-Synod*; or in a *State-Parliament*. Our Authors are plain that it was in the *latter*: They call it [1] *Concilium magnum*: [2] *Concilium totius Anglia*; and take notice that nothing elſe but this was done in it. Only the *Saxon Chronicle* ſeems diſtinctly to ſpeak of it as a *Church Synod*; and (as I ſuppoſe) confounds the *Council* of 1127, with the *Parliament* of 1129; and patches up *One*, confuſed, Relation, of what was done in *Two* diſtinct *Aſſemblies*, with reſpect to that Affair.

[1] *Hen. Huntingdon.* fol. 220. a. *Hoveden.* fol. 274. b. *M. Paris.* p. 71. *Brompton.* Col. 1016. Annal. *Waverl.* p. 150. *Walt. Hemingford.* p. 477. [2] Annal. *Margan.* p. 6.

At *Michaelmaſs*, the ſame year, the King went to *Wincheſter*; and there, in his [3] *Great Council*, made a Diſpoſal of the *Biſhoprick* of that Place. The Perſons who compoſed it were *Archbiſhops*, *Biſhops*, *Abbots* and *Lords*; as they are diſtinctly expreſs'd, by a Contemporary Hiſtorian who ſpeaks of this Matter.

[3] *Sim. Dunelm.* Col. 256. Sect. 22.

In 1131, The King held his *Parliament* at *Northampton*, on the *Nativity* of the *Bleſſed Virgin*: The *Perſons* who were call'd to it were *Omnes Principes Anglia*; as our [4] Hiſtorians unanimouſly Phraſe it: A *Character* to which I do not ſee how the *Inferior Clergy* can in any wiſe pretend.

1131. [4] *Huntingdon.* fol. 220: *Hoveden.* fol. 275: *Brompton.* Col. 1019 *Annal. Waverl.* p. 150.

After *Eaſter*, the next year, he held the like [5] *Council*; and the ſame Expreſſions are uſed to denote the *Members* of it. One of the great things debated in that *Parliament* was the Controverſy between the Biſhops of St. *David*'s, and *Landaff*, about the Bounds of their ſeveral *Dioceſes*. Whether that Affair was referr'd by that *Council* to the *Biſhops*, or no, I cannot ſay; but it is very probable that it was: [6] For about the end of that year, at the beginning of *Lent*, we are told there was a *Convention* of the *Biſhops* at *London* for that Purpoſe; and another afterwards at *Wincheſter*, in the *Rogation-week* following. So that the *Parliaments* in thoſe times were ſo far from tranſacting the *Affairs* of the *Church*, in common with the *Clergy*, as they are reported to have done; that even in Matters of a *Civil Nature*, wherein the *Clergy* were concerned, they ſeem to have referr'd them to their own Hearing; and to have ſhewn a more than ordinary Tenderneſs and Caution in Meddling with any thing, that had but the leaſt relation to another Court and Cogniſance.

[5] *Hunting don.* fol. 220. b. *M. Paris.* p. 72. *Annal. Waverl.* p. 151. Rad. de Diceto. Col. 505. [6] Annal. *Waverl.* loc. cit. Sect. 23.

King STEPHEN.

We are now Entring upon the Troubleſome Reign of King *Stephen*, in which [7] Dr. *A.* tells us, *The* Lower Clergies *Intereſt in theſe* State Meetings *is ſet in ſomething a better light*. And ſo indeed it had need be; for hitherto we have met with very little that gives any Light, or Credit, at all, to it. But ſure never was the Name of *Light* ſo ill applied, as this *Author* has done it, on this Occaſion. For after all, in this whole Reign he produces but One, Solitary, Inſtance to Confirm this pretended Right; and that ſo little to the purpoſe, as to convince us there is nothing indeed to be ſaid for it.

[7] *Rights*, p. 298.

1135. King *Stephen* being Crown'd King of *England* upon St. *Stephen*'s-day, haſted from thence with his *Barons* to *Reading*, to the Burial of King *Henry*, his Uncle. Which being perform'd by him, with his *Biſhops* and *Lords*, he went to *Oxford*, whither he had call'd his *great Council*, in order to make good what he had promiſed to them at his Inauguration. Who the *Perſons* were whom he Aſſembled at this *Parliament*, one of our Antient [8] Hiſtorians who has preſerved the very *Acts* of it, will not ſuffer us to doubt: *Epiſcopos*, & *Proceres Regni* ſui, regali Edicto, in Unum Convenire præcepit; and with them he held *Generale Concilium*, a full *Parliament*, to the effect that is there mentioned. To the Charter of Priviledges there Granted and Confirm'd, the very Perſons who Subſcribed to it are Subjoyned: Among which we meet with none but *Biſhops* and *Lords*; and may therefore reaſonably conclude, that none of the *Lower Clergy* were call'd to it.

[8] *R. Hagulſtald* Col 314, 315.

1136. The *Eaſter* following he kept his Court at *Weſtminſter*; and held another *Council* there. [9] To this the *Dean* and *Canons* of St. *Paul*'s were ſent for: But it was to Chooſe a *Biſhop* of *London* into the then Vacant See, not to ſit as *Members* of that Great Aſſembly.

[9] Rad. de Diceto. Col. 506.

1137. What to call that Meeting which was held the year following at *Northampton*, whilſt the King was abroad beyond Sea, I cannot tell. But if it was held by his Authority, and ſo was a proper *Parliament*, we ſhall therein have another Evidence againſt this *Author*'s Aſſertion. For the Members of it were only [10] the *Biſhops* and *chief Men* of the *Kingdom*; none of the *Lower Clergy* were called to it.

[10] Cont. *Flor. Wigorn.* p. 666.

And

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And now I shall proceed to Consider that *single proof*, which he says sets the [1] *Lower Clergies Interest in these State Meetings in so clear a Light: It is taken from a* Charter *of this King to the* Church *of* Westminster, *which recites, that in his Third year there was at* Westminster, *Universale totius* Angliæ Concilium; at which, *Adfuerunt quidam* Comites *Regni mei, &* Barones *mei quam plurimi; & Innumera Multitudo* Cleri & Populi; who gave *voluntatem &* assensum Authoritatis, to this Charter. He adds, that *the Historians speak of this Meeting in the very same Words: Particularly* Gervasius, *who after saying there were Seventeen* Bishops, *and Thirty* Abbots *there; adds, Cum* Cleri & Populi *multitudine numerosa: So also* Continuator Florentii *ad Ann.* & Hagustald; *p.* 327.

[1] Rights, p. 298.

Who they were that Confirm'd this *Charter*, or what Authority, an *Innumera multitudo Cleri, & Populi*, has in such Cases, I shall not now Enquire. The *Charter*, I have not at present the Opportunity of Inspecting; nor is the other worth the Enquiring after. But will this *Author* give me leave to put him in mind what 'tis he has here Undertaken, to set *in somewhat a better Light*, viz. the *Lower Clergies Interest* in our *State Meetings*: And then to ask him, Whether he did not know that the *Assembly* which he refers to, was not a *State-Meeting*, but a *Legantine Synod*? In which no less than *Sixteen Ecclesiastical Canons* were made; and are at large enter'd by his own Author [2] *Gervase*, before his own Eyes? To bring the Matter home to the very Sentence which he refers to: Did he not see in the same *Gervase* these Words, as well as those which he Cited; *Idus Decembris Celebrata est* Synodus *apud Westmonasterium; cui præfuit* Albericus Hostiensis *Episcopus, & Domini Papæ* in *Anglian* & *Scotiam, Legatus.* And are not the same, if not the very *Words*, yet the *Sense*, and *Title* of this *Synod*, in both his other *Authors*? Or, if this be not enough, let me ask him once more; In the very *Subscription* of the *Charter* which he refers to, did he not see these Words immediately before those he Quoted to us; "*Habito in prædicto Loco*" "*Universali totius* Angliæ Concilio; *presente Viro Religioso D.* Alberico Ostiense "Episcopo, S. R. E. Legato, & Præsidente, *eodem* Concilio *mense* Decembris, "xiii die Mensis? And could he see all this, and not know that the *Popes Legats*, in their highest Exaltation, did neither Call *Parliaments*, nor *Preside* in them; nor did *Parliaments* (whatever he pretends) sit together with *Legats*, and make *Church Canons.*

[2] Gervas: Dorob: Col: 1347: Contin: Flor: Wigorn. ad Ann:

Dr: Hody:

Here therefore I must appeal to the Censure of Mankind against such a fraudulent procedure; and leave it to the World to pass that Judgment upon it which it deserves, and which he would not have fail'd severely to have urg'd, had he found it any other. But I have more to add, as to this Matter: It is plain Dr. *Atterbury*, had the Continuer of [3] *Florence* of *Worcester* before him when he Wrote this. Now in this very year, that Author gives an account of a true *Parliament* held at *Northampton* in the *Octaves* of *Easter*, (4) *Idus Aprilis.* In it were Assembled, *Thurstan* Archbishop of *York*, the *Bishops*, *Abbots*, *Earls*, *Barons*, and the rest of the *Nobles* of *England.* Here therefore was the true form of an *English Parliament* in those days. With what Conscience could this *Author* pass it by without taking any Notice of it; and at the same time delude us with the Story of a *Legantine Synod* nothing to the Purpose, instead of this *State Council.*

[3] Pag: 668:

Nay, but let me ask him yet once more; Did he himself believe the *Innumera Cleri, & Populi multitudo*, to have been proper *Members* of that very *Synod*; and call'd to *Sit*, and *Act*, in it? 'Tis too absurd to suppose: And he had before his Eyes the [4] *Legats Mandate* to the *Prior* and *Convent* of *Canterbury*, to assure him that they were not. There he tells them in Express terms who were the *Members* of that *Convention*, that, by his *Apostolical Authority*, he had call'd together to a Conference which he intended to have at *Westminster*, the *Bishops*, and all the *Abbots*, and all the *other Religious Persons* of this Kingdom: But of his *Innumera Cleri, & Populi, multitudo*, there is not a Word. If he shall say that his *Clerus* are contained under the Title of *Religious Persons*, which the *Legate* speaks of; Another of his own [5] *Authors* will Contradict him in that too; who expressly calls them the *Priors of the Canons Regular*, and who together with the *Abbots*, took in the *Governours* of all the considerable Religious Houses of *England.* These then were the Members of that Synod; *Episcopi, Abbates, ac Priores Canonicorum per totam Angliam*: The multitude was indeed a very natural, but withal an Unsent for *Attendant* upon the Assembly; they were present at the *Synod*, but by no means Members of it.

[4] Chron: Gervas: Col: 1346:

[5] R: Hagustald: Col: 326:

This

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This therefore may ſuffice to ſhew that Dr. *Atterbury* muſt look yet farther for the *Light* which he ſpeaks of; for ſure nothing could have given *leſs light* to any point, than this magnified inſtance, which ſtands for this whole reign, does, upon Enquiry, give to the *Parliamentary Rights* of the *Lower Clergy* in theſe times.

Sect. 25. 1139.

The next year preſents us both with a *State Parliament*, and an *Eccleſiaſtical Council*. The former at *Oxford*, *June* 24*th*, which [1] *Malmsbury* rightly calls *Conventum Magnatum*; Another ſays, it was held Coram *Primoribus Angliæ*: The latter at *Wincheſter*, [2] the latter end of *Auguſt*, "Procurantibus Archiepiſcopo "*Theobaldo*, *Henrico Epiſcopo Winton*, fratre Regis, & aliis *Epiſcopis* & *Prælatis*. Or as *M. Paris* more plainly, the *Legate* of *Wincheſter* held it, Cum *Theobaldo Archiepiſcopo*, & aliis *Epiſcopis*, & *Prælatis* Angliæ iii Kal. *Septembris*. Neither in the One or the Other, are the *Inferior Clergy* ſaid to have any place.

[1] *Malmsbur.* fol. 102 b. Contin. *Flor. Wigorn* p. 671.
[2] *Malmsbur.* fol. 103. a. *M. Par.* p. 78. *M. Weſt.* p 243.

What that *Council* was, in which the King diſpoſed of the Biſhoprick of *Salisbury*; or where it ſate, it is not eaſy to determine. The [3] Annals of *Waverly* place it at *London*, and ſay only that a *Council* ſate there. But the [4] Continuator of *Florence* of *Worceſter* places it at *Wincheſter*, and ſays that the *King* diſpoſed of it *Conſilio Baronum ſuorum*. That which ſeems moſt likely is, that the King in *Parliament* at *Weſtminſter* named the Perſon; and that the *Legat*, with his *Council* at *London* refuſed to accept of him.

[3] Annal. *Wav.* ad Ann.
[4] Cont. Flor. Wigorn. p. 674

1142. In 1142, We meet with two [5] *Legantine Synods*, and in one of them the *Archdeacons* are again mentioned as being preſent: Yet all our Hiſtorians generally call it a *Council* only of *Biſhops*, and *Abbots*; as if they had only been Summon'd to Adviſe with, in that Extraordinary Juncture; as, at the ſame Council, and poſſibly for the ſame end, the *Citizens* of *London* were.

[5] *Malmsb.* fol. 105. b. 106, a. 108. a. *Spelm. Concil.* Vol. 2. p. 45, 46, 47. *Hoveden* fol. 279. b. *M Paris.* p: 79. *M: Weſtminſter.* p: 244. *Gervas. Dorob.* Col: 1357.

But not to inſiſt upon theſe kind of *Synods*, ſeveral of which were held in this Reign. In 1152, We have the Hiſtory of *another Parliament*, in which the King deſign'd to Crown his Son, and thereby to ſecure the Succeſſion to him. This [6] *Gervaſe* calls *Generale Concilium*: It conſiſted of the *Epiſcopi* & *Proceres Angliæ*; nor is there the leaſt Intimation that any others were call'd to it, or had any Right to Sit in it.

Annal. Wav. ad Ann. 1143.

Sect 26. 1152.

[6] *Gervas: Dorob:* col. 1371.

1153. The ſame was the Caſe in the Solemn *Parliament* of the next Year; in which the King's Son being dead, an Agreement was made between *Stephen*, and *Duke Henry*; that the former ſhould enjoy the Crown Peaceably during his Life, the other be declared to have the right of Succeſſion to him. Of this Parliament many of our Writers ſpeak, and all in the ſame Language: By the Command of the King and Duke, *Præſules & Principes Regni*, came together at *Wincheſter*, ſays [7] *Gervaſe*: *Terræ Nobiles*, ſays [8] *Brompton*. [9] *Mat. Paris* calls it Conventum *Epiſcoporum*, *& aliorum Regni Magnatum*: [10] *M. Weſtminſter*, *Epiſcoporum* & *aliorum* de Regno *Optimatum*: And in the Subſcriptions of the [11] Inſtrument of Agreement drawn up between them, of the Clergy we meet with Fifteen *Biſhops*, One *Prior*, and One *Knight Templar*: None of any other, or Lower Rank.

[7] *Gerv.* ib. col. 1375:
[8] *Brompt.* col. 1037.
[9] *M. Par*: p. 86.
[10] *M: Weſtmin.* p: 246.
[11] *Brompt*: col: 1039.

In purſuance of this Accommodation, made the *November* before, in the *Octaves* of *Epiphany*, the King, and Duke came to [12] *Oxford*, and there, at another ſuch *Meeting*, the *Earls* and *Barons* of the *Kingdom*, by the King's Command, Sware Fealty to the Duke.

[12] *Gervas.* col. 1375.

1154. At *Michaelmaſs* following, a few Weeks before his Death, the King held his laſt *Parliament* at *London* upon *Michaelmaſs-day*; as for the other Affairs of his Kingdom, ſo in particular for the Solemn Choice of an *Archbiſhop* of *York*, which was then to be made in it. And he held it, as he had done all his others, [13] Cum *Epiſcopis* & *Optimatibus* terræ; ſays *Hemingford*: Cum *Epiſcopis & Nobilibus Angliæ*, ſays another: And I deſire this Author, if he can, from any plain and convincing Teſtimony of Antiquity, to ſhew, that ever any others of the Clergy ſate in theſe Aſſemblies at that time.

[13] *Hemingford.* Lib. iii. cap. 78. *Neubrigens.* Lib. 1. cap: 32.

To this Parliament, the Chief Members of the Church of *York*, with the *Abbots* and *Priors* of the Province were called: Theſe choſe their New *Archbiſhop*; and the *Archbiſhop* of *Canterbury*, at their Requeſt, Conſecrated him at *Weſtminſter*, not as *Archbiſhop* of *Canterbury*, but as *Legat* of the *Apoſtolick* See. This I mention to prevent any Miſtake, as if our *Parliaments* had at leaſt made *Biſhops*, if they did nothing elſe; whereas in truth they medled not with any *Spiritual Matters*, which were, as we have ſeen, conſtantly tranſacted in *Synodical Aſſemblies*.

I

Sect. 27. *King* HENRY *the IId.*

I now proceed to a *Reign* that muſt be very Carefully Examined by me: A Reign in which, if we will believe Dr. *Atterbury*, the *Antient form* of our *Parliament* received a moſt remarkable Change, by the intire Receſs of the *Inferiour Clergy* from it. They had hitherto been accuſtomed for Five hundred years together, to come to the *National Aſſembly*, and there make up One Common Council with the Laity in it. [1] "The *Clergy* and *Laity* met together in the "*Great Councils* of the *Realm*; in the *Saxon Times*, and for *ſome Reigns* after the "Conqueſt, Nationally; Joyning cloſely with the *Laity* in *Civil Debates*, and "taking *their* (the Laities) *Sanction* along with them, in all *Eccleſiaſtical Acts* "and *Ordinances*. [2] But about the middle of this Reign "They *divided* from "the *Laity*, and from *One another*, and Attended the *Parliament* not in *One* "*Body*, but in two *Provincial Synods*, held under their ſeveral *Archbiſhops*.

[1] Rights, &c. p. 74.

[2] Ib.

To take the Account yet more fully from his own Words: [3] "How long, "exactly, the *Saxon Manner* of *Mix'd Councils* continued, it is not eaſy to ſay. "However that for ſeveral *Reigns* after the *Conqueſt*, it obtained, is certain; "and it is probable that the Diſuſe of it might begin towards the middle of "*Henry* the *Second*, when the *Clergy*, we are told, disjoyn'd themſelves from the "*Laity* in every reſpect, and ſet up to be Independent; being encouraged in "this Attempt by the *Pope* (whoſe Power was then very Great) and by the "Succeſs which they had in their Struggle with the Crown about the Affair of "*Archbiſhop Becket*, and the *Articles* of *Clarendon*.

[3] Rights pag. 36.

"And this Diviſion of the *Spiritualty* from the *Temporalty*, which BEGAN in "*Henry* the *Second's* time, took root under his Succeſſors; and was ſettled more "and more by the Abſence of *Richard* the *Firſt* in the *Holy Land*; by *King* "*John*'s Weak, and *Henry* the *Third*'s Troubled Reign.

[4] "Now therefore the *Clergy* ſeem'd to have *declined Obedience* to the *Lay-* "*Summons*, except ſuch of them only as were *Obliged* to *Attend* the Great "*Councils* of the *Realm*, by their *Offices*, or by their *Tenures*: So that in the "the *Sixth* of *King John*, when the King had a mind to have *All* the *Abbots* "and *Priors* preſent in *Parliament*, he was forced to Cite them by the ſeveral "*Biſhops* of the *Dioceſes*; and not by an *Immediate Summons*. And in the 49*th* "of *Henry* the *Third*, when *every Abbot* had his *diſtinct Writ*, they are ſaid to "have been *Voluntarie Summoniti*, i. e. by their *own Conſent*, not as of *Right*, or as "*Owing* the *Crown* any ſuch Service.

[4] Rights, p. 37.

From henceforth therefore, [5] "Their ordinary Way of *Attending* the *Parlia-* "*liament* was not in *One National Council*, but in two *ſeparate Aſſemblies* of the "*Province*: Till King *Edward* the *Firſt* "finding the *Clergy* thus divided from "the *Laity* hard to be dealt with, reſolved to *Reſtore the Old Practiſe*, and to "bring them *Nationally* to *Parliament*; which he did, by inſerting into the *Biſhops* "*Writ* that *Clauſe*, which begins with the Word *Præmunientes*.

[5] Ib. p. 38.

Here therefore is that which Dr. *Atterbury* is to prove to us: That about the *Middle* of this *Reign*, the *Clergy* withdrew themſelves from the *Parliament*; and would obey the *King's Summons* no longer; but Met by themſelves, and *Attended* the *Parliament* in their own *Provincial Synods*. That this our Kings were forced to Conſent to, as not being indeed in any Condition to oppoſe it; and that thus they continued till the time of King *Edward* the *Firſt*, who by putting the *Præmunientes* into the *Biſhops Parliamentary Writs*, *Reſtored the Old Practiſe*, and brought them *Nationally* again to *Parliament*, as they had been wont to come before.

Sect. 28.

Theſe are his Aſſertions: What Truth there is in them, comes now in Order to be Enquired. And Firſt, That his pretence of a *Change* in this Caſe muſt be meerly Fabulous, the Account already given of the Eccleſiaſtical Members of our antient *Parliaments* ſufficiently ſhews. The *Inferior Clergy* were never yet called, in that Capacity, to our *State Councils*; and therefore could not now leave off to Obey the *King's Summons*, and to withdraw themſelves from them. As for what he alledges from the *Council* of *Tours*, it is indeed very true in that Senſe in which his Author affirmed it; but utterly falſe in his perverſe Application of it. That *Council* determined nothing againſt *Clergymens* going to ſuch *Parliamentary Aſſemblies*; or obeying the *Lay Magiſtrate* in that particular. The *Biſhops* and *Prelates* went with the ſame freedom to them afterwards that they had done before; and ſo might the *Other Clergy* have done likewiſe. Neither the *Third*, nor *Tenth Canon* of that *Synod*, ſpake at all againſt it: Nor (which is more to our Purpoſe) was this any of thoſe Points upon

which

King HENRY *the* IId.

which the *Troubles* of this *Reign* were founded; the King inſiſted not upon it, nor did the *Archbiſhop*, nor any of his *Abbettors* refuſe to yield to it.

All therefore that the Author of the *Antiquit. Britann.* ſays concerning this *Council*, is no more (in effect) than what [1] *Brompton*, whoſe Senſe, and almoſt whoſe *Words*, he makes uſe of, had ſaid before him; that after the Return of the *Archbiſhop* from this *Council*, where a Reſolution ſeems to have been taken to Exalt the Prerogatives of the Church beyond all reaſonable Bounds; the *Kingdom* and *Prieſthood* began to be at Variance. [2] The King deſiring to keep the Peace of his People, would have had all Malefactors puniſh'd by his Laws without Exception: The Archbiſhop reſolved to cover the *Clergy* in their *Wickedneſs*; by whom what great violations of the Peace were made, and in what Notorious Inſtances, the Hiſtories of thoſe times ſufficiently ſhew.

[1] *Brompton.* col. 1058.

[2] See Antiqu. Brit. p. 131. *Brompton.* loc. cit.

As for the other Motives which he offers, as the Occaſion of this great *Change*, it will be time enough to Conſider them, when we ſhall ſee it firſt proved that any ſuch Change at all was made. Till then it will be to little purpoſe to diſpute what *Grounds*, or *Reaſons*, may be imagined for an Alteration, which I muſt beg leave to ſay, was never Introduced; and would deſire him to prove by ſome good *Authorities*, if he can, that it was.

Sect. 29.

But indeed, he is ſo far from doing this, that according to his uſual Conſtancy, he proves the quite contrary: And, as if he had utterly forgot his former *Hypotheſis*, is no where ſo eager in Aſſerting the Rights of the *Lower Clergy to come to Parliament*, as in theſe very Reigns, in which he had ſo poſitively Aſſerted, that they left off to come to it. This, I confeſs, is a pretty odd Turn; but Dr. *Atterbury* Affects to be all Original; and provided he does but *trace out New Ways*, he cares not whom he Oppoſes, tho' it ſhould be himſelf, for the doing of it.

Let us therefore ſee, not what we hoped to have found, but what he has been pleaſed to afford us; how he proves the *Lower Clergy* to have ſtill *continued* to *Come* to *Parliament*; till he ſhall favour us hereafter with the *Arguments* on the other ſide, to ſhew, that for all that, they now forſook the *Old practiſe*, and *refuſed* to *come* any longer to it.

1154.

King *Stephen* being Dead, the young *King* was the *Sunday* before *Chriſtmaſs* ſolemnly Crown'd at *Weſtminſter*, by *Theobald* Archbiſhop of *Canterbury*; Preſentibus *Archiepiſcopis*, *Epiſcopis*, & *Baronibus* Regni *Anglorum*, & Ducatus *Normannorum*, ſays [3] *M. Paris*. The [4] Mſ. of *Battle-Abbey* calls them *Totius Angliæ Primores*; and adds, that by their Counſel he Order'd all things juſtly.

[3] *M. Par.* p. 92.

[4] Apud *Spelm. Concil.* Vol. 2. p. 54.

1155.

Who they were that met at the *General Council*, or *Parliament*, which he held in *Lent*, about the End of this Year; we are not told: But from the Account which the [5] ſame *Chronicle* gives us of the next, which met not long after, we may take a certain Eſtimate of it: In which he ſays, the King commanded, throughout all *England*, that the *Archbiſhops*, *Biſhops*, many of the *Abbots*, all the *Earls* and *Barons*, ſhould come together, the Fourth day before the Feaſt of St. *Benedict*; and ſo by the Members of that Second *Parliament* ſufficiently informs us, who they were that compoſed the foregoing.

[5] Ib. p. 56.

That this was the ſame *Council* which [6] *Gervaſe* mentions as meeting after *Eaſter* at *Wallingford*, all the Circumſtances of it Concur to ſhew. And both of *this*, and of *that* before mentioned, he tells us that the King call'd the *Great Men* and *Prelates* to them; but gives not the leaſt intimation of any others.

[6] *Gervas. Dorob.* col. 1377, 1378.

About *Michaelmaſs* the ſame Year, another *Parliament* was held at *Wincheſter*; and the ſame Perſons were preſent at it; [7] *Cum Optimatibus ſuis tractavit*, ſay our *Authors*, with his *Barons Spiritual* and *Temporal*, both comprehended under that general Character.

[7] Ann. Wav. p. 158. *Nic: Trivet.* p. 439.

Sect. 30.

1156.

What that Meeting was which [8] Dr. *Atterbury* produces as a clear proof of the *Parliamentary Rights* of the *Inferiour Clergy*, or where it met, I cannot tell. As he repreſents it, one would take it to be a plain *State Council*; there were *Summon'd* (ſays he) "*Archiepiſcopi*, *Epiſcopi*, *Abbates*, multarumq; *Eccleſiarum Prælati*, cum *Comitibus* & *Baronibus* totius *Regni*, ut Negotia *Regni* & *Eccleſiæ* per-"*tractarent*. And theſe laſt Words are probably thoſe of the *Writ* it ſelf by "which they were *Summon'd*, and which lay before [9] *Paris* in the *Regiſter* of St. "*Albans*, that he was then Tranſcribing. But then the following Words ſeems rather to imply it to have been a *Legantine Synod*; "Cum *Theobaldo Cantuarienſi Archiepiſcopo*, *Apoſtolicæ* ſedis *Legato*, eidem *Concilio præſidente*.

[8] Rights, p. 298, 299.

[9] *M. Par.* Vit. Abbat. p. 72.

And

And to this the following Relation much better agrees; which tells us that the *Bishops* being upon a certain day Assembled, the *Abbot* of St. *Albans* presented to them the *Popes Bull*, for the the more solemn Observation of the *Festival* of St. *Alban*; which they all promised to Obey. Then the same *Abbot* produced another Order for the solemn Procession of the *Clergy*, and *Laity*, of the *County* of *Hertford*, to the *Church* of St. *Albans*; against which the *Bishop* of *Lincoln*'s *Clerks* appeal'd to the *Popes Audience*. Now all this seems to bespeak this Meeting to have been a *Church Assembly*: It mentions only the *Bishops* as Assembled together; And accordingly the Learn'd *Editor* calls it, *Synodum Londini*. *King* HENRY *the* IId.

The most probable Account that I can give of this Matter is, that a *Parliament*, and *Synod*, were held both about the same time; to the latter of which as the *Ecclesiarum Prælati* were received, so with Relation to the former, it is certain that the *Religious* Houses not only in *our Historians*, but our *Records* too, are called by the Name of *Ecclesiæ*; and in several places in *Domesday-book* it self, have their Lands Convey'd to them under that Character. These *Ecclesiarum Prælati* therefore I take to be the *Priors* of such *Houses*; who we are sure in the *Sixth* of *King John* were call'd by *Writ* to *Parliament*; and possibly might have come thither from the time of which we are now treating.

But the next Year, we have a more difficult Relation to account for. The King being return'd from beyond Sea, kept his *Whitsuntide* at St. *Edmund*'s; a great number being gathered together, *viz.* the *Archbishop* of *Canterbury*; the *Bishops*, *Abbots*, *Earls*, *Barons*, and a *Multitude* of the *People*. A Controversy was then depending between the *Bishop* of *Chichester*, and the *Abbot* of *Battaile*. To hear this the King, upon *Tuesday* after the *Octaves* of *Pentecost*, went into the *Chapter-house* with the *Archbishops*, *Bishops*, *Abbots*, *Earls*, *Barons*, and no small *Multitude* of the *People*. And here it was, as the *Battle MS.* Reports, that the Cause between the *Archbishop* of *Canterbury*, and *Sylvester Abbot* of St. *Austins Canterbury*; (which *Gervase* refers to *Northampton*, and tell us was ended in a *Parliament* there, about Two Months after;) was first Enquired into. And of which Dr. *Atterbury* thus tells the Story. Sect. 31. 1157. [1] *Spelm.* Conc. Vol. 2. p. 56, 57

"With these Accounts agree those which *Gervase* of *Dover* (now [2] *Gervase* of "*Canterbury* if a late Author informs us a-right) has given us of some *Great* "*Councils* in the same Reign. That at *Northampton* in 1157, was composed, [3] "he says, of the *Prasules*, and *Principes Regni*; *Abbates nonnulli*; *aliaq*; *Inferioris* "*Ordinis Personæ*. But who does he think were these *Inferioris Ordinis Personæ*? Not the *Lower-Clergy*, I hope? No; they were the *Populi Multitudo non modica*, spoken of before; who were admitted to hear the *Tryals* that came before the *King* and his *Council*; but were not therefore *Members* of it. Let us see how the Instrument of Submission, upon which this Debate ended at *Northampton*, Expounds this Matter. "This profession was made at *Northampton Anno Grat.* "1157, the 3*d* of *Henry* the *Second*, in the Month of *July*, viz. xvi *Kalend.* of "*August*, Eight *Bishops* being present; Twelve *Abbots*; King *Henry* himself, "and many others, *tam* de *transmarinis* quam de *Partibus Anglorum*; who surely could not All have a right to sit in our *English Councils*. [2] Rights, p. 299. Comp. Edit. 2d. [3] See Dr. *Kennets* Append. p. 359, 360. [3] *Gervase* Col. 1378.

That it was common on these Occasions to allow the People to be present at the Hearing of these kind of *Causes*, not only the Instances before alledged, but that which comes next, in order to be considered, shew. "In 1162, says Dr. *A.* [4] (*M. Paris*) tell us that the "Universitas *Episcoporum*, *Abbatum*, & ali- "orum *Magnatum*, met at *Westminster*: And these Alii *Magnates* are in his "[5] History Explained by *Comites*, *Barones*, *Archidiaconi*, & *Innumera Turba Regni*. But sure he did not think of what he Wrote, when he gave such a strange Account of this Matter. Was *M. Paris* indeed so ignorant, as to rank an *Innumera Turba Regni* among the *Barons* of *England*? Or, was he so *rude* and *unmannerly* as to call the *Magnates* by so *course* an Expression? The Truth of the Story is this: In his History he tells us that *Anno* 1162, the Controversy between the Bishop of *Lincoln*, and the *Abbot* of St. *Albans* was amicably determined in the Presence of King *Henry* the *Second*; and of the *Archbishops*, and *Bishops*, whom he particularly Enumerates; "*Robert Earl* of *Leicester*, *Justitiary* of *England*, being "also *present*, with the *Earls*, *Barons*, *Abbots*, *Archdeacons*, and an *Innumerable* "*Multitude* of the Kingdom. 1162. Sect. 32. [4] Rights, &c. p. 299. *M. Par.* Vit. Abbat. p. 79. [5] Hist. p. 98, 99.

In his *life* of the *Abbots*, he prosecutes this Affair more at large: He tells us, that the *King* Commanded the Cause to be heard in the *Council* which he was a-

K. HENRY the IId.

bout to Celebrate at *Weſtminſter*, at *Midlent*. That the *Parliament* being Aſſembled, the King ſitting in the *Chappel* of St. *Catharines*, *Weſtminſter*, cum *Univerſitate* tam *Archiepiſcoporum*, quam *Epiſcoporum*, atq; *Abbatum* & Aliorum [1]*Optimatum* Regni; the Cauſe was begun by the *Abbot* of *Weſtminſter*, and purſued by the *Abbot* of St. *Albans*. That the King, cum *Optimatibus* ſuis, was exceedingly taken with the Prudence of the *latter* of theſe. That he afterwards went aſide with the *Abbot*, and Two of his *Monks*, to inſpect his *Charters*; and then returned into the Chappel to the *Archbiſhops*, *Biſhops*, and other *Great Men*, whom he had left there.

[1] Not *Magnatum* as Dr. *A.* reports it; tho' the difference be not material. See *M. Paris* p. 79.

Here therefore we ſee who were the *Members* of this *Parliament*; and that *M. Paris* no where reckons the *Innumera Turba* among the *Barons* of *England*. I ſhall only obſerve this farther, to prevent any Miſtake; that [2] *Radulphus de Diceto*, an Exact and Contemporary Writer, giving a full Account of this Matter, not only makes no mention of the *Crowd* of *Hearers*, and *Lookers-on*; but (with *M. Paris*) expreſsly tells us who theſe *Archdeacons* were: viz. *Geoffry Archdeacon* of *Canterbury*; and *Richard Archdeacon* of *Poictou*, afterwards *Biſhop* of *Wincheſter*. By what Right theſe two *Archdeacons* were there preſent, it is not hard to Gueſs. The *Archdeacon* of *Poictou*, to be ſure, could not be call'd to *Parliament* in Right of his *Archdeaconry*: Either therefore they muſt be ſaid not to have been proper Members of this *Parliament*; but to have come Occaſionally to it, for the Proſecution of this Cauſe; [3] (as indeed the former of them was warmly Engaged on the *Biſhops* ſide, againſt the *Abbot*; and the *latter* ſeems to have been no leſs a Friend to the *Abbot*, againſt the *Biſhop*) Or we muſt conclude that by ſome means or other, they had ſuch *Lands*, as intituled them to a *Summons*; and brought *Them* only, of *all* that *Order*, at this time to that *Great Council*.

[2] Script. X. Col. 533.

[3] *M. Par.* loc. cit. p. 80.

This therefore may ſuffice to ſhew who were the *Members* of this *Parliament*; and that the *Innumera turba Regni* of which our Hiſtorian ſpake, came not to this Aſſembly under any ſuch Capacity; much leſs were of the number of thoſe whom he compriſed under the general Title of Alii *Magnates* (or *Optimates*) in his other Book. But I muſt not paſs by another great Tranſaction of this year, without taking ſome Notice of it: And that is, the Election of the famous *Thomas* Becket to the *Archbiſhoprick* of *Canterbury*, which was done, according to the Cuſtom of thoſe times, by the *Convent* of *Canterbury*, and Biſhops of the *Province*, in a *Parliamentary Aſſembly*, a little before *Whitſuntide*. Our Hiſtorians ſpeak variouſly, as to their *Phraſes*, of this *Meeting*; but the meaning of them all is the ſame; and their Variety will therefore ſerve the better to ſhew, how we are to Underſtand them upon other the like Occaſions.

[4] *M. Par.* p 98.

[4] *M. Paris* tell the Story thus: That "Congregato *Clero* & *Populo* totius Provinciæ *Cantuarienſis* apud *Weſtmonaſterium*, he was there unanimouſly Elected.

[5] Script. X. col. 533. Et Angl. S. Vol 2. p. 688.

[5] *Diceto* takes no Notice of the *People*, as having no Voice in the Election; but ſays only that "*Clero* totius *Provinciæ Cantuarienſis* Generaliter *Londoniæ* Convo-"cato; *Henry*, the King's Son, being preſent, with the *Juſtitiaries* of the *Kingdom*, he was ſolemnly Choſen to the Archbiſhoprick.

The Acts of the *Archbiſhops* Life, Quoted by Baronius, ſpeak thus: That this Year a *General Council* was Celebrated at *London*, [6] *Convenientibus Omnibus Epiſcopis*, to Chooſe the *Metropolitan* of all *England*. But [7] *Gervaſe*, a *Monk*, of *Canterbury*, tells the Story with more Exactneſs; and thereby ſhews us how all the reſt are to be underſtood. That in *May*, the Biſhops of *Chicheſter*, *Exeter*, and *Rocheſter*, the *Abbot* of Battle, and *Richard de Luci* his Brother, brought the King's Orders to the *Convent* of *Canterbury*, that the *Prior* with certain of his *Monks*, together with the *Biſhops* and *Clergy* of *England*, ſhould come together to *London* to make Election of an *Archbiſhop*. That hereupon *Wibert* the *Prior*, taking with him the Senior *Monks* of the *Church* of *Canterbury*, came to *London*; and there found the [8] *Prelates*, and *Nobles* of *England*, gathered together. There the *Prior* and *Monks*, Elected *Thomas* the King's *Chancellor*; ſo he reports it; without taking Notice of the *Biſhops* in this Particular. But this part of the Tranſaction *Ralph de Diceto* Supplies. He tells us that in their Account of this Matter to the *Pope*, they ſent him Word that the *Suffragans* of the *Church* of *Canterbury* had Choſen themſelves a Paſtor. He adds, That the Election being made, it was Declared by the Biſhop of *Wincheſter* in the *Hall* at *Weſtminſter*: That together with the Biſhops *Letter* to the *Pope*, another was

[6] *Spelm* Conc. Tom. 2. p. 61.

[7] *Gervaſ* Dorob. col. 1382.

[8] Præſules & Proceres Angliæ Congregatos.

ſent

sent to the same Effect by the *Prior* and *Convent*, to Certify the *Election* to him. *King* HENRY *the* IId.

Upon the whole then it appears, who the *Clerus*, and *Populus*, of *M. Paris*; and the *Bishops*, and *Clergy*, of *Gervase*, were. A *Parliament* was then held at *London*: There the *Præsules* and *Proceres Angliæ* were Assembled; the usual Members of that Great Council. Upon the day of the Election, the Archbishop was chosen by the *Prior* and *Convent*; and *Accepted*, and *Proclaimed*, by the *Provincial Bishops*. The Lords of the *Parliament*, and the other *Prelats*, attended only upon the Solemnity. Here were all that were called to this *Meeting*: If any others were present, (as at the *Publication* no doubt there were many) it was only the *Innumera turba Regni* (before mentioned) who Crouded in, to see and hear what was done; and who, tho' they seldom fail to be present on such Occasions, yet I believe were never Invited, much less regularly Summon'd, to come to these *Conventions*.

Having thus given an Account of the Election of this Archbishop; I proceed with Dr. *A.* to consider the great transaction of this Reign; in the Quarrel which happened soon after, between the *King* and *Him*, in the great Council; or, as [t] *Brompton* plainly calls it, the *Parliament* of *Clarendon*. All that he tells us of this whole matter is this, [z] "That to the *Articles* of *Clarendon*, in 1164, *M.* "*Paris* says, there Swore *Archiepiscopi*, *Episcopi*, *Abbates*, *Priores*, *Clerici*, cum "*Comitibus*, ac *Baronibus*, & *Proceribus* Cunctis. And this, not afterwards, but upon the spot, "*Viva Voce*, in that very Meeting where these *Constitutions* "were made. 1164. Sect. 33. [t] Script. X. col. 1058. [z] Rights, p. 299.

There is hardly any part of our *History* of which so Authentick, and full an Account has come down to us, as of this Meeting: And because it will much illustrate, as well as confirm, our present Argument, I will beg leave to insist a little the more fully on what relates to my Subject in it.

The *Archbishop* being returned from the Council of *Tours*, and desirous intirely to restore the Rights of the *Church* of *Canterbury*, says [3] *Gervase*, did thereby provoke the minds of many Great Persons against him. The King on the other side being no less concerned for the Peace of his Realm; and for that end finding it necessary that the *Clergy* should be impleaded before his Lay-Magistrates, for their Offences against the King's Peace; Called together [4] all the *Archbishops* and *Bishops* of *England* at *Westminster*, there to Treat with them about it. [3] Script. X. col. 1384. [4] *Hoveden.* fol. 282.

The Question at last came to this, Whether they would observe the *Antient Customs* of the *Realm*? And the Answer was, That they would observe them, *Salvo Ordine suo*. The King being Enraged at this Answer; The *Archbishop* went to him to [5] *Woodstock*, and there promised that without any such Reserve he would observe them: With which the King being pleased, told him, that he would have this Promise made good in *Episcoporum*, & *Procerum Regni* conspectu & Audientia publica, says the Comtemporary Writer of the *Archbishops* Life. [5] *Herebert* says to *Oxford.* Baron. Annal. ad Ann 1164. p. 485.

Upon this the *Parliament* of *Clarendon* was called: Let us hear who were called to it. [6] The *Acts* of that *Assembly*, still remaining, Enumerate them thus: Omnes *Episcopi Anglicani*, & *Comites*, & *Barones*, *Magistratus* & *Nobiles*. [7] *Ralf de Diceto*, a Contemporary Historian, speaks thus in like manner of them; *Episcopi* & *Proceres*. [8] *Gervase* calls them *Pontifices* & *Proceres*: *Præsules* & *Proceres*; and sometimes in one Word, *Optimates*. The Quadripartite History, *Præsules* & *Proceres*: And lastly [9] *M. Paris* himself, yet more particularly, Præsidente *Jo. de Oxonia*, præsentibus *Archiepiscopis*, *Episcopis*, *Abbatibus*, *Prioribus*, *Comitibus*, & *Proceribus* Regni. These are all that our Antient Historians speak of; none else are so much as hinted at by them. [6] Ib. [7] Script. X. col. 536. [8] Ib col. 1385, 1388. [9] *Mat. Paris* p. 100.

But what now was the Result of this Assembly? Did the *Archbishop* Swear to the *Articles* of *Clarendon*? If Dr. *A.* means by the *Articles* of *Clarendon* those Articles which were drawn up there; as he ought to mean them; 'tis certain he did not. [10] The King insisted upon the Promise made to him, to Observe *Consuetudines Regias*; or, as they are called by others, *Consuetudines Avitas*: But what these Customs in Particular were, it was not yet agreed. This at last the Archbishop was perswaded to do, and all this, in eadem forma, says the Historian, *Sigillatim Universi Pontifices* Juraverunt. [10] Baron. loc. cit. p. 481.

Having done this, the next thing resolved on, was to put these Customs in Writing. This was done in the *Articles* of *Clarendon*; of which one Copy was

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delivered to each *Archbiſhop*; and a *Third* remained with the *King*. To theſe *Articles*, the King Required the *Biſhops* to ſet their *Seals*, for the greater Security of what was done. But this the Archbiſhop declined for the preſent, and afterwards went off intirely from what he had before Agreed to; and never allowed of, much leſs Swore to, the *Articles* drawn up at *Clarendon*, as Dr. *Atterbury* repreſents him to have done.

But to allow of this Miſtake, into which *M. Paris*, ſeems naturally enough to have led him: Who were they that Sware to obſerve the King's Cuſtoms? Univerſi *Pontifices*, ſays [1] *William*: *Epiſcopi promiſerunt & Juraverunt*; ſays [2] *Gervaſe*. *Prælati*; ſays [3] *Diceto*: Archiepiſcopus & Epiſcopi; ſays [4] *Birchington*. Archiepiſcopus, ſays [5] *Hoveden*, received them, and granted that the *Biſhops* ſhould Receive and Obſerve them. And ſo ſays [6] *M. Paris* too, if he were but rightly underſtood, and pointed as he ought to be; and is in the Accurate Edition of *London* 1640; and in [7] Sir *H. Spelmans* Tranſcript of this Hiſtory from him. This Recognition, ſays he, the *Archbiſhops*, *Biſhops*, *Abbots*, *Priors*; the *Clergy*, with the *Earls*, *Barons*, and *Nobles*, Sware to. Not as if the *Clerus* were a Fifth *Rank* of Men (which tis certain from all our Hiſtories, and even from *M. Paris* himſelf, they were not) but he reſumes in that Word, what he had particularly delivered in the four Preceding Orders; the *Clergy* (*i. e.*) All the *Clergy* then preſent, and before ſpecified, with the *Laity* then preſent, and next to be Enumerated, Sware to this Promiſe.

[1] Hiſt. Quadripart. apud Baron. loc cit.
[2] Script. X. col. 1386.
[3] Ib. col. 536
[4] Angl. S Vol. 1. p. 6.
[5] *Hoveden*. fol. 282. b.
[6] *M. Paris* p. 101.
[7] Concil. Vol. 2. p. 63.

Dr. *Atterbury* ſeems to lay ſome ſtreſs upon their Swearing not "*afterwards*, but *upon the ſpot*; in the very place where the *Conſtitutions* were made. This is very true; and I allow that thoſe who Sware, were *Members* of that *Great Council*, or *Parliament*. But ſhall I freely tell him what I think? I do look upon that Paſſage of *M. Paris* either not to be exactly publiſhed; or rather that *M. Paris* was miſtaken in his Account of this Promiſe. For indeed he not only intimates, as Dr. *A.* does from him, that they Sware to the very *Articles* of *Clarindon*; which 'tis plain they did not; but he makes the *Temporal Lords*, to have Sworn with them; which no other Hiſtorian that I know of does, nor was there any need of it. On the contrary, it does not appear that any other of the *Clergy* there preſent, beſides the *Biſhops*, did Swear to this matter. In ſhort; the *Biſhops* only *promiſed*; the *Biſhops Sware* before the *Prelates* and *Lords*; that was the Truth; and ſo our other Accounts do Generally agree. I ſhall cloſe this with the very minutes of that Action, as I find them publiſh'd by [8] *Goldaſtus*, and it is a piece worthy of Remark: "This Recognition was made before the "*Archbiſhops*, and *Biſhops*, and *Clergy*, and *Earls*, and *Barons*, of the Kingdom. "And the ſame Cuſtoms ſo Recognized, by the *Archbiſhops*, and *Biſhops*, and "*Earls*, and *Barons*, and by the more Noble and Antient of the Kingdom; "*Thomas Archbiſhop* of *Canterbury*, *Roger Archbiſhop* of *York*, and *Twelve* Biſhops "(there expreſly mentioned) agreed to, and Promiſed to Keep and Obſerve; "in the Preſence of *Thirty eight Great Lords*, (whoſe Names particularly follow) and of many other *Lords* and *Nobles* of the Kingdom, as well *Clergy* "as *Laity*. This is a plain, and full Account of this Matter; and intirely determines the Caſe. The *Two Archbiſhops*, with *Twelve of their Suffragan* Biſhops, made the Promiſe; the *Parliament Clergy* and *Laity* were *preſent* at it, and Witneſſes to it. No others but *Biſhops* Sware; no other *Clergy* but thoſe who made a part of the *Proceres*, and *Nobiles* Regni, were preſent when they Sware.

[8] Conſtit. Imperial. Tom. 3. p. 346, 347. Vid. Append. ad An. 1164.

1164. The *Archbiſhop* having thus departed both from his Promiſe, and Oath; upon the 13*th* of *October* following, the King Called another [9] *Parliament* at *Northampton*. There were Aſſembled, *Epiſcopi*, *Comites*, *Barones*, totius *Regni*. This [9] *Brompton* calls again a *Parliament*; and the Members of this, were the ſame as of the other, *viz.* [10] *Biſhops*, and *Lords*: No other beſides, that we read of, were at it. 'Tis true the Mſ. Life of this *Archbiſhop*, ſeems to carry this point a little farther; by telling us that the King Called to this *Council Omnes qui de* Rege *tenebant in Capite*. But [11] *Fitz-Stephens*, a Monk of *Canterbury*, who attended upon Archbiſhop *Becket* at that very time, and gives the beſt and fulleſt Account of this Meeting, mentions only *Epiſcopos*, *Comites*, & *Barones*; and by the whole Courſe of his Narration plainly ſhews that no Others were Summon'd to it.

[9] See *Rad de Diceto*. col. 537 *Brompt*. col. 1059.
[10] *Gervaſ. Dorob*. col. 1389, 1392. *Mat. Paris* p. 102.
[11] *Selden*. Tit. of Honour, part. 2. p. 583.

1166. Sect. 34. And as theſe Inſtances declare who were called to our *State Councils* at this time, ſo about two years after, we have a double Opportunity of diſcerning who

were called to our *Eccleſiaſtical Synods*. At *Oxford*, ſome Hereticks were Judged in a *National Council*; the *King* and *Biſhops of the Realm* being preſent, ſays [1] *M. Paris*. And ſo our other Hiſtorians tell us. And at *London*, the *Biſhops* and *Abbots* Aſſembled to Appeal againſt the *Archbiſhop*; [2] and they did it not only in their own Name, but in that of all the *Perſons* under their Juriſdiction.

This *Aſſembly*, or *Synod* of the *Biſhops*, [3] Dr. *Atterbury* (by Miſtake) places *Anno* 1168; and delivers it to us for a *Great State-Council*, and tells us that *Gervaſe* particularly obſerves that the *Sub-Prior* and *Monks* of *Canterbury*, had their *Writ* to come to it. "He mentions thoſe only, ſays he, becauſe he himſelf was "one of their number. It is true that *Hiſtorian* in his *Acts* of the *Archbiſhops* of *Canterbury* does ſay that the *Proceres* were alſo called to this Aſſembly: But the end for which they were Summon'd, ſhews that they were not, in Generall, All the *Parliamentary Barons*, but only Such of them as were threatned by the *Archbiſhop* with *Excommunication*. And who thoſe were [4] *Ralph de Diceto* tells us: *Richard de Luci*; *Richard Archdeacon* of *Poicton*, *Jocelin* de *Bailol*, *Alane* de *Nevilla*, and many others. Theſe, as that Hiſtorian tells us, Appealed from his Sentence; and were accordingly, by Order of the *Pope's Legat*, Abſolved by *Godfrey* Biſhop of St. *Aſaph*.

Nor does it appear that theſe Barons joyned with the *Biſhops* in this matter: No; the ſame [5] *Hiſtorian* tells us that the *Biſhops*, and *Abbots* met together for this End. [6] *Mat. Paris* takes no Notice of the *Abbots*, but mentions only the *Biſhops* as Meeting and Appearing; ſo does [7] *John Sarisberiens*: And their Letter runs only in their *Own Name*, and the *Name* of the *Parſons* of their *Dioceſes*.

As for what he adds, that "*Gervaſe* mentions only the Summoning of the "*Sub-Prior* and *Monks* of *Canterbury* to this Meeting, becauſe he himſelf was "one of their Number; intimating thereby that all the other *Religious* were, in like manner, called to this Aſſembly; it is not only altogether precarious, but is certainly falſe too. [8] For this Aſſembly was held by the *King's Order*; and his Direction was that the *Monks* of *Canterbury* (the *Archbiſhops* own *Church*) ſhould joyn in the Appeal: But as *Gervaſe* obſerves, they managed their Buſineſs ſo as to Excuſe themſelves, till they had ſpoken with the King about it; and by that Artifice they eſcaped the Obligation of Appealing at all againſt their own Primate.

But [9] Dr. *Atterbury* goes on: "And to this, or ſome ſuch other Meeting the "following paſſage in his *Chronicle* refers; [10] Congregatio *Epiſcoporum* & *Ab-*"*batum*, & aliarum *Perſonarum Eccleſiaſticarum* apud *Lundonias* facta eſt: Sed & "*Supprior*, & *Monachi Cant. Eccleſiæ* imperio Regis juſſi ſunt adeſſe. That to this Meeting it referred not the Account which the ſame [11] Hiſtorian gave of it two years before, plainly ſhews. That it did to ſuch another, is certainly true, and the Occaſion of it was this. The King being provoked to the uttermoſt by the Pope *Alexander*, entertained the thoughts of joyning with the *Emperour* for *Pope Paſchal* againſt him. The better to accompliſh this Deſign, he called the *Biſhops*, and *Abbots*, and *Clergy*, together to *London*. With theſe he joyned the *Convent* of *Canterbury*. They met accordingly; but the *Biſhops* Refuſed to Unite againſt *Pope Alexander*, and ſo the Buſineſs came to nothing. This was Dr. *Atterbury's* other *Meeting*: And in his Account of which all that I can commend is this, that he was aſham'd to call it a *Parliament*, as plainly perceiving by his own Relation, that no Lay-men at all were Summon'd to it, nor was any *Civil Buſineſs* done in it.

The King continuing ſtill abroad kept his *Chriſtmaſs* the year following at [12] *Nantes*, 1169, Præſentibus *Epiſcopis*, & *Baronibus* totius *Britaniæ*: And then returning into *England* the 5*th* of the *Nones* of *March*, he Summoned the *Archbiſhop* of *York*, and *Biſhops*, to *London*, to the *Crowning* of his *Son*. He held his Court at *Windſor* at *Eaſter*, with [13] his *Biſhops* and *Great-Men*; and then at a *Parliament* in *London* agreed upon this matter; and Summoned them to come to this Solemnity upon the Feaſt of St. *Barnabas*. At this *Coronation* the *Earls*, *Barons*, and *Nobles* attended; and the day following they altogether, with the *King's Free-Tenants*, paid their Homage to the new King.

Whether it was in the ſame *Parliament* that he appointed certain Perſons to go through the Kingdom, and make ſuch Enquiries as the State of the *Realm* ſeemed to require, I cannot tell. But this the [14] *Hiſtorian* informs us, that

K. HENRY *the* IId.

[1] *M. Paris*, p. 105. Neubrigens. lib. 2. cap. 13. R. Diceto col. 539. Brompton. col. 1050.

[2] M. Paris, p. 106. Gervaſe col. 1400.

[3] Rights, p. 299.

[4] Rad. de Diceto. col. 539

[5] Gervaſe Dorob. col. 1400.

[6] M. Paris. p. 105.

[7] Apud Labb. Concil. Tom. 10. col. 1444.

[8] Gervaſ. Dorob. col. 1400.

1168. Sect. 35.

[9] Rights, p. 299.

[10] Gervas. Dorob. col. 1404.

[11] Col. 1400.

Sect. 36. 1170.

[12] Mat. Paris p. 121. Brompt. col. 1060.

[13] Rex Magnum celebravit Concilium Londoniis cum Principibus & Magnatibus Terræ ſuæ. *Hoveden*. fol. 296. b. *Brompt*. col. 1060.

[14] *Gervaſ*. col. 1410.

King HENRY *the* IId.

Sect. 37.

that he did it by the Advice of his *Parliament*; *Convocatis Optimatibus* ſuis; the only Members, as yet, of thoſe *Great Councils*.

Hitherto, I may, I think, preſume to affirm, that nothing has been offer'd to prove the *Lower Clergy* to have been Members of our *State Councils*, or to have ever been Call'd under any ſuch Capacity to them. Would Dr. *Atterbury* be conſtant to his own Principles, we might here ſtop our farther Enquiries into this Matter. For from henceforth, by his own Confeſſion, they came not to them, till the 23*d* of *Edward* the Firſt; from which time, I do agree with him, that they did become the *Ordinary Members* of our *Parliaments*. But he has taken a new-method, and I muſt follow his Motions. Inſtead of ſhewing us, (which was what he once promiſed) that about this time the *Lower Clergy* broke off from theſe Meetings, and took Advantage of the Troubles in which the King's Affairs had brought him, to come no more to his Councils, as they had done before; he proceeds to prove both againſt himſelf, and all others who are of the ſame Opinion, that they ſtill continued to come to them: And I hope, he will the rather Excuſe me, if I ſhew that they did not, ſeeing whichever ſide be true, he is ſure to be in the Right; this one thing excepted, that he pretends they now *left off* to *Come* to *Parliament*, whereas I conceive I have pretty clearly ſhewn that they were never yet wont to come at all to it.

1173. [1] *Gervaſe Dorob.* col. 1425.

Becket being dead, the King call'd a [1] *Council* to *London*, according to Cuſtom, to elect a Succeſſor; and order'd the *Prior* and *Convent* of *Canterbury* to come to it. They met accordingly, and Choſe *Roger Abbot* of *Bec*; the *Biſhops* Conſenting to, and the King *Confirming* their *Choice*. But the Good *Abbot* declined the Promotion, and ſo the Matter was forced to be brought to a New Election.

[2] Ib. col. 1425. [3] *M. Par.* p. 127.

[2] In *June* following, another *Council* was therefore Summon'd, for the ſame purpoſe, at *London*: They Choſe *Richard* Prior of *Dover*: [3] And then in the Hearing of all the *Biſhops*, and *Barons*, the *Pope's Letters* were Read, for Celebrating the *Feaſt* of his St. *Thomas* of *Canterbury*.

1175. [4] *Gervas.* col. 1429.

At this *Council* only the *Greater Prelates* appeared: Nor do we meet with any others in the *Provincial Synod* held by this *Archbiſhop May* the 18*th*, 1175. [4] *Gervaſe* indeed, ſpeaks at firſt of it in very General Terms; that *Convocato Clero Angliæ*, he Celebrated his *Council* at *Weſtminſter*, xv. *Kal. Jun.* But then he afterwards particularly recounts who were preſent at it, and ſo explains his own Meaning, *viz.* All the *Suffragan* Biſhops of the *Province* of *Canterbury*; (except *Worceſter*, who was infirm, and *Norwich* who was dead) and the *Abbots*: To theſe [5] *Brompton* adds, the Biſhop of St. *David's* out of *Wales*. [6] *Hoveden*, who ſpeaks very fully of this *Synod*, ſays that there came to it almoſt all the Biſhops, and *Abbots* of the *Province* of *Canterbury*. [7] Sir *H. Spelman's* Mſ. mentions no others: No more does *Walter Coventre*. Yet [8] *Neubrigenſis* ſpeaks in larger terms of it, "Provinciale Concilium *Londoniis* Celebratum "eſt, a *Ricardo Cant.* Archiepiſcopo, Conſedentibus *Suffraganeis*, & Aliarum "*Eccleſiaſticarum Perſonarum* Cœtu Capioſo: And thereby ſhews us how we are to Underſtand the like Expreſſions, upon other Occaſions, where the Matter is leſs clear; and ſuch kind of Language may be offered (as accordinly it has been by Dr. *Atterbury*) to prove a Right in the *Lower Clergy* to ſit in ſuch Meetings, as they were not yet wont to be called to.

[5] *Brompt.* col. 1101. [6] *Hoved.* fol. 310. a. [7] *Spelm.* Concil. Vol. 2. p. 103. Walt. Coventre ad An. [8] Neubrigens. Lib. iii. cap. 1.

[9] Diceto col. 586. Et Angl. S. Vol. ii. p. 103. [10] Walt. Coventre ad An. 1175. [11] Hoved. fol. 312. b. Brompt col: 1102, 1103. [12] Ib. [13] Walt. Coventr. ad Ann. 1175. *Brompt.* col. 1106. [14] *Hoved.* fol. 312. b.

At this *Council* not only the *Two Kings*, but the *Lords* too were preſent; at leaſt upon the *Third day* of it: When [9] *Ralf de Diceto* ſays that "Univerſis fere "*Angliæ Majoribus* Convocatis, the Agreement between the *King*, and his *Son*, was Read before them.

[10] In the *Octaves* of St. *John Baptiſt*, another Council was held at *Woodſtock*, for filling up the Vacancies, which were then numerous, in the Church. The Members of this alſo were *Biſhops* and *Abbots*; as [11] *Roger Hoveden* who was well acquainted with that Matter, Reports.

From thence the King went on to *York*: [12] There he held another *Great Council* with his *Lords*, and *Biſhops*. And there in preſence of Them, and of the *Biſhops*, *Abbots*, and *Great Men* of the *Realm* of *Scotland*, the Affairs between King *Henry* and the *Scotiſh King* were determined.

In the *Octaves* of *Michaelmaſs* another [13] *Great Council* met at *Windſor*. The Members of it, are reckoned up by [14] *Hoveden* in this manner; the *Archbiſhop* of *Canterbury*, *Biſhops*, *Earls*, and *Barons*, of *England*: But of Dr. *Atterbury's* *Lower Clergy*, there is not any Intimation.

†

On

K. HENRY the IId.

On St. *Paul*'s day another *Great Council* met at [1] *Nottingham*: A Solemn Diviſion was there made of the Kingdom into *Six parts*; and three *Juſtices Itinerant*, were appointed for each of them. [2] This was an Affair of *Common* Concern, and therefore was tranſacted in the *Common-Council* of the *Realm*. And the Members of that *Council* are ſtill repreſented after the ſame manner; [3] "Dominus Rex— Celebravit *Magnum Concilium* de Statutis Regni ſui, & Coram "*Rege* filio ſuo; & Coram *Archiepiſcopis*, *Epiſcopis*, *Comitibus*, & *Baronibus Regni* "ſui, Communi Omnium Conſilio diviſit Regnum ſuum, &c.

Indeed for what concerns the *Lay part* of this *Council*, [4] *Diceto* ſeems to extend the Call to all the *King's Tenants in Chief*: But of the *Clergy*, he makes no other mention, than what *Hoveden* had done before.

About the End of the next year following, a Memorable Accident fell out, which will deſerve to be taken Notice of. [5] The Kings of *Caſtile* and *Arragon* having ſome Diſputes with one another, mutually agreed to make our *Henry* the Umpire between them. To hear this Cauſe, the *King* called his *Parliament* to *London*, upon the *Firſt Sunday* in *Lent*. There were preſent at it, the *Archbiſhop* of *Canterbury*, the *Biſhops* of *England* and *Wales*; the *Abbots*, *Priors*, and *Barons* of *England*; ſays [6] *Roger Hoveden*. The Cauſe being Heard, *Comites* & *Barones* — adjudicaverunt: And in the Inſtrument of Award, the King ſays, that the Cauſe was heard *in Præſentia Noſtra*, & *Epiſcoporum*, & *Comitum*, & *Baronum Noſtrorum*: [7] The Names of many of whom are ſet to it; with a general Clauſe of Aliis multis tam *Clericis*, quam *Laicis*. Who theſe *Alii multi* were, Sir *William Dugdale*'s Copy informs us; and indeed the whole Relation ſpeaks: They were the *Abbots*, *Priors*, and other *Barons*. * "Aderant namq; huic Con-"cilio, ſay his *Acts*, *Abbates*, *Priores*, & *Barones* Angliæ, ut ſupradictum eſt; "licet horum pauci, illorum nulli, ad ſubſcriptionem accederunt.

'Tis true [8] *Walter Coventry* does ſeem to enlarge the Members of this Aſſembly: Which he thus particularly declares; *Archiepiſcopus Cant. Epiſcopi*, *Abbates*, *Decani*, *Archidiaconi*, *Comites*, *Barones*. Nor will I deny but that ſome of theſe might hold of the King by *Barony*, and ſo by their *Tenures* have been Summoned to it. But thus much both the publick Inſtrument of Award, and the Proceſs of the Cauſe aſſures us, that no other *Clergy-men* were there but *Biſhops* and *Barons*; under which laſt, as many *Abbots* certainly were compriſed, ſo it is not improbable but that ſome *Deans*, and *Archdeacons* too, by this time, may have been.

But I muſt not omit another Cauſe for which another Parliament had been called before, this ſame year. [9] The King of *Sicily* had deſired our King's Daughter in Marriage, and his Propoſals were laid by the King before his *Great Council*. To this were called tam *Prælati Eccleſiarum*, quam *Regni Proceres*, ſays [10] *Diceto*: *Archiepiſcopi*, *Epiſcopi*, *Comites*, & *Sapientiores Regni*; as [11] *Brompton* expreſſes it: *Epiſcopi*, *Comites* & *Barones Regni*; ſays [12] *Hoveden*: And in like manner our other Hiſtorians.

The year following the King kept his *Eaſter* at *Reading*: [13] And the Morrow after the *Cloſe* of it, being come to *Eli*, he held a *Council* with many of his *Biſhops*, *Earls*, and *Barons* there, concerning the Peace and Eſtabliſhment of the Kingdom. From thence he went to *Windſor*: Thither almoſt all the *Earls*, *Barons*, and *Knights* of the *Realm*, came to him with their *Horſes* and *Arms*; and by the Advice of his *Biſhops*, *Earls*, and *Barons*, he Changed the Keepers of his Caſtles, and gave them to others to Keep. And proceeding on to *Oxford*, in a *General Counlcil*, ſays [14] *Hoveden*, which he Celebrated there, he made his Son *John King* of *Ireland*. Of whom this *General Council* conſiſted, *Hoveden* tells us not; but [15] *Brompton* ſupplies the Defect: He expreſly Notes that the King did this, Coram *Epiſcopis*, & *Regni ſui Principibus*; Who therefore were the Members of that *Parliament*.

In 1179, [16] after *Eaſter*, the King, with his Son, met at a *Great Council* at *Windſor*. There, by the Common Advice of the *Archbiſhops*, *Biſhops*, *Earls*, and *Barons*, he divided all *England* into Four Parts; and Appointed certain Perſons to Adminiſter Juſtice in each Diviſion, after the manner which the Hiſtorian at large Recounts.

In 1181, [17] at the Feaſt of *Epiphany*, the King called together the *Majores Regni*, at *Waltham*. There in their preſence, and by their *Conſent*, he applied a great Summ of Money to the Succour of the *Holy Land*. Theſe [18]

[1] *Hoveden* fol. 314. b. *Northampton. Rad. de Diceto.* col. 588.
[2] *Hoved.* fol. 313. a. *Brompt.* col. 1108.
[3] *Walt. Coventre* ad Ann. 1176.
[4] *Diceto* col. 588 Coram Epiſcopis, Comitibus, Baronibus, Militibus, & aliis Hominibus. So does *Benedict. Abbas.* See *Brady's* Introd. Append. p. 57.
1176. Sect. 38.
[5] *Brompt.* col. 1120.
[6] *Hoveden.* fol. 320, b. 322 b. *Brompt.* col. 1122, 1124. *Benedict. Abbas.* p. 86. b.
[7] *Hoveden.* fol. 323. a. *Brompt.* col. 1125, 1126.
* *Spelm.* Concil. 2 Vol. p. 113, 114.
[8] *Walt Covent.* Mſ. ad Ann. 1177.
[9] *Walt Covent.* ad Ann. 1176.
[10] Script. X. col. 590.
[11] *Brompt.* ibid. col. 1112.
[12] *Hoveden* fol. 315. a.
1177. Sect. 39.
[13] *Brompt.* col. 1126, 1127.
[14] *Hoved.* fol. 323. b.
[15] *Brompt.* col. 1127.
1179. Sect. 40.
[16] *Hoveden* fol. 337. a.
1181.
[17] *R. de Diceto* col. 613.
[18] *Mat. Paris* p. 140.

King HENRY the IId.

1184.

Paris calls by another Name, but to the ſame effect, *Proceres Regni*: And both ſhew, only the *Greater Clergy* to have been concerned in it.

To ſay nothing of the [1] *Councils* held (as was Uſual) for Chooſing of a New *Archbiſhop* in 1184; and the Quarrels between the *Biſhops*, and the *Monks* of *Canterbury*, on that Occaſion; at all which only the *Biſhops* and *Convent* of *Canterbury* were preſent. The next great Occaſion for a *Parliament*, which I ſhall take notice of, was the offer which was made to our King of the Holy Land by *Heraclius* the *Patriarch*, who came hither on purpoſe for that End. To Debate of this Affair the King held his *Parliament* at *Clerkenwell*, [2] *March* the 18*th*, 1184, *Convocato Clero Regni*, cum *Populo*; ſays *M. Paris*. But whom of the *Clergy* and *Laity* did he call to this Council? *Totius Anglia Primores*, ſays [3] *Gervaſe*: *Epiſcopos*, *Abbates*, *Comites*, *& Barones Terræ*, ſays [4] *Hoveden*. *Cantuarienſem Electum*, & *Cant. Eccleſiæ Suffraganeos*, *Dunelmenſem Epiſcopum*, *Abbates*, *Conventualium Locorum Prælatos*, *Comites* & *Barones*; ſays [5] *Diceto*: Theſe then were our *Members* of *Parliament*, *Epiſcopi*, *Comites*, & *Barones*, as the [6] *Archbiſhop* in his Letter to his *Suffragans*, relating to this Meeting reckons them up; let Dr. *Atterbury* ſhew us any Others, if he can.

Why yes, he will prove his *Lower Clergy* to have been there, by a clear Inſtance, in the laſt year of this King, in the *Parliament* at *Gaintingtov*; where we are told by [7] *Hoveden*, that he did *Magnum celebrare Concilium*, *Epiſcoporum*, *Abbatum*, *Comitum*, & *Baronum*, & *Aliorum multorum* tam *Clericorum* quam *Laicorum*; hold a Great Council of *Biſhops*, *Abbots*, *Earls*, and *Barons*, and many Others, as well of the *Clergy*, as *Laity*. And ſo [8] *Walter Coventry* ſays likewiſe.

I will not now inſiſt upon this, that the Deſign of this *Council* being to get Succour for the *Holy Land*, many might, for that end, be Called to it, who were not yet the Conſtant and Cuſtomary Members of our other *Parliaments*. Let us ſuppoſe all here to have been done in the Ordinary Courſe: The only Queſtion is, who theſe *Other Clergy*, and *Laity* were? Dr. *A.* ſays the *Lower Clergy*, and *People*. I Affirm, from all that has already been offer'd, and ſhall hereafter be produced; that they were ſuch only of *both* as held in *Capite* of the *King*; and were therefore concerned in *Conſenting* to the *Tax* that was here to be laid upon them, for the Expedition to the *Holy Land*. For tho' in *Making* of *Laws*, in *Judging* of *Cauſes*, and the like Affairs, only the *Greater* Barons, *Eccleſiaſtical* and *Temporal*, Aſſembled, and Acted; yet in agreeing to *Taxes*, All who *Held* under the *King* (his *Free-Tenants*) began now to *Conſent* for *themſelves*, and were not otherwiſe Concluded than by their own Allowance.

And accordingly we find, even in this *Aſſembly* (notwithſtanding this General Expreſſion) no Notice taken of any but the *King*, his *Biſhops*, and his *Barons*, in the Proſecution of it. [9] *Gervaſe* mentions no others, as preſent at it. "Convenerunt una cum Rege, *Præſules* & *Principes Regni*. *Baldwine Archbiſhop* of *Canterbury*, and *Gilbert* Biſhop of *Rocheſter*, exhorting the *Council* to take the Croſs upon them, are, even by [10] *Hoveden* himſelf, ſaid to have preached to Admiration that day the Word of the Lord, *Coram Rege*, & *Principibus ſuis*. [11] *Neubrigenſis* ſpeaking of this very Aſſembly ſays, that "*Præſulum*, & *Procerum Angliæ* favore, the King confirm'd what he had agreed upon beyond the Sea, as to that Matter. From all which it appears that by the *Clerici*, and *Laici*, theſe Hiſtorians underſtood only the *Barons* of each *kind*. If Dr. *A.* will have us believe him that they were any Others; let him produce his *Authorities* for it, and ſhew us upon what Ground he would have us do ſo; or elſe we muſt conclude that he has no Ground nor Authority, as indeed I am pretty ſure he has neither, for his Aſſertion.

I am now come to the end of this Troubleſome Reign; and have ſhewn not only that there is no manner of Proof yet made of any Right of the *Lower Clergy* to *Come* to our *Parliaments* in thoſe days, but that the whole ſtream of our beſt, and moſt antient *Writers*, runs directly Counter to it. I muſt now obſerve, that neither is there any more appearance of Truth in what he before *Aſſerted*, but has not once attempted to Prove, that about the middle of this King's time, they broke off from the *State Councils*, and (in his new Phraſe) *Attended* upon them not in *One National Body*, but in *Two Provincial Synods*. Theſe are ſuch Diſcoveries as none of our *latter Writers* before had made, nor do any of our *antient* Ones favour. If herein I ſpeak too largely, he will have the fairer Oppor-

[1] *Hoveden* ſol. 355. *Diceto* col. 619.

[2] *Mat. Paris* p. 143. 10 Kal. April. *Diceto* col. 626. 15 Kal. April.

[3] *Gervaſ.* col. 1474.

[4] *Hoved.* fol. 358. b.

[5] *Rad. Dicet.* col. 626.

[6] Bibl. Patrum. Tom. 24. p. 1017. a. Sect. 41.

[7] *Hoved.* fol. 366. a.

[8] *Walt. Covent.* ad Ann. 1188.

[9] *Gervaſe* col. 1522.

[10] *Hoved.* Loc. Supr. Cit.

[11] *Neubrigenſis* Lib. 4. Cap. 23.

Opportunity of Calling me to Account for it. But then he muſt firſt Endeavour to know his own Mind, and which of his Poſitions he will ſtick to; and having ſettled that, he ſhould, in the next place, take Care to bring at leaſt ſome few Proofs, that will bear an Examination, in Defence of his Poſition.

Sect. 42.

Concerning the State of the Clergy in the next Reign, that K. of *Richard* the *Firſt*, Dr. *A.* has a great many Obſervations, which tho' they do not very well agree with one another, yet muſt they nevertheleſs, Inconſiſtent as they are, be taken Notice of by me. There was a time when he thought fit to Interupt the *National Attendance* of the *Clergy* in *Parliament*, from the middle of King *Henry* the *Second*'s Reign, to the middle of King *Edward* the *Firſt*'s. The Succeſs they had in their *Struggle* with the *former* of theſe, about the Affair of *Archbiſhop Becket*, and the *Articles* of *Clarendon*, he ſays, Encouraged them in their Attempt, of breaking off from their *Parliamentary Service*; (tho' in the whole Series of that Affair there is not a Word, or ſo much as a Hint, that looks that way:) And now he finds out another *Circumſtance* to Confirm, and Settle it. For "this "Diviſion of the *Spiritualty* from the *Temporalty*, which began in K. *Henry* the "*Second's* Time, took root under his Succeſſors; and was ſettled more and "more, by the Abſence of K. *Richard* the *Firſt*, in the *Holy Land*. Which therefore, in Dr. *Atterbury*'s Account, gave the *Clergy* an Opportunity of Confirming their Practice of leaving off to come *Nationally* to *Parliament*, and inſtead thereof to "*Attend upon it* in *Two Provincial Synods, held under their ſeve-*"*ral Archbiſhops.*

Rights, &c. p. 36.

Rights, p. 74.

But from this Opinion he ſeems in the Proſecution of his Book to have departed: When coming to the Hiſtorical Deduction of this Matter, he tells us that "in K. *Stephen's* time the *Lower Clergy*'s Intereſt in theſe (very) *State Meetings* "is ſet in ſomething a better a light than it had been in the times foregoing: And that "*M. Paris's* Expreſſions relating to the following Reign (that of *Hen.* "the *Second*) are yet clearer: And from thence goes on to ſhew the ſame in K. *Richard* the *Firſt*, and K. *John's* too.

Ibid. p. 298.

Ibid. 299, 300.

Theſe Aſſertions, and Conjectures of his, therefore, thus Oppoſite to One another, cannot be *all true*; but they may be *all falſe*, and I will venture to ſay that they *all* are ſo. For the *Lower Clergy* never yet came to *Parliament* in that Capacity; and therefore could not either break off from it in *Henry* the *Second's*, or Confirm their Receſs, in *Richard* the *Firſt's* Reign. This I have ſufficiently Proved before. King *Richard*'s Abſence in the *Holy Land* gave no Opportunity to ſuch a Confirmation; Nor did they come to *Parliament* in his *time*; as I ſhall now proceed to ſhew.

Sect. 43.

It has been obſerved by one of our Antient Hiſtorians, that the Abſence of King *Richard*, and the Confuſions in which the *Kingdom* lay during that time, gave Opportunity to the Pope to Enlarge his Power, and to Diſpoſe of Preferments in our Church, beyond what he had ever done before. But that this ſame Abſence gave any Opportunity to our *Clergy* to break off from their *Parliamentary Attendance*, and to meet in their own *Provincial Synods* under their reſpective Archbiſhops, is a perfect *New Diſcovery*, which the Circumſtances of thoſe times, I doubt will hardly admit of.

The *Archbiſhop* of *Canterbury* went along with the *King* to the *Holy Land*; and died there. Into his place, *Reginald* Biſhop of *Bath* and *Wells*, being Choſen, died in a few days, before his Tranſlation could by made. To him *Hubert* Succeeded; and was in Inthroned at *Canterbury* in *November* 1193. In *March* following, King *Richard* returned into *England*; and the great Buſines of *Hubert* in the mean while, was not to Menage the *Clergys* Receſs from their *Parliamentary Attendance*, but to Tranſact the Deliverance of his Maſter out of Captivity. Here therefore was no Opportunity for the *Clergy* of the *Province* of *Canterbury*, to ſettle the Cuſtom of *Meeting together* in *Provincial Synods*, under their *Metropolitan*, during King *Richard's* Abſence. One *Archbiſhop* was gone with him: The next died, without ever being *Tranſlated*: The third was ſettled but Four Months, in his New See, before the *King's* Return; and was too much in the King's Intereſt, as well as too much taken up with his Affairs, to joyn in any Innovation of this kind againſt his Maſter.

In the other Province, *Geffry* was Choſen *Archbiſhop* of *York*, the year that his Father King *Henry* the IId died. [1] He returned into *England* in *September* 1191; and was Seized by Order of the Biſhop of *Ely*, and kept for ſome time in Priſon

[1] *R. de Diceto* col. 663.

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by him. The remainder of that Year was taken up in the Quarrels between *Earl John*, and that *Biſhop*; in which the *Archbiſhop* of *York*, was Engaged with his Brother againſt him. After this, that *Province* fell into great Diſorder, by the Differences which aroſe between the *Archbiſhop*, and *Biſhop* of *Durham*: [1] In which the latter was Excommunicated; the former was, by Appeal, Cited to Anſwer to the *Pope*, for what he had done: Commiſſioners were Aſſign'd to hear the Controveſy; and that was not preſently Ended by them neither. All which being put together it will follow, that ſuch were the Circumſtances of our Affairs at home, that had the *Clergy* aimed at any ſuch thing (which yet it does not appear that they did) as breaking off from a *National Attendance* on the *Parliament*, and ſettling into Two *Provincial Synods*, under their ſeveral *Metropolitans*; yet they were not in any Condition of doing of it: And therefore that Dr. *Atterbury* muſt ſeek out ſome better Reaſon, and pitch upon ſome more happy time, than that of K. *Richard's* Abſence in the *Holy Land*, to Corroborate ſuch their pretended Receſs by.

[1] *Hoveden.* fol. 405, 406.

But indeed all this Story of the *Clergy*'s withdrawing from *Parliament*, in the time of King *Henry* the *Second*, is meer Invention: And we muſt now proceed to Conſider a quite contrary Allegation; and that as falſe as the other, of their Continuing ſtill to Come to it.

1189. Sect. 44.

Upon *Sunday September* the 3*d*, 1189, King *Richard* was Crowned. I inſiſt not upon the *Clergy* who were called to that Solemnity; but ſhall only Obſerve that the day following he received the [2] Homage of his *Archbiſhops*, *Biſhops*, and *Abbots*; the only *Eccleſiaſtical Perſons* mentioned by our Hiſtorians to have payed their Homage to him.

[2] *Brompt.* col. 1160. *Hove.* fol. 374. b

What to call the *Convention* which met the 15*th* of the ſame Month, at the *Abbey* of *Pipewell*, I cannot tell. [3] *M. Paris* ſays that what the King did there was done *Archiepiſcoporum*, *Epiſcoporum*, & aliorum *Magnatum ſuorum* fretus Conſilio. [4] *Hoveden* adds, that he there made the Biſhop of *Durham*, and Earl of *Albemarle*, *Juſtices* of *England*. And this ſhould ſeem to imply that it was a *Parliamentary Aſſembly*: But this is clear from all our [5] Hiſtorians, that no *Eccleſiaſticks* under the degree of *Prelates* were Called to it, or had any thing to do with it.

[3] *M. Par.* p. 154.
[4] *Hov.* fol. 375. b
[5] *Ger.* col. 1550.

[6] *Hoveden* particularly reckons up moſt of them: So does *W. Coventre* in like manner. [7] *Gervaſe*, in general, ſays *Convenerunt apud Pipewell Epiſcopi & Abbates Angliæ.* To theſe [8] *Brompton* adds the *Priors* too: But of any others, we find no mention. 'Tis true, upon their next Meeting, *Brompton* ſays, that the *King*, *Archbiſhops*, and *Biſhops*, came to the *Abbey* "cum copioſa *Clericorum* & *Laicorum* multitudine. But that All this *Multitude* were *Members* of the *Convention*, and not Attendants at the Solemnity; or if they were *Members*, that they were the *Inferiour Clergy*, and not the *Regular Abbots*, and *Priors*, mentioned the day before, does not appear: Nor can any thing therefore be concluded from that general Expreſſion, either way, as to this Matter.

[6] *Hoveden* fol. 375. a. *Walt. Coventr.* ad Ann.
[7] *Gervas.* col. 1550.
[8] *Brompt.* col. 1161.

[9] The next Month following a Parliament was certainly held at *Weſtminſter*, to ſettle his Expedition with the *French King*'s Ambaſſador, to the *Holy Land*. The Perſons called to it were *Epiſcopi* & *Proceres*, [10] ſays one: *Comites* & *Barones*, ſays [11] another. *Epiſcopi*, *Comites* & *Barones*, ſays [9] a third: All agreeing in the ſame Members.

[9] *Brompt.* col. 1166.
[10] *Mat. Paris* p. 155.
[11] *Hoved.* fol. 376.

Sect. 45. 1190.

Who were Summoned to the *Provincial Council*, as [12] *M. Paris*; the [13] *Regional Council*, as an *Elder Author* ſtiles it; the [14] *General Council*, as *Brompton* calls it, of the *Biſhop* of *Ely* Chancellor of *England*, and Legate of the *Apoſtolick See*; none of our Authors expreſly tell us. But at the *Parliament* which met at *Reading*, after *Michaelmaſs*, the year following, they all again reckon them up to us. [15] *M. Paris* ſpeaks in the form of a *Parliament Writ*; and very probably from it; "Convenerunt apud pontem de *Locdone* inter *Radingum*, & "*Windleſhores*, die *Sabbati* proxime poſt feſtum St. *Michael.* ad Colloquium, "MAGNATES *Angliæ*, de magnis & arduis Regis & Regni Negotiis, tractaturi. [16] *Brompton* mentions only the *Epiſcopi*, as preſent there. [15] *Hoveden*, *Epiſcopi*, *Comites*, & *Barones Regni*. [18] *Ralf de Diceto* has the very *Writ* of *Summons* to the *Biſhop* of *London*, which Confirms the ſame thing: It requires only his own *Perſonal Attendance*, and thereby ſhews that none of his *Clergy* were to be brought thither by his Order.

[12] *M. Paris* p. 161. *Mat. Weſtm.* ad Ann. 1190.
[13] *R. de Diceto* col. 656.
[14] *Brompt.* col. 1222. *Hemingford.* p. 528.

1191.

[15] *M. Par.* p. 166
[16] *Brompt.* col. 1225.
[17] *Hov.* fo. 399. b
[18] *R. de Diceto* col. 663.

Having

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Having met there, they removed from thence to *London*: And there again we have an Account of [1] *Archbiſhops*, *Biſhops*, *Lords*, and *Great Men*, but no mention of any beſides.

[1] *Hoveden* fol. 399. b. *Brompt.* col. 1226. *Diceto* col. 664. *M. Par.* p. 166. 1193. Sect. 46. [2] *Rights*, p. 300.

And now we are come to the only Proof of the *Inferiour Clergy's Parliamentary Rights*, which Dr. *Atterbury* has been pleaſed to offer us within the Compaſs of this whole Reign; and we will take it in his own Words. "[2] In the 6*th* of "*Richard* the *Firſt*, (he ſhould have ſaid the 5*th*) the ſame Writer (*Hoveden*) "informs us, that the Biſhops, *Earls*, and *Barons*, were called to the *Commune Concilium Regni*; and the firſt day that they met, the *Archbiſhops*, the Biſhops, *Abbots*, "& *Clerici* multi *Cant. Dioceſ.* went aſide into the Chappel of the *Infirmary* at "*Weſtminſter*, and Excommunicated *Earl John*, and his Adherents.

Will Dr. *A.* give me leave to ſay that he here Confounds Two diſtinct *Aſſemblies*, as well as *Actions*, together; and, by ſo doing, impoſes upon his Reader in this Caſe. The Story, as [3] *Hoveden* relates it, is this: King *Richard* being delivered from his Confinement, and daily expected to return into his Kingdom; his Biſhops and *Nobles* were come together to *London* to attend upon him as ſoon as he ſhould Arrive there. A little before the King's Landing, one of Earl *John's Clerks* coming into *England*, upon his Maſter's Deſigns, and Dining with the *Archbiſhop* of *Canterbury*, made great Boaſts of his Maſter's Honour, and Power; and being thereupon Suſpected, was Seized by the *Lord Mayor* of *London*, and all his Papers, and Orders were taken about him.

[3] *Hoved.* fol. 418. b.

Theſe being carried to the *Archbiſhop*, he, the next day, Called before him the Biſhops, *Earls*, and *Barons*, of the *Realm*, ſays *Hoveden*, that is, as many of them as could on the ſuddain be got together, and ſhew'd them the Letters of Earl *John*: Whereupon, *It was Reſolved*, *Per Commune Concilium Regni*, that Earl *John* ſhould be Diſſeized of all his *Lands* in *England*; and that his Caſtles ſhould be Beſieged; and ſo it was done accordingly.

The ſame day, the *Archbiſhop* with the Biſhops of *Lincoln*, *London*, *Rocheſter*, *Wincheſter*, *Worceſter*, and *Hereford*, and the Elect of *Exeter*, and the *Abbots*, and many others of the *Clergy*, of the *Province* of *Canterbury*, Aſſembled in the *Chappel* of the *Infirmary* at *Weſtminſter*, and pronounced a Sentence of *Excommunication* againſt Earl *John*, and All his Adherents, and Counſellors, who had, or ſhould diſturb the Peace, and Realm of the King of *England*; unleſs they ſhould Ceaſe from their Hoſtilities, and make Satisfaction for what they had done.

This is the whole of that Affair: Now to ſuppoſe that the *former* ~~of theſe~~ Aſſemblies, tho' without any Previous Warning, or Regular Summons, was not an *Extraordinary Great Council*, of the *Nobles*, then at hand; but a proper *Parliament*, (which yet 'tis plain it was not:) How comes a *Meeting* of ſome few of the Biſhops, *Abbots*, and *Clergy* of the *Province* of *Canterbury* only, to be ſo too? Here were no *Lay-men* at all Aſſembled; nor any *Clergy* but of *One Province* only. Yet this muſt paſs for a *Parliament*, with this Author; or he will loſe his only *Authority* of this Reign, for bringing his *Lower Clergy* to theſe *State-Councils*.

No ſooner was King *Richard* returned, but he held a *Great Council* at *Nottingham*. [4] *Hoveden* gives us the Names of many of the Perſons who were preſent at it: And they are all of the *Great Men* of either Order. [5] There by the Judgment of his *Peers*, Earl *John*, the King's Brother, was Condemned; or as the *Annales* of *Margan* more fully relate it, by the "*Judgment* of the *Archbiſhops*, "Biſhops, *Earls*, *Barons*, and all the other *Great Men* of *England*. In this *Parliament*, a Subſidy was alſo granted to the *King*; ſo that it cannot be doubted but that this was truly ſuch a *State Aſſembly* as we are now particularly conſidering of.

[4] *Hoveden* fol. 419. a. [5] *Brompt.* col. 1250. *Hemingford.* p. 540. *Annal. Margan.* ad Ann. 1199. p. 12.

Not long after this the King coming to [5] *Northampton*, by the advice of his Biſhops, *Earls*, and *Barons*, gave anſwer to the King of *Scotland*, concerning his Demand of the County of *Northumberland*; and made his *Charter* of Conceſſion and Confirmation to him.

[6] *Hoveden.* fol. 419. b.

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Such were the *Members* of our *Parliaments* under King *Richard* the *Firſt*: If from thence we proceed to the Reign of his Brother King *John*, we ſhall find Dr. *A.* ſtill going on in his own Method; aſſerting, and offering Conjectures for that in one part of his Book, which himſelf Contradicts in another. The Abſence of King *Richard* in the *Holy Land* gave Opportunity to the *Clergy* to Con-

King JOHN

firm their Receſs from the *Parliaments* of thoſe Times, and to *Attend* upon them in two *Provincial Councils*, ſo he told us before: And now *King John*'s weak Reign does the ſame thing, [1] p. 36. But p. 300. They Continued ſtill to Come on to the *Parliaments* of that *Prince*, and tho' ſome "of his *Great Councils* (ſays he) "ſeem as to the Spiritual part of them, to have been Compoſed only of *Biſhops*, "*Abbots*, and *Priors*, yet in others of them more of the *Clergy* were plainly "preſent, and particularly in one of his 15*th* Year: Which ſhall in its proper place therefore not fail to be Conſidered.

[1] Rights, p. 36.

It would be foreign to my preſent Subject, to ſay any thing of the [2] *Eccleſiaſtical Synod* held by *Hubert* Archbiſhop of *Canterbury*, xiii. Kal. *Oct.* It ſhall ſuffice briefly to obſerve from One who was then Living, and in great Dignity in the Church, that to it only the *Biſhops*, *Abbots*, and *Priors* were called. But in *October* the year following, there was a *State-Meeting* at *Weſtminſter*, Archiepiſcopo & *Magnatibus Regni* præſentibus, ſays [3] *M. Paris*. At that *Council* it was reſolved to Summon the King of *Scotland*, to attend the [4] King's *Parliament* at *Lincoln* the morrow after St. *Edmunds*, *November* the 21*ſt*, which accordingly he did: And the two Kings came thither, [5] "Cum Univerſa *Nobilitate* tam "*Cleri* quam *Populi* Utriuſquem Regni, with the *Nobles* of both *Orders*, of the *Clergy* and of the *Laity*.

[2] *R. de Diceto.* col. 707.
[3] *M. Paris* p. 202.
[4] Annal. Margan. ad Ann. 1200. Circa feſtum S. *Edmundi* Concilio congregato apud *Lincoln*, Rex *Scotiæ* homagium fecit Regi *Angliæ*.
[5] *M. Paris* p. 204.

Thus began the *Great Councils* of this Reign, and thus they continued to be held in the following Years; as is evident from the Conſtitution of the *Parliament* of *Wincheſter* concerning the Aſſize Bread; which the [6] *Kings Writ* tells us was made *Communi Conſilio Baronum noſtrorum*; By the Common Council of his *Barons*, and no others.

[6] Pat. 5 Jo. m. 1. n. 3. apud *Pryn.* 1 Regiſt. Preface.

1203. Sect. 48.

This *Parliament* was held at *Eaſter*: It was the *Chriſtmaſs* following, as I take it, that the King held the *Colloquium* at *Oxford*, of which * Dr. *A.* takes notice, as if it favoured his Opinion. The account which two of our [7] Hiſtorians give of it, is this: That the morrow after the *Circumciſion*, the King with the *Great Men* of *England* Aſſembled ad Colloquium apud *Oxoniam*. There was Granted to the King a Military Aid, *viz.* Two Marks and a half of every *Knights Fee*: Nor did the *Biſhops*, and *Abbots*, or the *Eccleſiaſtical Perſons* go away without a promiſe. Theſe *Eccleſiaſticæ Perſonæ*, Dr. *A.* will have to be the *Lower Clergy*; and we muſt, againſt all the Evidence of theſe times, without any manner of Proof, take his bare Word for it, that they were ſo.

* Rights, &c. p. 300.
[7] *Mat. Paris* p. 209. *M. Weſtminſter* p. 265.

1204.

But what then ſhall we ſay to the *Parliament* of the next Year? An Inſtance ſo expreſs againſt this Pretence, that I cannot imagine what can be excepted againſt it: [8] The Writ upon Record, is directed to the Biſhop of *Sarum*; it Summons him to a *Parliament* at *London*, the *Sunday* next after *Aſcenſion-day*; and Requires him to Cite the *Abbots*, and *Conventual Priors* of his *Dioceſe*, to come to the ſame *Council*. Theſe therefore were then the only *Members* on the part of the *Clergy*; it being Abſurd to ſuppoſe that the *Lower Clergy* ſhould be called by *Special Writs*, when the *Abbots* and *Priors* were not; but were included in that of the *Biſhop*.

[8] Clauſ. 6. Jo. m. 2. dors. Append. ad Ann. 1204.

1205.

The ſame was the Caſe the year after: The King called his *Parliament* upon the Occaſion of the *Archbiſhop* of *Canterbury*'s Death, to Meet on the *Feaſt* of St. *Peter ad Vincula*, *Auguſt* the 1*ſt*; and the Members which he Summon'd to it; were the [9] *Epiſcopi* & *Barones*, as one of his own Writs Recites them to us.

[9] Clauſ. 7 Jo. m. 19.

The Caſe was ſo evidently the ſame again the next Parliament, that Dr. *A.* himſelf could not diſſemble it. "Indeed ſome of this Prince's *Great Councils* (ſays "he) ſeem, as to the *Spiritual part* of them, to have been Compoſed only of "*Biſhops*, *Abbots*, and *Priors*, as may probably be Collected from a *Writ* in his "8*th* year, Reciting that theſe *Great Clergy-men* had granted him an *Aid* in "*Parliament*, and Demanding the like *Aid* of the *Secular Clergy* of the *Province* "of *Canterbury*, below *Biſhops*, then Aſſembled in *Convocation*. It is certain that *Writ* recites only *Archbiſhops*, *Biſhops*, *Abbots*, and *Priors*; and probably refers to the *Parliament* held at [10] *Oxford* the *Candlemaſs* before. It is alſo certain from another *Writ*, *Teſte'd* the ſame day, that the *Clergy* were called to a *Synod* at St. *Albans*, about that time. But yet I cannot agree with this *Author* that this *Writ* was directed to them as at that time in *Convocation* Aſſembled. There is no mention of any ſuch thing in the *Writ*; nor does the *form* of it ſeem at all adapted to ſuch an Aſſembly.

1206. Sect. 49.

Pat. 8 Jo. m. 1. apud *Pryn.* Parl. Writs, 1 Vol. Præf. Dat. Ebor. Maii 26.

[10] *Pryn.* Records. Vol. 3. p. 10.

†

This

This Parliament [1] Dr. *A.* I know not why places in the year 1207; the Writ which Refers to it is Dated, at *York*, *May* 26*th* Reg. viii. *i. e.* Anno 1206. The *Parliament* to which it Refers seems to have met at *Oxford* the *Candlemass* before. The true *Date of it* therefore must be 1205, or at the latest 1206, Supposing it to have sate but a Month before the Date of the Writ which Relates to it. But Dr. *A.* has a particular *Chronology* to himself, which he follows in other places as well as in this; and for which he has been justly Corrected by [2] another Pen. In the mean time, this is plain, and agreed on upon all Hands, that to the *Parliament* here mentioned the *Inferiour Clergy* were not *Called*; but on the contrary, they are evidently implied not to have been present at it.

[1] Rights, pag. 221. Marg.

[2] Dr. *Kennet* Eccles. Syn. &c. p. 161.

1206.

Nor is it any less clear the next year following: When the King having kept his [3] *Christmass* at *Winchester*, Præsentibus *Magnatibus* Regni, removed from thence to *London*, "et Convocatis *Episcopis*, *Abbatibus*, & *Prioribus*, *Comitibus*, & "*Baronibus*, & *Magnatibus Regni*, held his *Parliament* there on the *Octaves* of *Circumcision*. There he Treated with the *Bishops* and *Prelates* to consent that their *Beneficed Clergy* might grant him a certain Part of their Revenues. The *Prelates* not agreeing to this, the Matter was Referred to another [5] *Council* to be held at *Oxford*, on the *Octaves* of the *Purification*: Where an infinite multitude of *Prelates*, and *Great Men* of the *Realm* being Assembled, the King again Exacted what he had before Required of them: The *Archbishops* on behalf of their *Clergy*, utterly refused to comply with his Desire; and the King departed from his Demand. [6] But afterwards made a general Order throughout *England*, for a *Thirtieth* to be Paid by all sorts of Persons, as well of the *Clergy* as of the *Laity*; to which they were forced to submit.

[3] *Mat. Paris* p. 221.

[4] Annal. *Waverl.* p. 169.

[5] Co-adunatis Magnatibus terræ apud *Oxenford.* Annal. Margan. Anno 1206.

[6] *Mat. Paris* p. 221. *M. Westminstr.* ad Ann. 1207. Sect. 50.

And now the Troubles of this King began; which proceeded to the Interdiction of the whole Realm, and ended not but in the Subjection of the *Crown* it self to the *Popes Authority*. During this time, the *Greater Clergy* generally forsook the Kingdom. [7] *Walter Coventre* says that only one Bishop, the Bishop of *Winchester*, remained. [8] *M. Paris* speaks of three, *Durham*, *Winchester*, and *Norwich*: So that it would be in vain to Enquire after the *Ecclesiastical Members* of our *Parliament* during this time of Confusion and Disorder. In 1213, the Peace between the *Pope* and *King* was made. Upon this Occasion many *Councils* were held; and it may be of some Use to Enquire who were called to them.

[7] *Walt. Covent.* ad Ann. 1210.

[8] *Mat. Paris* p. 231.

1213.

At that of *Dover*, [9] *May* the 13*th*, the *King*, and the *Legat*, met with the *Earls*, *Barons*, and *Turba multa nimis*. Two days after, they met a [10] second time, and then there were Assembled the *King*, and the *Legat*, cum *Proceribus Regni*. And who these *Proceres* were, the *Historian* thus subjoyns, *Bishops*, *Earls*, and *Great Men*.

[9] Ibid. p. 235.

[10] Ibid. p. 235, 237.

The Peace being thus made, a *Great Council* was agreed to be held at St. *Albans*, *August* the 4*th*, to which All the *Sheriffs* of *England* should come, with a certain number of Persons, to Enquire into the Damages which the *Bishops* had sustained, in order to a Satisfaction to be made for them. At this *Council* there were Assembled [11] *Jeffry Fitz-Peter*, and the *Bishop* of *Winchester*, with the *Archbishops*, *Bishops*, and *Great Men* of the Kingdom.

[11] *Mat. Paris* p. 239.

The [12] 25*th* of the same Month the *Archbishop* called an *Ecclesiastical Council* at *Westminster*: This he opened with a Sermon of his own at St. *Pauls*; where the [13] *Barons* being present, according to the Design before laid, the *Archbishop* privately shewed them a Copy of King *Edward's* Laws, Confirmed by the Charter of King *Henry* the *First*: And there Entred into a Combination with them, to force the King to a Concession of them.

[12] Annal. *Waverl.* p. 178.

[13] *Mat. Paris* p. 240.

This Meeting Dr. *A.* puts upon us for a *State-Parliament*, and urges it as a clear Proof of the *Right* of the *Lower Clergy* to come to those *Councils*. In some of this Princes *Great Councils*, he is willing to allow that only the *Bishops*, *Abbots*, and *Priors*, were Assembled. [14] "But in *Others* of *Them* (says he) more of "the Clergy were *plainly* present: Particularly in one xv° *Jo.* at *London*, to which "*Stephanus Archiepiscopus*, cum *Episcopis*, *Abbatibus*, *Prioribus*, *Decanis*, & *Baronibus* "Regni, is said to have come. Here he thinks he has the *Deans* secure. Let us see how he hooks in the *Archdeacons* too; which, tho' not specified, yet were *probably* there: "For the *Clergy*, we find, went *Synodically* apart, and made *Ca*"*nons*: Which implies the Presence, and Concurrence of the *Archdeacons*, who "were a necessary part of every *Synod*; and therefore almost an Hundred years "before

[14] Rights, p. 300.

King JOHN. " before this, Summon'd particularly by the *Archbiſhop* to the Council of *London*,
" *Anno* 1125.

That this *Meeting*, whatever it were, was no *Parliament*, but an Aſſembly of the *Archbiſhops* own Calling, and that for thoſe ſecret Deſigns which accordingly he tranſacted in it; the Annals of *Waverly*, Compared with *M. Paris*'s Account of it, plainly ſhew us. The whole *Hiſtory* of it is this. Not long after the *Archbiſhop* was come into *England*, (viii. Kal. *Septembr.* ſays *Paris*, *Craſtino Bartholomæi*, ſay the *Annals*, *Auguſt* 25;) he called together his *Firſt Council*, ex viris *Eccleſiaſticis apud Weſtmonaſt.* Of *Eccleſiaſtical Perſons* to meet at *Weſtminſter*. But firſt, he appointed a *Sermon* at St. *Paul's*, from whence they were afterwards to proceed to *Weſtminſter*. Hither, by *M. Paris*'s Account, the *Barons* came to hear the Sermon, and Wait upon the *Archbiſhop*. This was the Pretence, but the real Deſign was to Agree on their Conſpiracy againſt the King. The *Archbiſhop* and *Barons* having thus ſettled their Buſineſs, he called his *Clergy* to *Weſtminſter*; but firſt (as I conceive) gave leave to the Conventual, and Secular Prieſts, to Chant their Hours in their Churches, in the hearing of their Pariſhioners, with a low Voice, notwithſtanding the Interdict was not yet taken off.

Being come to *Weſtminſter*, the great Buſineſs there was to Charge the *Clergy* to Compute the Sum of what had been taken from them, or otherwiſe unreaſonably granted by them to the King, that ſo he might know what to demand of him.

This is the plain Hiſtory of this Aſſembly; which Dr. *A.* is pleaſed to Call a *Parliament*. And now I ſhould be glad to know firſt upon what Authority he ſays that the *Clergy* at this Meeting went *Synodically a-part*, and made *Canons*? Next, how it does appear that the *Preſence*, and *Concurrence* of the *Archdeacons* would thereby have been implied? Or to ſuppoſe that too; how it follows that becauſe in this Caſe, they ought to have been preſent with the *Biſhops* at their *Synodical Action*; therefore they muſt have been preſent at their *Parliamentary Aſſembly* alſo? And laſtly, by what Rules of Reaſon he inferrs, that becauſe the *Archdeacons* were once upon a time called to a *Legantine Synod* by the *Archbiſhop*; and being ſo Called, were Obliged to Obey, and Come to it; therefore the *Archbiſhop* was *bound Always* to Summon them, as a *Neceſſary part* of *every kind of Synod*; which I have before ſhewn, and ſhall again particularly prove, that a Hundred years after this they were not accounted to be?

In his *Marginal Note* upon the Summons to that *Council*, *Anno* 1125, he tells us, that it is the moſt *antient Summons*, of any kind, that he has ever Obſerved: He will hereafter find it needful to correct this too. [1] I have before ſhewn him a Summons above Fifty years Older, of the ſame kind; in which the *Regular Prelates alone*, are inſerted, and the *Archdeacons* not taken any notice of.

[1] See above p. 161.

But I inſiſt too long upon an Inſtance ſo little to the purpoſe, how Specious ſoever it may appear in Dr. *A*'s imperfect Repreſentation of it. [2] At *Michaelmaſs* following, upon the coming of the *Biſhop* of *Tuſculum* from the *Pope*, there was another Meeting at St. *Paul's London*, *October* the 3*d*; the *Archbiſhop* of *Canterbury*, with the *Biſhops*, and Lords, being preſent. There it was agreed to Aſſemble at *Reading*, *November* the 3*d*: and to ſettle the *Dammages* of the *Biſhops*. [3] The King not coming, a new Aſſembly was fixed at the ſame Place, *December* the 6*th*, and there appeared there the *Biſhops*, *Lords*, and *Religious*, ſay *M. Paris*; *Omnes Eccleſiaſtici Prælati*, as the *Annales* of *Waverly* relate it.

[2] *M. Par.* p 249. *Annal. Waver.* p. 178.

[3] *M. Par.* p 247. *Aunal. Waver.* p. 178.

There is yet one Meeting more which may deſerve to be taken Notice of, tho' not a *State-Aſſembly*; that of the *Archbiſhop* of *Canterbury*, and his *Suffragans*, at *Dunſtable*, after the *Octaves* of the *Epiphany*. They Aſſembled ut de *Negotiis Eccleſiæ Anglicanæ tractarent ibidem*; ſays the Hiſtorian: And the Perſons Aſſembled, were the *Archbiſhop* and *Biſhops*, the proper *Provincial Council* of *Canterbury*, under its *Metropolitan*. In all theſe *State*, and *Church Aſſemblies*, we find not the leaſt mention of the *Lower Clergy* being at all concerned; or that they were either *Called* to, or did otherwiſe Appear, at them.

1214. Sect. 51.

The next year, the King having before he went over the Sea, Committed his Authority to the *Legate*, and the Lord *Mareſhal*, for that Purpoſe, a new *Council* was Called to Conclude this Troubleſome Affair, which had been ſo long depending. This was held at St. *Paul's*, *London*, [4] *July* the 2*d*: The Perſons who were Called to it, are thus Reckoned up by [5] *M. Paris*, *Archbiſhops*, *Biſhops*, *Abbots*,

[4] *Walt. Coventre* ad Ann. *Annal. Waver.*

[5] *M. Par.* p. 249.

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Abbots, *Priors*, *Earls*, *Barons*, and *Others*, who having ſettled what they met about, the Legate on the day of St. *Peter* and *Paul*, ſays *Mat. Paris*, [1] but others more Rightly of, *Proceſſus* & *Martinianus*, ſolemnly Releaſed the Sentence of the *Interdict*. *King* JOHN.

[1] *M. Weſtminſt.* ad Ann. 1214. Annal *Waverl.* ibid.

This is that Aſſembly to which the Author of the *Eulogium* Refers: And accordingly [2] Mr. *Selden* places it rightly in this year; xvi *Jo.* [3] Dr. *A.* Conſtant to his falſe Computation; refers it to the xviith of that King. And this clearly enough Interprets who the *Clerus* were, of whom that Author ſpake: And withal confutes the Intimation which has been given, as if there were ſomewhat of force in it, on behalf of the *Lower Clergy*; whereas 'tis plain, that the One conſiſted only of the *Biſhops*, *Abbots*, *Priors*, as the *Secta Laicalis*, in like manner, did, of the Earls, Barons, and *Other Members*, uſually Called to theſe *Councils*.

[2] Tit. of Hon. parr. 2. p 587.
[3] *Rights*, p. 300.

But the Truth is whatever the *Eulogium* ſays, yet 'tis plain this Meeting was no proper *Parliament* at all. *M. Paris* calls it *Grande Concilium*; *Walter Coventre* and Others, *Concilium*, only. The Perſons mentioned are not ſaid to have been the *Biſhops* and *Lords of the Realm*; as on other Occaſions is wont to be done by *M. Paris*; and *M. Weſtminſter* expreſly limits them to thoſe *Earls*, and *Barons* only, who had been Sworn on the King's ſide, that he ſhould perform what was agreed to. It is therefore of no great Importance to our preſent Subject, to diſpute who were the *Members* of this *Aſſembly*; tho' at the ſame time it is plain that they were only the *Prelates* and *Lords*, as both *M. Paris*, and *M. Weſtminſter* expreſly inform us.

By a [4] *Clauſe Writ* of King *John* not yet taken Notice of by any of our Hiſtorians, it appears, that a *Parliament* was held at *Reading* Fifteen days after *Chriſtmaſs*, this ſame year. The Perſons Summoned to it are thus recited in that *Writ*; "Ds. *Legatus*, & *Nos*, & *Dominus Cant.* & *Suffraganei ſui*, & Alii *Mag-*
"*nates* noſtri apud *Radyng*, pro Arduis negotiis noſtris. It is probable, by the Account which [5] *M. Paris* gives of the Deſigns and Actions of the *Barons* about this time, that this Meeting was put off till after *Eaſter*: [6] Or rather that the *Biſhops* only met, and ſettled with the Legate what was to be done, on their account there. But however the *Writ* ſhews who ſhould have been at it, and therein who the *Eccleſiaſtical Members* of our *Parliaments*, as yet, were.

[4] Clauſ. 16. *Joh* m. 17.
[5] *M. Paris* 253.
[6] *Mat. Par.* ib. *Walt. Covent.* ad Ann. 1215.

We are now come to the laſt year of this *King*; and in that to a clearer Settlement of theſe *Great Councils*, than what we have hitherto met with, in Relation to thoſe who were from henceforth to be Called to them. It was the Buſineſs of one part of that *Charter*, which he then Granted to his *Barons*, to Regulate the Method of Holding of theſe Aſſemblies; and to determine, in part, what ſhould be done in them. I ſhall therefore ſet down, at large, the Clauſe which concerns this Matter, for the full Deciſion of the Point before us. "Ad habendum Commune Concilium Regni, de auxiliis aſſidendis, aliter quam "in tribus Caſibus prædictis (Scil. ad Corpus noſtrum Redimendum; ad Primo-"genitum Filium noſtrum militem faciendum, & ad Primagenitam Filiam no-"ſtram ſemel maritandam) Et de Scutagiis aſſidendis, ſubmoneri faciemus *Ar-*
"*chiepiſcopos*, *Epiſcopos*, *Abbates*, *Comites*, & *Majores Barones Regni*, Singillatim, "per Literas noſtras: Et præterea faciemus Submoneri, in Generali, per Vice "Comites & Ballivos noſtros, *Omnes Alios qui in Capite tenent de Nobis*, ad certum "diem, ſcilicet ad terminum xl dierum ad minus, & ad certum Locum. In "omnibus Literis Cauſam Submonitionis illius Exponemus, & ſic facta Sub-"monitione, Negotium procedat ad diem aſſignatum, ſecundum Conſilium "Eorum qui præſentes fuerint, quamvis non omnes Submoniti venerint. Theſe are the Words of that Charter; the Subſtance of which is this; That two ſorts of *Perſons* ſhould from thenceforth be Summoned to *Parliament*; and after two different manners, *Archbiſhops*, *Biſhops*, *Abbots*, *Earls*, and the *Greater Barons* of the *Realm*, by *Special Writs*: And all Others who held *in Capite* of the *King*, in general, by the *King's Sheriffs* and *Bayliffs*, Forty days before the Parliament ſhould meet. Theſe were now agreed to be the *Members* of our *Parliament* in all ſuch Caſes where Taxes were to be Granted; in the laſt year of King *John*, and Settled and Ratified by his *Great Charter*. Let Dr. *A.* either ſhew us under which of the ſeveral kinds of Members here ſpecified, his *Lower Clergy* are comprehended; or let him Confeſs, as the Truth is, that they were no part of the *Parliament* at that time, at all.

1215. Sect. 52.

We

K. HENRY *the IIId*

We now proceed to the Troubled Reign of King *Henry* the *Third*: In which we are told the *Clergy's* Receſs from their *National Attendance* in *Parliament*, which began under *King Henry* the *Second*, was by the Diſorders of this Reign more Confirmed, as it had been by the Weakneſs of the foregoing. This, I ſay, we are told, [1] p. 36. but p. 301. we meet with another Account: For there it is ſaid, that in this "Reign the *Archdeacons* preſence in *Parliament* is frequent-"ly taken Notice of by our Hiſtorians; as may appear by the following paſſages "in *M. Paris*, and the *Annals* of *Burton*. Theſe paſſages ſhall be Conſidered in their proper places: In the mean time, that we may the better know what Dr. *A.* aſſerts, let us take it, once more, in his Own Words. p. 314. "I was "proving (ſays he) that there was frequent mention of (*the Archdeacons*) as "*Called* to *Parliament* in *Henry* the *Third's* Reign; and of this I gave ſeveral "Inſtances. There are others which prove the yet *Lower Ranks* of the *Clergy* "to have been preſent there, for Example, *&c.* Now if the *Archdeacons* were *ſtill Call'd to Parliament*; and if the *Lower Ranks* of the *Clergy* were alſo *preſent there*; then I humbly conceive it will follow that, *as yet*, they had not "*divided* "*themſelves from the Temporalty*, and left off to Come to *Parliament*, as he before aſſerted; and will (for all this) tell us again hereafter.

[1] Rights, p. 36.
Ib. p. 301.
Rights, p 314.

But we will hear Dr. *A.* delivering his own Senſe yet once more: p. 316. "Theſe Teſtimonies are, I think, ſufficient to ſhew that from the *Conqueſt* down "to *Edward* the *Firſt*, the *Inferior Clergy* had PLACE and *Intereſt* in *Parliament*; "Being *there*, ſometimes in BODY, and as *Repreſenting* the *whole*; *ſometimes* in "*Part* only, and as *Intituled* by their Tenures. The *Lower Regulars* and *Seculars* "appearing now and then by *diſtinct Proctors* of their *Own*; but more frequent-"ly by their *Proctors* and *Archdeacons*, particularly Impowered to that purpoſe. Now to have PLACE in PARLIAMENT; to be there in BODY, and as REPRESENTING the ABSENT CLERGY; to be intituled to Come thither by their *Tenures*; all this ſhews that he muſt mean their coming to a *National Parliament*; and imply that they continued ſo to do to King *Edward* the *Firſt's* Time. How this agrees with what he had before Aſſerted to the contrary, or will hereafter tell us in contradiction to what he is here affirming, and proving, is a myſtery that I muſt not adventure to ſearch into; it ſhall ſuffice to Repreſent it, in the cloſe of this *Chapter*, in his own Words, and ſo leave it to the *Reader*, to make what he can of it.

Rights, p. 316.

1216. Sect. 54.

King *John* being Dead, *October* the 19*th*, the Lords who held to his Intereſt Crowned his *Son*, being then but Nine years Old, at *Glouceſter*, upon *Simon and Jude's day*, *October* the 28*th*. *Lewis*, the French King's *Son*, who at the Inſtigation of the Factious *Barons* had Invaded *England*, the *May* before, was then in Poſſeſſion of the *Eaſtern Parts* of the *Kingdom*, ſo that this *Solemnity* could not be performed at *Weſtminſter*, as otherwiſe it would have been. At this Coronation the [2] *Biſhops* and *Regular Prelates* are taken notice of, as the Perſons who, on the Church ſide, were concerned in it: And that not only by our *Hiſtorians*, but, which is more remarkable, in the Publick [3] *Inſtruments* of *State* too. "Convenerunt apud *Glouceſtr.* plures Regni noſtri *Magnates*; *Epiſcopi*, *Abbates*, "*Comites*, & *Barones*, ſays the King, in his Letter to *G. de Mar*, *Juſtitiary* of *Ire-*"*land*. This being done *Gualo* the *Legat*, held a *Council* at *Briſtol*, *November* the 11*th*; So the [4] *Waverly Annals* ſpeak: But I rather take it to have been a State *Parliament*, at which the *Legat* was preſent; where having ſeen all the *Barons* which came to it, do Homage, and Swear Fealty to the *King*, he Excommunicated *Lewis*, and all the other *Barons*, who held with him againſt their own *Prince*.

[2] *M. Paris*, p. 289.
[3] Clauſ. 1 *Hen.* III. par. 2. m. 25. dorſ.
[4] Annal. *Wav.* p. 132.

Of this *Parliament* we have an Account in the *Clauſe Letter*, I before mentioned; and it not only Confirms the Relation of our *Annals*, but Explains them too, with Regard to the *Perſons* who were *Called* to this *Council*, and were therefore the proper Members of theſe *Aſſemblies* at that time: "*Epiſcopi*, & alii *Pre-*"*lati inferioris* Ordinis; & *Comites*, & *Barones*, ac *Milites*, ſay our *Hiſtories*. And who the *Alii Prælati Inferioris Ordinis* were, which Dr. *A.* could Conjecture down (if need were) even into *Pariſh Prieſts*; the King's Letter tells us: "Cele-"brato nuper *Concilio* apud *Briſtol*; ubi Convenerunt Univerſi *Angliæ Prælati*, "tam EPISCOPI, ABBATES, quam PRIORES. Theſe *Conventual Priors* therefore, and *Abbats*, were the *Prælati inferioris Cordinis*; in reſpect of the *Superior Prælats*, or *Biſhops*, before mentioned: And theſe only, of the Church ſide, were called to this firſt *Parliament* of this Reign.

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Who were called to that [1] *Council*, which met three Weeks after *Eaſter*, *Anno* 1218, to ſettle the Nation after the Civil Wars, I cannot expreſly ſay. But at *Michaelmaſs*, following, *Convenerunt* apud *London Sapientes* Angliæ, ſay the [2] *Waverly Annals*; and there renewed the *Laws* and *Liberties* of the *Realm*, according to the *Charter* of King *John*. Theſe were certainly mentioned with Alluſion to the Saxon *Witen*. The [3] King in his *Writ* to the Sheriff of *York*, where he Commanded the *Charter* here Eſtabliſhed to be publiſhed, calls them his *Fideles*: That Word alſo is commonly uſed in the ſame Senſe, and both together may warrant us to conclude the ſame Perſons to have been at this, that we before ſhewed, were Summoned to his firſt *Parliament*.

1218. Sect. 54.

[1] Clauſ. 2. *Hen.* III. p. 1. m. 11. dors.

[2] Annal. *Wav.* p. 184.

[3] Clauſ. 2. *Hen.* III. p. 1. m. 11.

In the 4*th* of this King; *Anno* 1220; at a *Parliament* where a *Tax* was laid upon the *Kingdom*; the Perſons who impoſed it are Called in the King's * Writ, *Magnates* & *Fideles*. Who the latter of theſe were, is plain from King *John's Charter*: They were ſuch as held of the *King in Capite*; without whoſe Conſent no Levy of Money could be made. But neither here do we find the *Lower Clergy* to have been at all concerned. [4] *Walter Coventre* thus reckons up the Members of this Aſſembly; *Archiepiſcopi*, *Epiſcopi*, *Abbates*, *& Proceres Angliæ*.

1220.

[1] Clauſ 4. *Hen.* III. m. 5 dors.

[4] Ad. Ann. 1220. Mſ.

In the xv. of *Eaſter*, *Anno* 1222, the *Archbiſhop* of *Canterbury* held his [5] *Provincial Synod* at *Oxford*, *April* 17; and he held it with the *Prelates of his Province*, ſays *Wikes*; "*Prælatis* omnibus Angliæ, ſuæ Dioceſii Subjectis, Congregatis: Which to præclude any forced Interpretation of Dr. *A.* [6] *Walter Coventre* (a Contemporary Writer) thus Explains; "Cum *Epiſcopis Suffraganeis*, & *Abbati-*"*bus*. So far were the *Lower Clergy* from being yet, as ſome pretend, *Members of Parliament*, that they were not yet admitted to be *Members* of our *Provincial Synods*; unleſs by ſpecial Favour, or upon ſome extraordinary Occaſion, they were called to it.

1222. Sect. 55.

[5] Annal. *Wav.* p. 187. Chr. *Th. Wikes.* p. 89.

[6] Walt. Coventre ad An.

But there was a *Parliament* this year as well as a *Synod*; and in it a *Subſidy* was Granted for the Relief of the *Holy Land*. This was done, ſay the [7] *Waverly Annals* by the Advice of the *Archbiſhop* of *Canterbury*, and the other *Lords* of the *Land*. But the King's own [8] *Writ* to the *Sheriff* of *Eſſex* for Collecting of it is more full: "Scias quod Exigente Neceſſitate Terræ Sanctæ, Proviſum eſt & "Conceſſum coram Nobis & *Concilio noſtro*, Præſentibus *Archiepiſcopo Contuar.* "*Epiſcopis*, *Comitibus*, *Baronibus*, & *Magnatibus* noſtris, de Communi Omnium Vo-"luntate—— That ſuch a gathering ſhould be made.

[7] Annal. *Wav.* p. 187.

[8] Clauſ. 6. *Hen.* III. m. 8. dors.

By a [9] Writ to the *Sheriff* of *Kent*. Teſt, xxiv. *Novemb.* the ſame year, there ſeems to have been a *Second Parliament* held this year about *Michaelmaſs*; and a New Grant made to the ſame purpoſe; Præſentibus (again) *Archiepiſcopo Cantuar. Epiſcopis*, &c. As before.

[9] Clauſ. 7. *Hen.* III. m. 24. dors.

The ſame was the Caſe of his next *Parliament* at *Oxford*, in the *Octaves* of *Epiphany*. He held it with his *Barons*, ſay the [10] Hiſtorians, and was there Required by the *Archbiſhop*, & *Magnatibus aliis*, to Confirm the *Liberties* and *Free Cuſtoms* of the *Realm*; and with them he Adviſed about the doing of it.

[10] *M. Paris* p. 316. *M. Weſtminſt.* p. 281.

In the 8*th* of this King, a great *Parliament* was called to *Northampton* in the *Octaves* of *Trinity*. There Aſſembled, ſays [11] *M. Paris*, "*Rex*, cum *Archiepiſcopis*, "*Epiſcopis*, *Comitibus*, *Baronibus*, *& Aliis Multis*, de Regni Negotiis tractaturi. Here now is a general term that might have offered a Colour to bring any others to *Parliament*, that either a weak Cauſe needed; or a Teeming Fancy ſhould ſuggeſt. But the Hiſtorian ſpoils all in what immediately follows; "Voluit enim "Rex uti Conſilio [12] *Magnatum ſuorum*. So that all the reſt before ſpoken of, were ſtill but *Magnates*; of which it will be hard to prove the *Lower Clergy* to have been a part.

Sect. 56. 1224.

[11] *M. Paris* p. 320.

[12] Compare p. 322. Rex apud Northamptonam exiſtens cum *Magnatibus ſuis*.

Whilſt this *Parliament* was ſitting, a ſuddain Accident obliged the King immediately to remove to *Bedford*, to Beſiege the Caſtle there. The whole *Parliament* removed with him; and Granted to him a Subſidy for that Expedition. This [13] *M. Paris* ſays, was Granted, "tam a *Prælates* quam a *Laicis*. But [14] *Walter Coventre* is more full: He gives us the King's *Writ* of Caution to the *Clergy*, that this Grant might not be drawn into a preſident for the future; and both the *Hiſtorian*, and *King*, expreſly tell us that this Grant was made by the *Biſhops* and *Regular Prælates*, without mention of any others to have been concerned in it.

[13] *M. Paris* p. 320. *M. Weſtminſter* p. 284.

[14] Walt. Coventre ad An.

But more Solemn was the Parliament which the King held towards the latter end of this ſame year, upon *February* the 2*d*. And the terms wherein our

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Hiſtorians ſpeak of it will deſerve to be taken notice of. The King kept his *Chriſtmaſs* at *Weſtminſter*, ſays [1] *M. Paris*, "Præſentibus *Clero* & *Populo*, cum *Magnatibus* Regionis. This being over, he propoſed to the *Archbiſhops*, *Biſhops*, *Earls*, and *Barons*, & *Aliis Univerſis*, the Damages and Injuries which were done him abroad. It was agreed that a xv*th* would ſupply the King's Wants; and thereupon the *Archbiſhops* and the whole Aſſembly of the *Biſhops*, *Earls*, *Barons*, *Abbots*, and *Priors*, offer'd him a xv*th*, on Condition that he would Confirm their Two *Charters* to them. The King agreed to what his *Magnates* Required, and accordingly the *Charters* were Confirmed.

[1] *Mat. Paris* p. 321. So *Mat. Weſtminſter* p. 284.

Here now we ſee a great variety of Expreſſions, firſt there is *Clerus* & *Populus*, cum *Magnatibus*; As if the one were diſtinct from the other. Then here are *Archbiſhops*, *Biſhops*, *Earls*, and *Barons*, & *Alii Univerſi*; words of a large Extent. Yet all theſe, at laſt, amount only to *Regular Prelates*, on the *Church ſide*; and to the *Tenants in Capite*, as we ſhall preſently ſee, on the the other.

[2] Chron. *Tho. Wikes*. p. 40. [3] Annal. *Wav.* p. 189. [4] Walt. Coventr. ad Ann.

[2] *Wikes*, in his Chronicle, is very General: He ſays only that all the *Magnates Regni*, as well *Religious*, as *Secular*, Granted to the King a xv*th*. But the [3] *Waverly Annals*, as uſual, are moſt accurate. The *Archbiſhops*, *Biſhops*, *Abbots*, *Priors*, *Earls*, *Barons*, *Knights*, and *Free Tenants* of the *Realm*, Granted a xv*th* of their Moveables. [4] *Walter Coventre* thus relates it: In the *Purification*, the King call'd to *London* the *Proceres Angliæ*. After a long Debate, Cum *Clero*, & *Populo* ibidem *Convocato*, the King Granted to them their Liberties, and there was Granted to the King by the *Earls*, and *Barons*, the *Clergy* and *People*, there preſent, (the Churches only Excepted) a xv*th*.

[5] Apud *Hemingford*. p. 565, 568, 570.

The [5] *Charters* themſelves ſpeak thus: That the King Granted them, with the Advice of his *Archbiſhops*, and *Biſhops*, of his *Governour* the E. of *Pembrook*; and his other *Fideles*, the *Earls*, and *Barons* of *England*. Theſe were the Members with whoſe Advice the King Granted his *Charters*: And for this, the *Archbiſhops*, *Biſhops*, *Abbots*, *Priors*, *Earls*, *Barons*, *Knights*, and *Free-Tenants*, & *Omnes* de *Regno Noſtro*, Granted to the King a xv*th*.

From all which, the Concluſion, I think, is this; That the King's *Parliament*, for *Advice*, and *Authority*, in *Matters* of *Government*, Conſiſted of his *Barons Spiritual*, and *Temporal*; and therefore theſe only were mentioned in the beginning of theſe *Charters*. But for *Aid*, and *Aſſeſſments*, all the *Free-Tenants*, who held immediately of the King, were to give their own Conſent: And therefore in the latter part of the *Charters* which relate to the Grant made by the *Parliament* to the *King*, theſe were added to the others, to ſhew, that they alſo were, as of Right they ought to be, Conſenting to it. But for the *Lower Clergy*, we meet with them neither in the One, nor in the Other; and may therefore ſafely conclude that they were not at all there.

Sect. 57.

[6] *Walt. Covent.* Mſ. ad Ann. Clauſ. 10 *Hen.* III m. 14. dors. Et 11 *Hen.* III. m. 9. dors. [7] *Prynn's* Records. Vol. 2. p. 396. & Vol. 3. p. 71, 72.

To clear this Matter yet more; let it be obſerved, that the [6] *Pope*, to Gratify the *King*, had at the ſame time ſent a Letter to the *Clergy* of *England*, to cauſe a Collection to be made for him in their ſeveral *Dioceſes* This Letter the Archbiſhop ſent to his *Suffragan* *Biſhops*; requiring them to call together all the [7] *Religious* of their *Dioceſes*, of whatſoever Order they were, together with their *Clergy*: And to admoniſh them to make a ſuitable Grant to the King, of all ſuch their Revenues as were not taxed to the xv*th* before Granted in *Parliament*. Thus were the *Lower Clergy* brought into this Grant: They were Called together, not by the King to *Parliament*, but by their *Biſhops* in their *Reſpective Dioceſes*; and there they gave their *Subſidy* to the *King*.

[8] Clauſ. 9. *Hen.* III. m. 14. dors. Et m. 12. dors.

I ſhall add only this one thing more, that in two of the King's [8] *Writs*, relating to this *Grant*, where he ſpeaks of the *Perſons* by whom it was made, he, in the One, calls them by the general Name of *Fideles*; in the *Other*, more particularly, recounts the ſeveral Orders of them; *Archbiſhops*, *Biſhops*, *Earls*, and *Barons*, but no where ſpeaks of any *Eccleſiaſticks* under the degree of *Barons*; which the *Regulars*, who held Lands of the King by *Knights Service*, were looked upon to come under the *Character* of.

1225. Sect. 58.

[9] *Mat. Paris* p. 324, 325.

The year following the *Archbiſhop* of *Canterbury* ſeems to have held another [9] *Synod* with his *Biſhops* only: And therein to have made thoſe Conſtitutions of which our Hiſtorians ſpeak, with Relation to the *Concubinage* of the *Clergy*.

[10] Ib. p. 325.

Not long after this [10] Cardinal *Otho*, the Pope's *Legate*, came into *England*: He propoſed his Buſineſs to the King; but it being a Matter of *Publick Concern*, the King refuſed to do any thing alone in it. By the Advice therefore of the *Archbiſhop*

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bishop of *Canterbury* a day was fixed, on the [1] *Octaves* of *Epiphany*, on which the *Clergy* and *Laity* being assembled at *Westminster* this Business might be Debated on by them. Before that day came, the *King* fell Sick; yet nevertheless the *Bishops*, and the other *Prelates*, with a *Multitude* of the *Laity*, met; and there the *Legat* declared his Business to them. It was, in short this, to obtain two *Prebends* for the *Pope* in all *Cathedral*, and *Conventual*, *Churches*: And the maintenance of Two *Monks*, in all the *Monasteries* of *England*. They Excused themselves on Pretence of the *King's Sickness*, and the Absence of many who were concerned in it: And the *King*, at the same time, sent a Prohibition to such as Held of him by *Barony*, not to Oblige his *Lay Fees* to the *Church* of *Rome*; and so another day was appointed to meet on, about *Midlent*, and nothing more done, at that time, in that Matter. But before this day came, the [2] *Archbishop* of *Canterbury* procured the Revocation of the *Legat*, and that the Business for which he came might be left to his Management. In pursuance hereof, he called a *Council* at *Westminster* after *Easter*; and Summon'd to it all whom the Affair did concern: *Vocatis ad Concilium Cunctis* (says the Historian) *quos Negotium tangebat*. The *King* and his *Lords* were present with the *Clergy*: They all agreed not to set an Example in this Case to other *Churches* and *Countries*, and so the Assembly brake up.

[1] Ibid. p. 328.

[2] Ibid. p. 331.

It is Evident from all the Circumstances of this Affair, that neither of these two were *Common Assemblies*, either of the *Realm*, or *Church* of *England*. The former was no *proper Parliament*, nor was the latter any *Ecclesiastical Synod*. They were extraordinary Meetings of the *Clergy* and *Laity*; and, as the Historians well observe, consisted of all *quos Negotium tangebat*, who had a concern in the Business that was to be done there.

The same was the Case of that [3] Meeting about Three years after, which Dr. *A.* Produces as a true and regular *Parliament*. A new *Legat* being sent hither to obtain a *Tenth* for the *Pope* of all the *Beneficed Clergy* in *England*; the King caused the "*Archbishops*, *Bishops*, *Abbats*, *Priors*, *Templars*, *Hospitalars*, *Earls*, *Barons*, *Rectors* of *Churches*, and *All* that *Held* in *Chief* of *him*, to Assemble at *Westminster*, the *Second Sunday* after *Easter*. Being thus Assembled, the *Laity* absolutely Refused to give any thing: The *Clergy* for fear, yielded, and paid what was demanded of them. Who these *Rectors*, or, as they are afterwards called, [4] *Prelates*, of *Churches* were, I shall not Dispute with Dr. *A.* Let them be *Deans*, *Archdeacons*, or (if he Pleases) *Ministers* of *Parochial Churches*, to me it is indifferent. That which I insist upon is, that this was an *extraordinary Assembly*, not a Regular *Parliament*; as both the Occasion shews, and the Persons mentioned to have been called to it no less evidently declare.

1229. Sect. 59.

[3] *Mat. Paris* p. 361.

[4] Ib. p. 362.

And accordingly *Mat. Paris* does not give us the least Ground to suppose, that he look'd upon it as a *Parliamentary Meeting*. Nothing was debated or done after a Parliamentary manner init. The King being engaged before to the *Pope*, said nothing either for, or against, the *Demand*: The *Legat* managed all. The Laity utterly refused to comply with his Desires. And when *all* the *Clergy*, for fear, yielded; yet the Earl of *Chester* would not *suffer* his *Religious*, or *Clergy*, to pay any thing. In this Meeting not only the *Principals*, as in *Parliament*, appeared; but their *Vassals*, and *Tenants* too: "Tam *Laici*, quam *Clerici*; & Eorum Subjecti. So that if all are to be looked upon as proper *Members* of *Parliament*, who came to this Meeting; we must quite alter the nature of our *Great Councils*; and make the *Feudatories* not only of the *King*, but of the *Laity* and *Clergy*, to become a part of those Assemblies also. But indeed, the *Meeting* was as *Extraordinary* as the *Occasion*: The whole *Clergy* were to be taxed, and therefore the *whole Clergy* were called to Consent to the *Tax* that was to be laid upon them.

Hence it is that in the following *Parliaments*, which were truly such, we hear no more of the *Lower Clergy*. In that of 1230, *January* the 26*th*, [5] "Convenerunt ad Colloquium apud *Westmonasterium*, Rex, cum *Prelatis*, & aliis *Magnatibus Regni*. In that of 1231, *March* 7*th*, there met by the King's Summons, says the same Historian, [6] *Magnates* Angliæ, tam *Laici* quam *Prælati*. In that of 1232, at *Lambithe*, [7] there met before the King *Episcopi*, & alii *Ecclesiarum Prælati*, cum *Proceribus* Regni. These gave the King the XL*th* part of all their Moveables: As they did, in the very same manner a XXX*th* some years after.

1230. Sect. 60.

[5] *M Par.* p. 367.

1231.

[6] Ib. p. 372.

1232.

[7] *Mat. Paris* p. 377.

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But here [1] Dr. *A.* interpoſes: It is true, that in both theſe *Parliaments* the *Perſons* Called by the *King* to it, are ſaid to be only "*Archiepiſcopi, Epiſcopi, Abbates, Priores*," but in the [2] Grant, others are mentioned in both, *viz.* "*Clerici terras habentes quæ ad Eccleſias ſuas non pertinent*." And theſe therefore muſt be taken into the number of thoſe who made the Grant, tho' not ſpecified in the *Writ* of *Summons* to the *Parliament*. The Anſwer to this is not difficult: For, 1*ſt*. It is not certain for all that, that theſe were *Members* of the *Parliament*. In the *King's Writs*, thoſe are ſaid to *Grant*, who *Grant* by *Others*, as well as thoſe who are *preſent* in *Parliament*, and *Grant* for themſelves. In the former of theſe very *Writs*, the *Villani de Regno noſtro*, are ſaid to have Granted, in the ſame Words that theſe *Clerici* were: Yet it is certain that the *Villani* were never Members of *Parliament*; but, as in the other *Writ* it is expreſly ſet down, the *Liberi homines* Granted "pro "*Se*, & *Villanis* ſuis. In ſome other [3] *Writs*, *Abbeſſes* & *Prioreſſes*, are ſaid to have *Granted*; yet Dr. *A.* will give me leave to affirm, that theſe were not proper *Members* of *Parliament*, for all that; nor did make their *Grants*, in *Perſon*, in thoſe Great *Councils*. In like manner, be theſe *Clerici* whom they will; it does not follow that they were actually at the *Parliament*, becauſe they are ſaid to have *Granted*: All that follows is, that either by *Themſelves*, or by *Others*, they did *Grant* a *Subſidy* to the King there.

[1] Rights, &c p. 315.
[2] Clauſ. 16 *Hen.* III. m 7. dors. Clauſ. 21 *Hen.* III. m 7. dors.
[3] Pat 15 *Hen.* III. m. 3. intus. See *Pryn* Record. Vol. 3. p. 81.

Now this ſeems to be the meaning in which the [4] Annals of *Waverly* underſtood this Grant: Which ſpeaking, in the very Words of the *King's Writ*, only change *Granting*, into *Receiving*, "the *King*, ſay they, *Received* from the *Archbiſhops*, "*Biſhops*, *Abbots*, *Priors*; & *Clericis terras habentibus* quæ ad Eccleſias ſuas non "Pertinebant——

[4] Annal *Wav.* p. 193.

But however, Secondly; ſuppoſe that theſe *Clerici* were in *Parliament*, and there Conſented to this Grant; yet this muſt be allowed, that they were there not as *Clergy-men*, but as *Land-holders*; not as *Repreſentatives* of the *Body* of the *Lower Clergy* in *Parliament*, but as Perſons who had *Lands* which did not belong to their *Churches*: And if any *Clergy-men* were ſuch *Free-Tenants*, and had ſuch *Eſtates*, I ſee no reaſon why they were not intituled, under that Capacity, to come to *Parliament* as well as any others. That which I deny is, that the *Lower-Clergy*, as an *Eſtate*, or *Part* of an *Eſtate*, of the *Realm*, were Called to *Parliament* before, after ſuch a manner as they were from the 23*d* of *Edward* the *Firſt*; which is what this *Author* would have us believe, but is not able, by any one tolerable *Inſtance*, either of *Law* or *Hiſtory*, to prove.

Sect. 61.

It is a wonderful thing what could move him, to offer a Paſſage to this Effect, ſo foreign to the Buſineſs of a *Parliament*, as another which he brings of this ſame year; [5] Page 301. "On the xvi. Kal. *Jan.* ſays *M. Paris*, there was held "at St. *Albans* a great Conſiſtory of *Abbots*, *Priors*, *Archdeacons*, with almoſt all "the *Nobility* of the *Realm*, *Doctors*, and *Clergy*. And how came they to meet there? Per mandatum Domini *Papæ*; at the *Popes Command*; who did not uſually call *Parliaments* in *England*. But what did they meet for? To hear the Controverſy between the *Earl* and *Counteſs* of *Eſſex*; and to proceed to a *Divorce* between them, if they ſaw it Reaſonable. But where were the *Biſhops*? How came they to be Omitted, and yet the Meeting be a Good Parliament for all that? In ſhort, to Crown all, when did this Conſiſtory meet? xvi. Kal. *Jan.* (*i. e. December* the 17*th*) 123½. ſays Dr. *A.* A new Way of Computation; and very fit to be joyned with the *Aſſembling* of ſuch a new kind of *Engliſh Parliament*.

[5] Rights, &c. p. 301.

Sect. 62.

What to Call thoſe [6] Meetings, to which the King the year following, "Vocavit Omnes COMITES & BARONES, I cannot tell; unleſs we ſhall ſuppoſe that under the latter of theſe, the *Eccleſiaſtical Barons* were included. But the year after, [7] *April* the 9*th*, at a *Parliament* at *Weſtminſter*, we find the *King* with his *Earls* and *Barons*; the *Archbiſhops*, *Biſhops*, and *Prelates*. So we do again at [8] *Gloceſter* in *June* following: And either to this, or ſome other of the ſame year, [9] that *Writ* of this *King* to the Sheriff of *Lincoln* muſt Relate, concerning the Holding of the *County-Courts*, which was determined in preſence of the *Archbiſhop* of *Canterbury*; "Et Majoris & Sanioris Partis Omnium *Epiſcoporum*, *Comitum*, & *Ba*"*ronum*, *totius Regni*. There is, indeed, in one part of that Writ added & *Aliorum*; but that extends no farther than to the other parts of the *Baronage*; nor can reaſonably be conſtrued to include any others than the uſual Members of *Parliament* under it.

[6] *M. Par.* p. 386. 387.
[7] Ib. p. 397. 1234.
[8] Ib. p. 403, 404
[9] Clauſ. 18 *Hen.* III. m. 10. dors.

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To accommodate the Differences between the *King*, and his *Barons*, the Annals of *Teuksbury* tells us, that the *Archbiſhops* and *Biſhops* held a *Provincial Council* at *Glouceſter*, *November* the 26*th* 1233. To this the King ſent his *Prohibition*, to forbid their medling without their proper Bounds; Dated at *Hereford*, *November* the 23*d*: And by the [1] *Writ* it appears that only the *Biſhops* were called to it; as indeed they were, a long time after, eſteemed the only *proper Members* of ſuch *Aſſemblies*.

[1] *Prynne* Records Vol. 2. p. 443.

But to return to our preſent Buſineſs, of *State-Councils*: *Anno* 1234, the *King* at *Chriſtmaſs* kept his Court at *Weſtminſter*, "Præſentibus *Epiſcopis* & *Principibus* "*Regni* quam plurimis; Says [2] *M. Paris*. After which, upon the *Octaves* of *Hilary*, a *Parliament* was called; "Congregatis— *Venerabilibus* Patribus *G. Cant. Ar*-"*chiepiſcopo*, *Epiſcopis*, *Comitibus*, & Aliis Fidelibus noſtris, as the King's [3] Writ to the *Archdeacon* of *Canterbury* Expreſſes it. And theſe are All called, in the ſame Writ, *Magnates* noſtri; to ſhew us more plainly what kind of *Fideles* were meant by him.

[2] *Mat. Paris* p. 419.

[3] Apud *Pryn.* Regiſt. Vol. 1. Pref.

The next Month after, [4] *Frederick*, Emperour of the *Romans*, deſiring *Iſabell* the *King's Siſter*, in Marriage, the *King* Debated three days about it with the *Biſhops*, and *Great Men*, of his *Realm*.

[4] *Mat. Paris* p. 414.

1235. Sect. 63.

It was, as I conceive, after *Whitſuntide* the year following, that the *Parliament* met, to which the King's [5] *Writ* to the *Sheriff of Suſſex*, dated the 10*th* of *July*, refers. It recites that the "*Archbiſhops*, *Biſhops*, *Abbots*, *Priors*, *Earls*, *Barons*, and *all* "*Others who held in Capite*, had granted an *Effectual Aid* to him. And that we may know that thoſe only were called to that *Parliament*, by another [6] *Writ*, Dated the 16*th* of the ſame *Month*; the King Summoned all ſuch other *Abbots*, and *Priors*, as held not of him in *Chief*, by *Knights-Service*, except *Ciſtercians*, and *Præmonſtratenſes*, to appear before him at *Woodſtock*, *July* the 23*d*; in order to the ſame End, as Mr. *Prynne* ſeems probably enough to Conjecture.

[5] Clauſ. 19 *Hen.* III. m. 7. dors.

[6] Clauſ. 19 *Hen.* III. m 7. dors. Apud *Prynne* Records Tom. 3. p. 90.

At *Chriſtmaſs* following the King *Conſilio Magnatorum ſuorum*, as [7] *Hemingford* ſpeaks, was Married to *Alienore* the Earl of *Provences* Daughter; and upon the 23*d* of *January* following; [8] held his *Parliament* at *Merton*, "ut ibi Revocati "*Magnates*, una cum Rege, de Regni Negotiis contrectarent. There the famous *Laws* of *Merton* were made, de *Conſilio Magnatorum*, ſays [9] *Hemingford*, again. But the [10] *Annals* of *Burton* are more full; they twice Repeat the Perſons who were preſent at the making of them; namely, the *Archbiſhops*, *Biſhops*, *Earls*, and *Barons*. And this they took from the [11] Record it ſelf, which runs thus; "Proviſum eſt in Cur. Dom. Regis apud *Merton*, die *Mercurii* in Craſt. "S. *Vincentii*, *Anno* Regis *Henrici*, filii *Johannis*, Viceſſimo, Coram *E. Cant.* "*Archiepiſcopo* & *Coepiſcopis Suffraganeis* ſuis, & Coram majore Parte *Comitum* & "*Baronum Angliæ*; ibid' Exiſtentium Cum tractatum eſſet de Communi Utilitate Regni ſuper Articulis Subſcriptis, ita proviſum fuit & Conceſſum tam "a Prædict. *Archiepiſcopo*, *Epiſcopis*, *Comitibus*, *Baronibus*, quam ab ipſo *Rege*, & "*Aliis*. Thus the Record of theſe *Laws* declares the Authority by which they were made: And in a Writ of the 30*th* of the ſame Month, directed to the *Sheriffs* of *Norfolk* and *Suffolk*, concerning them, I find the ſame *Members* of this *Parliament* reckon'd up, almoſt in the ſame Words; "Scias quod die "*Mercurii* in Craſt. S. *Vincentii* in Curia Noſtra, & coram Nobis, & coram Ven' "Patre E. Cant. *Archiepiſcopo* & *Coepiſcopis* ſuis, & coram Majori parte *Comi*-"*tum*, & *Baronum* noſtrorum *Angliæ*, pro communi Utilitate totius Regni no-"ſtri, Proviſum fuit tam a prædictis *Archiepiſcopo*, & *Epiſcopis*, *Comitibus*, & *Ba*-"*ronibus*, quam a Nobis Conceſſum, &c. This is ſo Clear, and ſo Authentick a *Record* of the *Members* of our *Parliaments* in thoſe days, that I do not ſee how it is poſſible to make any reaſonable Exception againſt it.

[7] *W. Hemingf.* Lib. 3. cap 13.

[8] Annal *Burton.* p. 287.

[9] *Hemingf.* cap. 12. ibid.

[10] Loc. Supt. Citat.

[11] See 2 Inſtit. fol. 79.

Sect. 64. 1236.

And the ſame was the Caſe the next year after: *April* the 28*th*, [12] "Congregati ſunt *Magnates Angliæ* ad Colloquium, de Negotiis Regni tractaturi, ſays *M. Paris*. At this *Parliament*, the *Clergy* Granted to the King a Scutage of Two Marks of every *Knights-Fee*: And the King to preſerve their Liberty, and that this Liberality might not be drawn into Conſequence againſt them, gave them his [13] *Letters Patents* for Prevention; Dated *May* the 4*th*, wherein he mentions the Perſons who made this Grant to him; "*Archbiſhops*, "*Biſhops*, *Abbots*, *Priors*, & *Alii Perſonæ Eccleſiaſticæ*; who muſt be ſuch only as held Lands *in Capite* of the King, as both the *Writ* it ſelf ſhews, and we ſhall preſently ſee it more fully Explained to us.

[12] *Mat. Paris* p. 429.

[13] Pat 20. *Hen.* III m. 8. in *Prynne's* Records, Vol. 3. p. 475.

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At *Chriſtmaſs* following, the King iſſued out Writs for a *Parliament* to meet at *London*, upon the *Octaves* of the *Epiphany*; So *M. Paris*; but it ſhould be on the *Octaves* of *Hillary*. The King's Deſign was to demand an Aid of his People; and for that a *full Aſſembly* was to be held. Let us Enquire therefore who by Virtue of theſe *Scripta Regalia* were called to it. Now of that we have a very Authentick and very Particular Account. For, Firſt, Our [1] *Hiſtorians* thus Report them; *Archbiſhops*, *Biſhops*, *Abbots*, *Priors Inſtalled*, *Earls and Barons*: Theſe they afterwards call in one Word *Magnates*, *Fideles*, *Barones*; in another Phraſe *Infinita Nobilium Multitudo*, ſcilicet *totius Regni Univerſitas*. And the manner of the Grant one of them thus [2] Relates: "Firſt the *Archbiſhop* of "*Canterbury*, with his *Biſhops* and *Clergy*, Conſented; and then the *Others* "followed.

[1] *M. Par.* p. 435. *M. Weſtminſter* p. 298.

[2] *M. Par.* p. 436

Thus *M. Paris* Reports this Matter: And that this he did upon the Authority of ſome *Publick Inſtrument*, the King's *Writ* Relating to that Aid, ſufficiently ſhews. [3] "Upon the *Octaves of Hilary*, ſays he, in the Twenty firſt year of our "Reign, came together, at our Command, the *Archbiſhops*, *Biſhops*, *Abbots*, *Priors*, "*and Clergy* of our whole *Realm*; and Treated with us of our *State*, and of the "*State* of our *Realm*: And the ſame the *Archbiſhops*, *Biſhops*, *Abbots*, *Priors*, *and* "CLERGY HAVING LANDS WHICH BELONG NOT TO THEIR CHURCHES, Granted as "before. Theſe were the *Members* of this *full Parliament*; and theſe again demonſtratively ſhew that the *Lower-Clergy* were not yet called to come to it.

[3] Clauſ. 22 Hen. III. m. 7. dors.

And yet tho' all this be ſo, yet [4] *Wikes*, an accurate Hiſtorian, thus briefly, and generally Reports this Matter; that a Thirtieth was Granted to the King, tam a *Clero*, quam a *Populo*; and thereby ſhews how thoſe *Phraſes* are, upon other Occaſions, to be underſtood by us.

[4] *Wikes* Chron. p. 43.

1237. Sect. 65.

About the latter end of *July*, the next year, Cardinal *Otto*, the *Popes Legat*, came again into *England*. The King held his [5] *Parliament* at *York*, the *Legat* being preſent, Cum *Omnibus Magnatibus ſuis*, *September* the 14*th*. In *November* following a *Legantine Council* was Aſſembled, in which, tho' I am not concerned, yet it may not be amiſs to take thus much Notice of it; that the [6] Perſons Summoned to it, were *Archbiſhops*, *Biſhops*, *Abbots*, *and Inſtalled Priors*; with Procuratorial Letters to Act in the Name of their *Convents*, as well as their *Own*. To theſe the [7] *Annals* of *Waverly* add, *Aliiſq*; *Eccleſiarum Prælatis*. So does [8] *M. Weſtminſter*; *Convocatis* omnibus *Prælatis Angliæ & Walliæ*. [9] *M. Paris* takes notice of the *Archdeacon* of *Canterbury* being preſent: And it is not unlikely but that the reſt of that *Order* were there. The [10] Annals of *Tueksbury*, expreſly name both them, and the *Deans*; *Archidiaconis*, *Decanis*, & *Aliis*.

[5] *M. Par.* p. 446

[6] *Mat. Paris* p. 446. *Annal. Burton.* p. 290.

[7] Annal. *Waverl.* p. 197.

[8] *M. Weſtminſter.* p. 298.

[9] *M. Par.* p. 447.

[10] Mſ. in Bibl. *Cotton.* Cleopa. A. 7.

1239.

But not to meddle with theſe kind of *Councils*, in which our Argument is not concerned: [11] In the *Octaves* of Epiphany, *Anno* 1239, another *Parliament* was held; and at it were Aſſembled the *Archbiſhops*, *Biſhops*, and *Great Men*; according to the Cuſtom of thoſe times.

[11] *Mat. Paris* p. 523.

1241. Sect. 66.

In *November*, *Anno* 1241, the *Biſhops* of *England* had a Meeting at *Oxford*, with many other Grave, Religious, and Diſcreet Perſons, to Treat about the manifold Deſolation of the *Church*, as [12] *M. Paris* Expreſſes it. To theſe the King ſent a [13] *Prohibition*; and in that tells us, who thoſe other Perſons were, *viz.* the *Prelats* of the *Church*; whom they thought fit to call together to that *Colloquy* with them.

[12] Ib. p. 577.

[13] See *Prynnes* Records, Vol. 2. p. 578.

And about the End of the ſame year a *General Parliament* was Summoned to meet at *London*, the *Tueſday* before the *Purification*. To it were called all the *Great Men*, *Archbiſhops*, *Biſhops*, *Abbots*, *Priors*, *Earls*, and *Barons*, to Treat with great Deliberation, *de Arduis Negotiis Regni*, as the [14] *Hiſtorian* (from the *Writ* of *Summons*) ſpeaks. The day appointed being at hand, the *Nobility* of all *England*, as well *Prelates* as *Earls* and *Barons*, according to the King's Command, were gathered at *London*.

[14] *Mat. Paris* p. 579, 580.

The Anſwer which the *Parliament* made to the King's Demands, is worthy of our Remark, becauſe it affords us a Full, and Authentick Teſtimony of the Perſons who were Aſſembled at it. It begins to this [15] Effect: "Whereas "the Lord *Archbiſhop* of *York*, and all the *Biſhops* of *England*, *Abbots*, and *Priors* by "*Themſelves*, or by their *Proxies*; as alſo all the *Earls*, and almoſt all the Ba"*rons* of *England*, were Called together by the *King's Writ*, and the King having "laid before them the *State* of his *Affairs*, deſired all the *Great Men* of his *Realm* "to give him their Advice and Aſſiſtance; at length the ſaid *Biſhops*, *Abbots*, *Priors*, *Earls*,

[15] Ibid. p. 581.

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"*Earls*, and *Barons*, having Treated together, &c. These were our *Parliament-Men* at that Meeting: No others mentioned throughout the whole History of it.

To Confirm this, let us Consider, how the very [1] *Writ of Summons* to this *Parliament* runs. It is directed to the *Archbishop* of *York*; and he is Summoned to be at *London* a die S. *Hillarii* in xv. dies, "ad Tractandum Nobiscum, "Una cum *Cæteris Magnatibus* Nostris, quos similiter fecimus Convocari. Yet in this *Parliament* a Subsidy was demanded by the *King*; and tho' the *Laity* Refused, yet the *Prelates* (so the [2] *Historian* calls them, and mentions no other of the *Clergy*) being set upon singly by the King, did, at last, Comply with his Demands.

[1] Dors. Claus. (26) *Hen.* III. m. 13. Apud *Selden.* Tit. Hon. part. 2. pag. 523. Dr. *Brady's* Introd. p. 87.
[2] *M. Westminst.* p. 307.

The Terms in which *M. Westminster* speaks of these Persons, may deserve to be taken Notice of: "Convenit tota *Angliæ Nobilitas*; tam *Prælatorum* quam "*Magnatum*. Yet these he afterwards calls, "Homines Regis *Fideles* & *Natura-*"*les*, without any other Addition; and thereby shews, how those Terms also are, in other places, to be Understood, with Relation to these Assemblies.

But to proceed in our View of this Reign: About the latter End of the year 1244, another *Parliament* was called, and that for *Aid* too, at *London*. The *Persons* Summoned to it were again, as before, [3] *Archbishops*, *Bishops*, *Earls*, and *Barons*. These breaking up without Answering the King's Desires, met again at *London* three Weeks after the [4] *Purification*; *Magnates* cum *Prælatis*; as *M. Paris* Phrases it. Here the King attained his Purposes, and Received a *Parliamentary Supply*. [5] On the *Morrow* after *All-Souls* the same Persons met again: *Convenientes Magnates*, says the *Historian*; and the King again Demanded an Aid of them.

1244. Sect. 67.
[3] *M. Paris* p. 639.
[4] Ibid. 643.
[5] Ibid. p. 650. *M. Westminst.* p. 318.

Who they were that chose the *Proctors* whom the King sent the next year to the *General Council of* Lyons, has been a Question of some difficulty: [6] *M. Paris* tells us that they were chosen, *Nomine totius Universitatis Regni Angliæ*; which *Universitas* sent an *Elegant Epistle* to the *Pope* by them. [7] *M. Westminster* says that the *King* sent them: But [8] *N. Trivet*, almost a Contemporary Writer, delivers the plain Truth of the Matter, and puts an End to the doubt; that the King, by the Advice of his *Parliament*, the Representative of his *whole Realm*, sent them: "Missi sunt ad hoc Concilium per *Regem Angliæ*, de Consilio "*Prælatorum*, *Comitum*, & *Baronum*, Viri *Nobiles*, &c.

1245.
[6] *Mat. Paris* p. 659.
[7] *Mat. Westm.* p. 321.
[8] *Nic. Trivet.* p. 591.

This Complaint having not had its due Effect, the King upon *Midlent-Sunday*, towards the end of the same year, called his *Parliament* to consider how to deliver the *Church*, and *Realm*, from their Oppressions. And because this is a *Parliament* which makes a great Figure in our *English History*, it will be fit that we Consider with the more Care, who were the Members of it. [9] *M. Paris* speaking of the *Summons* of it, tells us, that the King, by his *Writ* Called to *London* at *Midlent* "totius Regni *Magnates*. [10] *M. Westminster* stiles them *Nobiles Regni*. The [11] *Annals* of *Burton* distinguish the *Lay-Members* from the *Ecclesiastical*; and call them *Magnates* cum *Clero*. The [12] *Chronicle* of *Dunstable* thus reckons up the *Church-Members*, *Bishops*, *Abbots*, and *Priors*.

[9] *M. Paris* p. 693.
[10] *M. Westmin.* p. 327.
[11] *Annal. Burton.* p. 306.
[12] MS. *Cotton.* Tiber. A. 10.

The time assigned for their Assembling being come, "Convenit ad *Parliamen-*"*tum* Generalissimum, totius *Regni Anglicani* totalis *Nobilitas*, says [13] *M. Paris*: And to take away all doubt whom he comprehends under that Character, he adds, *viz.* of the *Prelats*, as well *Abbots*, and *Priors*, as *Bishops*; with the *Earls*, and *Barons*. These were his *Nobility*, and these, he says, were *Edicto Regio Convocati*, called by the *King's Writ* to this *Parliament*.

[13] *M. Paris*, p. 696. *Mat. VWestmin.* p. 329.

Being thus Assembled, the King first of all, spake to the [14] *Bishops* by *themselves*; then to the *Earls*, and *Barons*; and afterwards to the *Abbots*, and *Priors*: And Complained greatly, says the *Historian*, *toti* UNIVERSITATI *Congregatæ*; to the whole *Council* of the *Realm*, there Assembled, of the *Papal Exactions*. The Heads of the *Grievances* being drawn up, and Considered by the *Parliament*; the Conclusion was, that Letters and Messages should be solemnly sent to the *Pope* for Redress of them.

[14] *M. Paris*, p. 698. *M. VWestminst.* p. 328.

The *Parliament* being broken up, they Wrote their Letters according to what had been agreed: *Episcopi per se*, *&c.* the *Bishops* by themselves; the *King* by himself; the *Abbots* and *Priors* by themselves; Earl *Richard*, and all the *Nobles* by themselves; says [15] *M. Westminster*; and the Letter of these last is thus Intituled, [16] "Devoti Filii Comes Cornubiæ, &c. Et alii totius *Regni Angliæ* Ba-*rones*,

[15] *M. VWestmin.* Loc. Citat.
[16] *M. Paris*, p. 700.

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"rones, *Proceres*, & *Magnates*; ac *Nobiles Portuum Maris habitatores*; nec non "& *Clerus* & *Populus Universus*. The others had before Written every one in their own *Names*; the *Baronage* therefore took in all the *Reſt* of the *Realm*, which had not particularly ſent themſelves to him.

1246. Sect. 68. [1] *M. Weſtmin.* p. 329.

When theſe Letters thus ſent, [1] ex *Parte Regis* (&) *Univerſitatis* tam *Magnatum*, quam *Prælatorum*, had no Effect; but a New Impoſition was laid upon the *Realm* by the *Pope*, they were all aſtoniſhed: And the King forbidding the *Biſhops* to yield to the *Collection* of what was demanded; took notice that it was contrary to the *Proviſion* made by his GREAT MEN, as well *Prelates*, as *Earls* and *Barons*, in the *Council* before mentioned. In which Council, the Hiſtorian tells us, were gathered together *totius Regni tam* CLERI, *quam* MILITIÆ, (ſo from their Tenures by *Knights-Service* he calls thoſe whom he had before Stiled *Nobiles*, & *Magnates*) *Generalis Univerſitas*.

[2] Annal. *Burton* p. 306, 307. Comp. *Mat. Paris* p. 716.

Let me Obſerve this one thing farther: The [2] *Annals of Burton* reciting the Letter which *M. Paris* tells us was ſent by the *Regular Prelates* upon this occaſion, gives it this Inſcription, *Litera ex Parte Cleri*; and Confound the *Anſwers* afterwards made by the *Clergy* to the *Pope*, with the Letter ſent by Order of this *Parliament*.

From this Account of this *Parliament*, theſe things are plain; that of the *Clergy*, none but *Biſhops*, and *Prelats*, were preſent at it; of the *Laity* none but *Nobles*, and *Barons*. That theſe are in the Language of thoſe times called UNIVERSITAS REGNI Aſſembled together in Parliament, ſo one ſtiles them: *Tam Cleri*, quam *Militiæ Generalis Univerſitas*, ſo another deſcribes them. That theſe are the *Magnates* & *Clerus*; the *Magnates* & *Prælati*; of the *Parliaments* under this King; to which it is as plain as any thing can well be, that the *Lower-Clergy* were not hitherto Convened.

[3] *M. Paris* p. 709.

On [3] *July* the 7*th*, the Meſſengers being returned, which went to *Rome*, the King called another *Parliament* to meet at *Wincheſter*. The *Magnates* were again the Members of it. The *Pope* threatned; and the *King* with his *Lords*, were incenſed againſt him: But Earl *Richard* joyned with ſome of the *Papal Biſhops* againſt the *King*, and ſo all theſe Attempts for the Deliverance of the *Church* from its Servitude, came to nothing.

Sect. 69. [4] Rights, &c. p. 301. [5] *Mat. Paris* p. 719.

And now we come to that *Parliament* to which [4] Dr. *A.* tells us the *Archdeacons* were called. He Relates the matter fairly, as it ſtands in [5] *M. Paris*; and it is, I think, the firſt plauſible Inſtance that has occurr'd, of what he has been Aſſerting. The *Biſhops* of *England* had, in the Council of *Lyons*, Obliged the *Clergy* to a great *Subſidy* to be paid to the *Popes* Uſe. The *Pope* preſſed the Payment *of it*; and the *King* was deſirous by ſome means or other to prevent it. To this End he called his *Great men*, and with them, the *Archdeacons* of *England*, to *London*. Whither being come at the day appointed, the *Biſhops* voluntarily abſented themſelves, that ſo they might not ſeem to go againſt their own Act.

[6] Ib. p. 720

Upon the day after the [6] *Purification*, the King had a diligent Treaty with his *Lords*, protracting the *Council* many days. The Subject of their debate was how to preſerve *Gaſcogny* which the King of *France* was preparing to ſubdue; and which it would be both a Diſhonour and Damage to the King to loſe.

At this Meeting the *Archdeacons* of *England* were aſſembled, as I before Obſerved; and no ſmall part of the *Clergy* of the *whole Realm*, together with the *Great Men*, complaining of the intolerable Exactions of the *Pope*. The Concluſion was, that ſolemn Meſſengers ſhould again be ſent to the *Pope*, and the Letters, inſerted by the *Hiſtorian*, be Written on behalf of the *Community* of the *Clergy*, and *People* of *England*, to *him*, and to the *Cardinals*. This is the Account which *M. Paris* gives of this Aſſembly: From which thoſe things are clear; That the *Archdeacons* were preſent at this *Parliament*; That only thoſe of the *Province* of *Canterbury* came to it; For they only Wrote the Letters to the *Pope*; which, had thoſe of *York* been preſent, we can hardly think they would have done. That a great number of the *Clergy* came with them: That theſe together made their Complaints of the *Grievous Exactions* of the *Court of Rome*: That in the other Debates of this *Parliament*, none but the *King*, and his *Lords*, deliberated. The only Queſtion, is, Whether theſe *Archdeacons* were Summoned in Courſe to this *Parliament*, as Ordinary *Members*, to Debate, and Conclude with the *Lords*, upon the Affairs of the Realm, there? Or whether they were only now Summoned, Extraordinarily, for this particular Purpoſe; to Remonſtrate

ſtrate to the *King*, and his *Great Council*, the Grievances of the *Clergy*, and to joyn in ſuch Reſolutions as ſhould be taken by them thereupon? K. HENRY *the* IIId.

Now the latter of theſe I affirm to have been the Caſe, and that for theſe Reaſons: Firſt, That they did not joyn with the Lords in their other Debates; ſo *M. Paris*, clearly enough, ſhews. Secondly, He only ſays of them that *Convenerunt*, they *came thither*; and with them a great many Others of the *Clergy*, Unſummoned, for ought appears. [1] There they *Complained* on behalf of the *Clergy*, and joyned with the *Lords* in the Letters which were ſent to *Rome*: And this was neceſſary to be done by them, becauſe the *Biſhops*, having before Engaged themſelved to the *Pope*, could not now Act in *Parliament* for the *Clergy*. To all which let me add (laſtly) that in the very next *Parliament* they were not Summoned, as I now come, in Order, to ſhew.

[1] *M. Weſtminſt.* p. 334.

The [2] *Parliament* I mean, is that of *Oxford*, on the firſt *Sunday* after *Eaſter*: Of which the ſame *Hiſtorian* gives this account; that the King called the *Nobility* of the whole Kingdom to it; but eſpecially the *Prelates*, who were moſt impoveriſhed by the *Papal Exactions*. The *Pope* had moderated his whole demand to the Sum of Eleven thouſand Marks. To this the *Biſhops* and *Prelates* conſented. *M. Paris* ſays, all but the *Exempt Prelates*, and three of the *other Clergy*. But [3] *M. Weſtminſter* ſays, the *Biſhops* ſhut out the *Exempt* (whether upon the account of their Obſtinacy, I cannot tell) from a ſhare in the Compoſition; and left them to the Rapine of the *Court* of *Rome*.

1247. Sect. 70.

[2] *M. Par.* p 730. Secund. Chro. *VVykes* in xv. Paſch.

[3] Ib. *M. VVeſt.* p. 334.

Thus we have the Story of theſe two Authors: [4] *Wikes* takes no Notice of it at all; but only ſays that in the xv^e^. of *Eaſter*, a General Congregation was held of all the *Great Men* of *England*; *Biſhops*, *Earls*, and *Barons*; before the *King* at *Oxford*; with whoſe Counſel and Aſſent he changed his Money, becauſe it had been Clipp'd, and ſo was not of Value.

[4] Chron. *Tho. VVykes* p. 47.

In the *Octaves* of the *Purification* another *Parliament* met at *London*. This Dr. *A.* fairly enough Reports; but forgets to tell us wherein it makes for his Advantage. The Relation of it runs thus: [5] That on the *Octaves* of the *Purification*, all the *Nobility* of *England* being Summoned by the *King's Writs*, met at *London*. There came beſide a Multitude of *Barons*, *Knights*, and *Nobles*; as alſo of *Abbots*, *Priors*, and *Clergy*; Nine *Biſhops*, and as many *Earls*. Theſe are afterwards ſtiled *Magnates*; and do plainly refer to ſuch *Prelates* and *Clergy*, as by Vertue of their *Tenures* had a Right to a *Summons*; not to the *Body* of the *Inferiour Clergy*.

[5] *M. Paris*, p. 743.

This *Parliament* refuſing to Supply the *King's Needs*, another was held the xv^e^. of *Mid-Summer* following. The Perſons our Hiſtorians do not particularly reckon up: But their Characters are plain, [6] *Totius Angliæ Nobilitas*, *Omnes Regni Primates*, *Magnates*, *Univerſitatis Barnagium*: And ſufficiently Exclude all but ſuch whoſe *Tenures* or *Priviledges* intituled them to a part in this Honourable Aſſembly.

1248. Sect. 71.

[6] *M. Par.* p 748. *M. Weſtminſt.* p 342.

But more Expreſs is the Account which the [7] *Annals* of *Burton* give us of the next *Parliament*, which I ſhall take notice of, *Anno* 1252. To which, they tell us, were Summoned, the two *Archbiſhops*, the *Biſhops*, *Abbots*, *Earls*, *Barons*, and *Great Men* of the whole *Realm* of *England*. [8] *M. Paris* leaves it almoſt a doubt whether this was a *Parliament* Summoned to Attend, or a Voluntary Meeting of the *Barons* to Celebrate the *Feaſt* of St. *Edward* with the *King*. But for the *Eccleſiaſticks* who came thither, he ſays they were "totius *Angliæ Prælati* fere "Univerſi; that is, the *Biſhops* and *Regular Prelats*, with the other *Clergy* before mentioned.

1252.

[7] Annal. *Burton.* p. 322.

[8] *M. Paris*, p. 849.

On the *Quindene* of *Eaſter* following, all the *Nobility* of *England* was Summoned to *London*, by the *King's Writs*; [9] "de arduis Regni Negotiis, ſimul cum Rege, "tractaturi. Of the Church ſide, we find mention of the *Archbiſhop* of *Canterbury*, *Biſhops* and *Prelates*: The *Chronicle* of *Dunſtable* ſpeaks only of *Biſhops*, *Earls*, and *Barons*: [10] But *N. Trivet* is more large; he ſays that at the Inſtance of the *Prelates*, *Earls*, and *Barons*, the King Confirmed the *Two Charters*. And from a * Bull of the *Popes* relating to this Matter, it appears, that preſently after, the *Archbiſhop* of *Canterbury*, with the Conſent of the Archbiſhop of *York*, and the Concurrence of Fourteen *Biſhops* who were aſſiſting at it; did in the preſence of the King, the Earl of *Cornwall*, Et aliorum OPTIMATUM *Angliæ*, ad hoc, quaſi ad Concilium, Specialiter Vocatorum, *Excommunicate* all who ſhould Violate theſe *Charters*; which Sentence the *Pope* Confirmed. In this they

[9] *M. Par.* p 869. *Mat. VVeſtmin.* p. 352, 353.

[10] *N. Trivet.* Chron. p. 597.

* Regiſt. *Gifford VVigorn.* fol. 28. a.

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all Agree, that of the *Clergy* none but *Prelates* were Concern'd in this Affair; under which we may take in ſuch *ſpecial Clergy-men*, as held *Lands* of the *King*, not amortiz'd to their *Churches*, and who, upon that Account, were wont to be called to theſe Councils.

The ſame were the Members of the next *Parliament* of the ſame year, which met *January* the 27*th*, "*Univerſi fere Angliæ Magnates*, as [1] *M. Paris* calls them. Of the *Church ſide* he mentions *Biſhops* only in particular: But the other term is more large, and comprehends all *Barons*, as well *Spiritual*, as *Temporal*; and ſo Intitules the other *Prelates*, as uſual, to a place there.

[1] *M. Paris*, p. 881.

M. Paris Reports that this *Parliament* brake up without Granting any thing to the King: Yet by the [2] *Writs* iſſued out not long after to all the *Archbiſhops* and *Biſhops*, to Call together the *Clergy* of their ſeveral *Dioceſes*, and ask a Supply, in the King's Name, of them, it appears, that the *Regular Prelates* had made him ſome promiſe in that *Parliament*, which he took Care to hold them to. The Perſons to be called to theſe *Dioceſan* Aſſemblies, were the *Archdeacons*, *Religious*, and *Clergy* of the *Dioceſſes*, who in theſe ſeparate Meetings were now wont to Conſent to their own *Taxation*; and therefore, we may the rather conclude that they were not *Called* to *Parliament*: The *Regular Prelates*, tho' preſent there, yet being only Aſſeſs'd for their *Baronies*, not for their *Own*, or *Convents*, *Revenues*, which were held in *Frank Almoigne*, or otherwiſe accounted meerly *Spiritual*.

[2] Dat. at *VVindleſores Feb.* 11 See *Pryn.* Regiſter Vol. 1. p. 3, 4.

1254. Of this Gift a Return was to be made to the *King's Council* at *Weſtminſter*, in xv. *Paſch.* and about the ſame time I conceive it was, that his next *Parliament* met, of which [3] *M. Paris* tells us again, that the *Magnates* were Aſſembled at *London*. Theſe he afterwards calls *Proceres*, and gives us no other account of them.

[3] *M. Paris*, p. 887.

1255. Sect. 73. But of the next *Great Council* which met, at the ſame time, the year following, we have a more ample Relation, in our ſeveral Hiſtories. [4] All the *Nobles* of *England* came to it, as well *Eccleſiaſticks*, as *Laicks*; ſays one: The *Biſhops*, *Abbots*, *Earls*, and *Barons*, of the whole Kingdom, a very few excepted ſays another. Theſe they all afterwards Call *Magnates*; *Great men*; but in all their Accounts of this *Parliament*, which are very particular, they take no Notice of any of an *Inferior Degree*.

[4] *M. Par.* p. 904. *M. VVeſtmin.* p. 361. *Annal. Burton.* p. 341.

The ſame was the Caſe of the next *Aſſembly* at *Weſtminſter*, *October* the 13*th*, where [5] *M. Paris* tells us, there Aſſembled *Omnes fere Angliæ Magnates*. Together with this *Parliament* a *Legantine Counoil* was held by *Ruſtandus* at *London*, the very ſame day. To this were called all the *Prelates* of *England*, ſays the ſame Hiſtorian: The [7] *Annals* of *Burton*, (which Confound theſe two Meetings together) add the *Procuratores Cleri* too. The Reconciliation will be plain, if we ſay, with Dr. *A.* that the *Archdeacons* Came with *Procuratorial Powers* to Act for the *Clergy*, as on other Occaſions we are told they were wont, about this time, to do.

[5] *M. Paris*, p. 913.

[6] Ibid. p. 915.

[7] Annal. *Burton.* p. 355.

1256. Theſe Meetings proving Ineffectual to the *King's*, and the *Legat's* Deſigns, a *New* [8] *Parliament*, and *Synod*, were held about *Midlent*, the year following. As for the *Parliament* the *Writ* it ſelf informs us, both *when* it was to *Sit*, and *who* were *Called* to it. The *Prælati* and *Magnates*, were the *Members* Summoned: And theſe were to Come to *London*, the *Friday* before *Midlent*. [9] Upon the *Sunday* Seven-night, (Ten days after) in the *Chapter-houſe* at *Weſtminſter*, the *Archbiſhop* of *Meſſina*, the *Popes* Legate, declared his Buſineſs, before the *Prelates*, *Clergy*, and *People*, who were gathered together in great Numbers there; and upon the *Paſſion-Sunday* after, *Ruſtandus* the other Legat, before the *Archdeacons* there Aſſembled from every *Biſhoprick*, Publiſhed his *Bulls* too. Then the *Archbiſhop* admoniſhed them to get their *Procurations Ready*, within the *Octaves* of *Eaſter*: And about the ſame time the King demanded of the *Clergy* an *Aid*, to clear the Obligation which he lay under to the *Pope* for the Kingdom of *Sicily*.

[8] Ibid. p. 371.

[9] Ibid. p. 372, 373, 374.

I have put this Account of the *Burton Annals* together, as well as I could, tho' it be plain that there muſt be a great Confuſion in the Relation. For [10] *Ruſtandus* was certainly gone out of *England* before the *Archbiſhop* of *Meſſina* came hither: And though he returned again, yet that was not till after theſe laſt *Meetings* were over; and then too his powers were taken from him, as *M. Paris* informs us. Of the *Parliament* in *Midlent* the ſame *Hiſtorian* takes notice. [11] He ſays that there was preſent at it, "tota fere *Angliæ Nobilitas*: But for the *Convocation* he ſpeaks nothing of it, unleſs it be included in that account, where having mentioned

[10] *M. Paris*, p. 944, 926, 961.

[11] *M. Paris*, p. 946, 947.

tioned the *Popes Grant* to the *King* of a *Tenth* upon the *Clergy* for Five years, He ſays, at laſt they promiſed the King to ſupply his *inſtant Neceſſities*; and afterwards, mentions both a *Council* and *Parliament*, *Soluto Concilio & Parliamento Memorato.* K. HENRY the IIId.

The want of diſtinguiſhing theſe *Aſſemblies*, and remarking this Confuſion of *Time*, and *Hiſtory*, has miſled Dr. *A.* into ſeveral Miſtakes as to theſe Matters, which muſt now be Corrected; or they may be apt to Miſlead others into the like Errors. For, Firſt, he applies the Paſſage of 1255, to the *Parliament* then Sitting; which [1] *M. Paris* ſhews us belongs to the *Legantine Council* which was held at the ſame time. It was in that the *Biſhops*, and *Clergy*, Appealed from the *Legat* to the *Pope*. *Fulco* Biſhop of *London* began the Oppoſition; *Walter* Biſhop of *Worceſter* ſeconded him: And thereupon *Invocata* Sancti *Spiritus Conſolatione*, they Appealed to the *preſence* of the *Pope*; as the *Burton Annals* alſo obſerve. To this Aſſembly therefore, not to the *Parliament*, the *Procuratores Cleri* were called; *Prælati Angliæ Univerſi*, ſays *M. Paris*; that is to ſay, the *Archdeacons* on behalf of their *Clergy*. Sect. 74.

[1] Annal. *Burton.* p. 355. *M. Par.* p. 915.

Secondly, The Biſhop of *Lichfield*'s Order to the *Archdeacon* of *Stafford* to have the *Papal Procurations* ready to be paid to him at a certain day in *London*; does not, in my Opinion, at all argue that the *Archdeacons* were to bring it themſelves thither, or to pay it, in Perſon, there; much leſs does it fellow that the *Archdeacons* were Members of that *Parliament*. The *Writ* ſufficiently explains it ſelf. The *Biſhops* were to meet at *Parliament*; there they were to Agree whether theſe *Procurations* ſhould be paid to the *Legat*, or not. The *Archdeacon* therefore was to be ready to Aſſign the Money for his *Archdeaconry*, if they ſhould conclude to Pay it. This is the Purport of the *Writ*; And this was all that was meant by it.

But here therefore the Confuſion of the *Burton Annals* again miſled him. For having ſuppoſed, upon the Grounds now mentioned, that the *Archdeacons* then *Attended* the *Parliament*; he thus adds one Error to another. [2] "And accordingly the next time it (the *Parliament*) was Aſſembled, we again find them "(the *Archdeacons*) there. For a Debate ariſing, this Reſolution was taken, "Commune Conſilium ſuper hoc reſedit, quod *Decani*, *Prælati Regulares*, ac "*Archidiaconi*, tractabunt cum ſuis *Capitulis* & *Clericis*, ita quod ad Menſem poſt "*Paſcha* Redeant per procuratores inſtructos ad plene Reſpondendum. But Dr. *A.* will give me leave to ſay, that he applies this Paſſage to the *Parliament* without any manner of *Authority* for his ſo doing. In all that part of the *Annals* there was not the leaſt word to ſhew, or imply, that this was done in *Parliament*; nor could it be the next time the *Parliament* Aſſembled; for *Ruſtandus* was gone before the Archbiſhop of *Meſſina* came hither; and the true ſtate of time, according to *M. Paris*, who is here very Exact, lies thus.

[2] Rights, &c. p. 302.

[3] *Ruſtandus* came over hither about *Michaelmaſs*, 1255. *October* the 13*th* he held his *Firſt Council*, at the ſame time that the King held his *Parliament*. Not long after, he had a *Second Meeting* with the *Clergy*: [4] There not concluding upon any thing, they [5] Adjourned till *Hilary* following 1256: Upon *Palm-Sunday* after, [6] that Meeting muſt have been held of which Dr. *A.* ſpeaks. On the xv*e*. of *Eaſter*, 1256; (according to his appointment) the *Clergy* again met: And the [7] beginning of *June* the Legat went out of *England*: And tho' true it be that in 1258, [8] he returned hither again, yet it was for his own *Private Affairs* that he return'd; without any Character that he owned from the *Pope*.

[3] *M. Paris* p. 913, 915.
[4] Ibid p. 917.
[5] Ibid. p. 920.
[6] Annal *Burton.* p. 373.
[7] *M. Paris*, p. 924.
[8] Ibid. p. 960.

About the beginning of the *Lent*, after *Ruſtandus* was gone, the [9] *Archbiſhop* of *Meſſina* came in his place. He immediately required his *Procurations* to be raiſed, and the *Sunday* next after *Midlent-Sunday*, declared his Buſineſs in the *Chapter-houſe* at *Weſtminſter*. The King had Summon'd his *Parliament* to meet Ten days before, *viz.* the *Friday* before *Midlent-Sunday*, as by the Dates of the *Writ* does appear. This I take to be the true account of this Confuſed matter; and it plainly ſhews all Dr. *A*'s Pretence of the *Archdeacons* being in *Parliament*, to be a meer Miſtake, for want of rightly diſtinguiſhing the Contemporary *Parliaments*, and *Convocations*, from one another, and of placing the ſeveral Relations not in the order that the *Annals* have entred them, but in the true Courſe of time to which they belong.

[9] *M. Paris*, p. 944.

1257. Sect. 75.

The next [1] Assembly to which the *Archdeacons* were *Summoned* and ordered to come with *Procuratorial Letters*, to enable them to act for the *Diocesan Clergy*, [2] Dr. *A.* himself tells us was *purely Synodical*; and is therefore foreign to his present purpose of bringing the *Lower Clergy* to *Parliament*: So was the [3] *Convocation* of *Merton* the year after. But before that, on *Hoke-day*, a [4] *Parliament* met at *London*. Here we again find the *Old Members*, *Nobilitas Regni*, & *Magnates*, Assembled. This continued till the *Sunday* after *Ascension-day*; when the King engaging to Correct his Errors, an Adjournment was made till *Barnaby-day*, at which time they were to meet at the famous *Parliament* of *Oxford*: Some account whereof must therefore be given here.

[1] *Mat. Paris*, p. 949

[2] *Annal. Burton.* p. 382.

[3] Rights, p. 303

[4] Rights, p. 12

Annal. Burton. p. 388

[4] *M. Paris*, p. 963, 964, 968.

The *Barons* having obtained such a promise of the King, as I before observed, at the *Parliament* of *London*, [5] Caballed together how to manage their Affairs at the next Meeting. The day agreed on being come, *June* the 11*th*, "*Magnates* & "*Nobiles* terræ all hastened to [6] *Oxford*, where they were to meet; Commanding, at the same time, all such as held of them by *Knights-Service*, to attend them with their Arms there. What was done at that Assembly would be too long for me to recite: But in all this *Parliament*, *M. Paris* makes no mention of any but the *Magnates*, and *Barones*, and their *Milites*; the One the Persons who came to the *Parliament*, the Other such as were required to *Attend* upon them there.

[5] *M. Par.* p. 968

[6] Ibid. p. 970, 974.

1258. Sect. 76.

With him agrees [7] *M. Westminster*; or rather indeed he speaks more fully to the same Purpose: That the *Milites*, *Barones*, & *Prælati*, being Called by *publick Writ*, came to *Oxford*, and made the *Provisions* there. That some Opposed these, but were not able to Resist the Faction: All the other *Prelates*, *Earls*, and *Barons*, Sware to the Observation of them.

[7] *M. Westminst.* p. 391. ad An. 1265.

The same is the account which [8] *Eversden* gives of this Meeting: He says that the King's Foreigners enraged the *Proceres Regni* against them. That thereupon, Convenientibus *cunctis Proceribus Angliæ* apud *Oxoneford*, the Establishments there made, were published: And the *Proceres Regni* Obliged themselves to the keeping of them.

[8] *Eversden.* ad Ann. Ms.

Of these *Provisions* it is, that the [9] *Annals* of *Waverly* tell us, that *Comites*, & *Barones*, Archiepiscopi, Episcopi, & Cæteri *Magnates Angliæ*; All Conspiring together, began to Renew and Reform the *Ancient* Laws and *Customs* of *England*.

[9] *Annal. Wav.* p. 214.

In the same manner does [10] *Wykes* in his *Chronicle* speak of this *Parliament*. He calls the Actors in it *Magnates*: He says that they agreed to take all the Power of Government out of the King's hands, and to Elect xxiv "de *Majoribus Potentioribusq; Regni*, to Govern both the *King* and *Kingdom*; [11] and Sware to adhere to what these xxiv should Establish. These Orders he afterwards calls *Providentiæ Baronum*; And we meet with nothing to make us think that any others were at all concerned in them.

[10] Chr. *Wykes* p. 52.

[11] Ib. p. 55.

[12] *Hemingford* goes on in the same Language: The *Magnates* were angry at the King's Conduct; the *Comites* & *Barones*, went to the King and Complained of his Foreigners: These were Ordered to meet at *Oxford*: These did what was done there: And *Nine Bishops* who came thither, Excommunicated all that should go against their Appointments.

[12] *Hemingford.* Chron. p. 579.

The [13] *Chronicle* of *Dunstable* proceeds in the same Stile: On the Feast of St. *Barnabas* the King caused all the *Magnates Angliæ* to be called together to *Oxford*; as well of the *Clergy* as of the *Laity*. So does [14] *Walsingham*, more plainly: The King, says he, Call'd his *Parliament* to *Oxford*; to which the *Prelates*, *Earls*, and *Barons*, being come, those *Statutes* were made, which to this day are called the *Oxford Provisions*.

[13] Ms. in Bibl. *Cotton.*

[14] *Walsing. Hypod. Neustriæ* p. 467.

And lastly, the King's own [15] *Writs*, all run in the same manner. By one dated the 2*d.* of *May*, a little before the Rising of his *Parliament* at *London*; he declares that he had granted and Sworn, *Proceribus* & *Magnatibus* Regni; to Reform the Government, by Twelve Persons whom he calls his *Fideles*, then chosen, of his own *Council*; and Twelve others to be chosen ex parte *Procerum*, who should meet at *Oxford* on *June* the 11*th*.

[15] Apud *Brady* Hist. 1 Vol. Append. p. 215.

In his [16] *Letters Patents* to those who were Chosen of his *Council*, for this end, dated at *Oxford June* the 31*st*. he repeats it several times that he had granted *Proceribus*, & *Magnatibus Regni*: That he promised *Proceribus*, & *Magnatibus*; That Twelve others were to be Chosen, ex parte *Ipsorum Procerum*, &c.

[16] Ibid. p. 219.

†

Not

Not long after this *Parliament* a new *Legat* coming over hither to Fleece the Realm, ſolemn Ambaſſadors were ſent, according to the Government now *Setled*, *Ex parte Regis, & totius Angliæ Univerſitatis, to the Pope* concerning the Affairs of the Realm. Theſe had a Letter given them *Wrote* a *Barnagio*, ſays [1] *M. Paris*, the Copy of which that *Hiſtorian* has preſerved. [2] The Title is, "The *Letter* "ſent to the *Pope*, by the *Community of England*: And what this *Community* was, the Inſcription it ſelf ſhews, "Communitas *Comitum, Procerum, Magnatum*, "Aliorumq; Regni; the whole Body of the *Lords* and *Barons* of *England*. Here they take notice of the *Reformation* agreed to be made of the Realm, de *Procerum* & *Magnatum* Conſilio; that Twelve ſhould be Choſen by the *King*, and as many "Ex parte *Communitatis*, for this End. To this Letter two of them Subſcribed, "Vice totius *Communitatis*; which from all that has been ſaid plainly appears to have been the *Community* of the *Great Men*; the *Barones*, & *Milites* Regni; No others of the *Clergy* or *Laity* being concerned in it.

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[1] *M. Paris*, p. 978.

[2] Ibid. Additamenta. p. 215.

And now it may be time to Conſider what Account the *Burton Annals* give of this Matter, which Treat the moſt largely, and fully of it. In the firſt place, [3] they tell us that this Ordering of the *State* of the *Realm* was made by the *Barones Regni* at *Oxford*. That the *Magnates totius Regni* were called, and came thither, "una cum *Clero*, which therefore muſt be the *Prælati*, mentioned by the other Hiſtorians.

Sect. 77.

[3] *Annal. Burton.* p. 387, 406, 407.

The [4] *Petitions* here made to the *King*, are thus Prefaced; "Petunt *Comites* "& *Barones*: Item Petunt *Barones*: Item Petunt Remidium, quod cum *Ipſi* "*Comites* & *Barones*, &c.

[4] Ibid. p. 408.

The [5] *Reſolutions* agreed to, are called the *Barons Proviſions*: The *Barons Ordination*, and *Proviſion*: And of the *Barons* one Writing from the *Parliament* at *Oxford*, ſays, that the *Barons* had a great and difficult work in hand; that they proceeded fiercely in their doings; he wiſhed all might end well.

[5] Ib. p. 410, 411

Of the Twenty four, the ſame *Annals* ſpeak thus: [6] That Twelve were Choſen, "*Ex parte Regis*, & totidem ex parte *Communitatis*. And in the Catalogue of theſe they are thus inſcribed: "Electi ex parte Domini Regis. Electi ex parte *Comitum* & *Baronum*; who therefore were the *Community* before meant.

[6] Ib. p. 412.

The ſame therefore muſt be [7] *Le Commun*, who as thoſe *Annals* Relate, Sware to ſtand by *One Another* on this Occaſion.

[7] Ib. p. 413.

Among other *Proviſions* one was to have [8] Three *Parliaments* every year. To theſe Twelve perſons were Choſen, by the *Barons*, to Come, and to Act with the *King's Council*, formed according to their Model, *Pur tut le Commun de la Terre*, of the Publick Needs. They had the *Barons* Power Committed to them; and were to do that, which the whole *Baronage* was wont to do in *Parliament*. Among all theſe there were, on the *Church-ſide*, the *Archbiſhop* of *Canterbury* and two *Biſhops*; and no more.

[8] Ibid. p. 414, 415, 416.

Theſe things being thus Effected, [9] the account I before mentioned of them from *M. Paris*, which is here alſo inſerted, was ſent to the *Pope*, Ex parte *Domini Regis*, & *Communitatis*: that is of the ſame *Community* of the *Great men*; and ſo the *King* and *Barons* of *England*, departed from this *Parliament*.

[9] Ib. p. 418, 419

And now let us Conſider a little what we have been relating: Here was a *Parliament* held for the Weighty Affairs of the *Realm*. The *whole Government* was ſettled upon a new foot; and all the Kingdom concluded by what was done at it. Yet in all this great Tranſaction no appearance of the *Lower Clergy* is taken notice of; Nothing that had Ground enough to Warrant even Dr. *A.* himſelf to make any ſuch uſe of it.

About the latter End of this year, the *King* of the *Romans* purpoſing to come over hither, the [10] *Barons* being jealous of his deſign, ſent Meſſengers to him to know the meaning of it. Theſe in the *Hiſtorians* Phraſe, were ſaid to be ſent a [11] *Communitate Angliæ*, that is of the *Baronage*. The Earl of *Leiceſter* was yet abroad, and the *Barons* were doubtful what the *King* intended: It was alſo Reported, that King *Richard* would bring one, or more, of his Exiled Brethren with him, "quod *Baronum Communio*, ſays *M. Weſtminſter*, ægre ſuſtineret.

[10] *Mat. Paris* p. 982 *M. Weſtminſt.* p. 365.

[11] Chro. *Wykes* p. 53. *M. Weſtminſt.* p. 365.

Being come to [12] *London*, on the *Octaves* of the *Purification*, a *Parliament* was held there, and the *Nobles* of *England* gathered to it. It was not long after this that the *Committee* of Lords Choſen by the *King*, and the *Barons*, to provide for the better Ordering of the *Realm*, debating upon that Occaſion; [13] a Quarrel happened

[12] *M. Par.* p. 984 *M. Weſtminſt.* p. 365.

[13] *M. Par.* p. 986 *M. VVeſtminſt.* p. 366.

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pened between two of the *Barons* ſide, the Earls of *Leiceſter* and *Glouceſter*. The former being the Head of the Faction againſt the *King*, thought that the latter did not proceed ſo Vigorouſly as he ſhould in the Common Cauſe; and the Diſpute roſe ſo high, that *Montford* in a paſſion left *England* upon it.

1259. Sect. 78.

This being heard by the Earl of *Hereford*, and other Lords, & *ſui Comparti*, they all fell upon the Earl of *Glouceſter*, deſiring that *Leiceſter* might preſently be Re-called; and that *Glouceſter* ſhould go on more ſteadily in the Common Cauſe; or they would all fall upon him. *Glouceſter* promiſed to Comply; but yet by the Account of the [1] *Burton Annals*, ſeems to have done but a little as to what had been agreed at *Oxford*. For at *Michaelmaſs* following the Faction of the Earl of *Leiceſter*, and their Adherents; whom I take to be meant by the *Communitas Bachileriæ Angliæ*; Remonſtrated to the *Prince*, and to the *Earl* of *Glouceſter*, and the reſt who had been Sworn of the *King's Council* at *Oxford*; that tho' the King had done all that the *Barons* had Required of him, yet the *Barons* themſelves had done nothing of what they had promiſed for the *publick Good*; nor minded any thing but their own private Intereſt: And that if ſome Amendment were not made by them, they muſt Recur to other Methods. The Prince declar'd that he was ready to ſtand to his *Oath*, and venture his Life for the *Community* of *England*. Whereupon the *Barons* (thoſe I mean who had got the Government into their hands, but had made, as was ſaid, a very bad uſe of it, for ſo the Annals imply, *Barones de Concilio* jurati) met in *Parliament* according to the Eſtabliſhment, and there cauſed their *Proviſions* to be *publiſhed*; which they call *Proviſiones Baronum*, and tell us, were made at *Weſtminſter* at the *Michaelmaſs Parliament*, by the *King* and his *Council*, and the Twelve Choſen for the *Common-Council*; *Pordevant le Communance de Engleterre*: That is, ſays Dr. *A.* before the *Community* of *England*, as diſtinguiſhed from the *Community* of *Barons*, Repreſented by the Twelve. It is not any part of my preſent Concern to diſpute this Matter with him: Let him enjoy his Conjecture if he pleaſes. But as we have before ſeen, that the Twelve who were to come to the fixed *Parliaments* of the *Realm*, were choſen in the *Parliament* at *Oxford*, where we cannot find that any beſides the *Barons*, and their *Milites* were preſent; ſo it is evident, that they who were then Choſen, for that Purpoſe, were the very Perſons who made theſe *Proviſions*. The *Communance de Engleterre* therefore muſt be the *Community* of the *Parliament* which had been held at *Oxford*, not of this which now met at *Weſtminſter*; for in that theſe Twelve were Choſen, not in this: And if no *Commons* therefore, as we now underſtand them, were there, neither can they be meant by the *Communance* here. The paſſage then which Dr. *A.* ſeems to me to have miſunderſtood, I ſhould rather render thus; [2] "Theſe are the *Proviſions*, and *Eſtabliſhments* made "at *Weſtminſter*; at the *Parliament* at *Michaelmaſs* (by the *King* and his *Council*, "and the Twelve choſen by the *Community* of *England*, for the *Common-Council*;) "which was then held at *Weſtminſter* in the Forty third year of the Reign of "*Henry* the Son of King *John*. This I take to be the true Tranſlation of that Paſſage; and this puts the meaning of the *Community* of *England* out of all doubt.

[1] *Annal. Burton.* p. 427.

[2] *Annal. Burton.* p. 427, 428.

It will be much the ſame thing if we take it in his *Senſe*: The *Communance de Engleterre*, will ſtill be the *Confederate Barons* called before *le Commune*; only it ſeems more odd that a *Select Council* ſhould make *Proviſions* in the Name of the *whole Baronage*; at a *Parliament* where the *Baronage* it ſelf was preſent. But for this let Dr. *A.* take his own way: It is none of my Concern to Oppoſe him in it.

[3] *M. Weſtminſt.* p. 370.

At this *Parliament*, it ſeems to have been, that [3] *Juſtices Itinerant* were alſo ſettled to go through all *England*, before *Eaſter* following. The Hiſtorian calls it *Parliamentum Generale Baronum*; and thereby ſufficiently declares who were called to it.

1260. Sect. 79.

It was not long after this [4] *Parliament* before the Kings Affairs called him over into *France*: From whence being ready to Return about *Eaſter*, he was informed, that Prince *Edward*, by the Counſel of his *Barons* and *Lords*, and out of an ambitious Love of Rule, began to Aim at his Impriſonment and Deprivation. The King being afraid hereupon to come into *England*, his Brother the King of the *Romans* Aſſembling all the *Lords* at *London*, cauſed the *Prince*, and all the *Nobles*, to give him a full Aſſurance that he might freely and ſafely Return. This was, I ſuppoſe, the *Parliamentum Baronum* Port *Paſcha*, of which [5] *Wykes* ſpeaks. After *Michaelmaſs* another was held "totius *Angliæ Magnatibus* apud *London* Con-

[4] *M. Weſtminſt.* p. 370.

[5] Chron. *Tho. Wykes*, p. 54.

† "vocati,

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vocatis, says the same Historian. There they treated about the *Justiciaries* of *England*, the *Chancellor*, and *Treasurer*, as [1] *Mat. Westminster* informs us. In *February*, the same year, a third [2] *Parliament* was held; and that too "Convocatis *Magnatibus*, as the others before had been.

[1] *M. Westmin.* p. 375.

The next year following the *Pope* sent a New *Legat*, *Walter de Reygate*, hither. He Summon'd all the *Prelates* of *England* to appear before him at *London* in Quindena Paschat. [3] But the Meeting was held in two *Provincial Synods* before the two *Archbishops*; in the Province of *Canterbury* the *Monday* before the Feast of St. *Dunstan*, *May* the 16*th*. In that of *York* the *Monday* after, *May* the 23*d*. The *Persons* cited to these *Synods Mat. Westminster* thus Enumerates, *Archbishops*, *Bishops*, *Abbats*, *Priors*, *Archdeacons*, and other *Ordinaries* of *Churches*. The *Archbishop* of *Canterbury* had just before held his own *Provincial Council* at *Lambeth*, and therein published his *Constitutions*, *May* the 13*th*; *Concilium Præsulum Provinciæ suæ*, says our [4] Historian: And the [5] *Acts* of this *Synod*, yet more plainly shew that none but *Prelates*, that is, his *Suffragan Bishops*, Acted in it.

[2] *M. Westmin.* p. 377, 378. 1261. Sect. 80.

[3] *M. Westmin.* p. 379.

[4] *M. Westmin.* p. 380.

[5] *Spelm.* Concil. Vol. 2. p. 305.

About two years after, a *Legantine Synod* was held at *Westminster* after *Trinity-Sunday*. Upon the 8*th* of *September* following a *Great Parliament* met at *London*: The Members of it, as set down by *Mat. Westminster* were *Proceres* & *Cæteri Prælati*. [6] There the *Provisions* of *Oxford* were publickly Promulged, and ordered to be generally observed: But the differences between the King and his *Barons*, were grown too great to be easily Composed. Another *Parliament* therefore met after *Michaelmass*; and about *Midlent*, a Third. [7] This was held by the King, with his *Nobles* at *Oxford*: [8] *Hemingford*, in his Account of it, speaks of *Bishops*, *Great-men*, and *Barons*, but of no others. Here, by the Interposition of the *Bishops*, it was Agreed to Refer the Debates between the *King* and his *Barons* to the *French King*, who giving Sentence for the *Prince*, the *Barons* Refused to Aquiesce in his Determination.

1263. Sect. 81.

[6] *M. Westmin.* p. 382, 384.

[7] *M. Westmin.* p. 385.

[8] *Hemingford.* Lib. 3. cap. 28.

But [9] *Wykes* speaks of more of these Assemblies: One at the *Purification* 1261, in which the King and his *Barons* Referred themselves to the *Arbitriment of the* Kings of *France*, and of the *Romans*.

[9] Chr. *Wykes* p. 55.

A fortnight after *Easter*, 1262, the *Barons*, says he, came again to *London* to Treat with the *King*; and were content to Abate many of their *Articles*, provided the King would Confirm the rest.

At [10] *Whitsuntide*, 1263, there was another Congregatio *Magnatum* at *London*. On the *Nativity* of the *Blessed Virgin* there was another, which lasted three days; and an innumerable Confluence of People, on the *Barons* side, came to it. This too, the *Historian* says, the King held "cum *Magnatibus*, nor mentions he any others.

[10] Ib. p. 56, 57.

After divers Treaties between the two Parties, about [11] *Christmass* it was agreed by the *King* and all his *Friends*, and by the Earl of *Leicester and his*, to Commit all things to the Arbitration of the *French King*, and [12] the *King* of the *Romans*. Prince *Edward*, the *Earls*, *Barons*, and *Knights*, *Archbishops*, *Prelates* of the *Church*, and, in general, the *Clergy* and *People*, All came into the Agreement, and All Sware, and set their Hands and Seals, to abide by it.

[11] The King's Patent is Signed in *December*. See Dr. *Brady's* Hist. 1 Vol. Append. 233.

[12] Chr. *Wykes* p. 58.

The King of *France* Pronouncing for King *Henry*, the King called such of his *Lords* to *Oxford*, about *Midlent*, as held firm to him, to deliberate how he might best Defend himself against his Enemies, or Punish them according to their Deserts.

From this time forth all went into Confusion; till, at last, the King himself was taken Prisoner at the Battle of *Lewes*. [13] In this State, *Writs* were issued out, after a new manner, for holding of a *Parliament* upon the *Octaves* of *Trinity*, *June* the 22*d*. Four of the more *discreet Knights* of every County were ordered to be sent to it; to Treat with the *Prelates*, *Great men*, and other *Faithful* in it.

[13] Dr. *Brady's* Hist. 1 Vol. Append p. 235

But we do not yet see any Change on the *Ecclesiastical side*. On the contrary, in the [14] *Writs* dated the 1*st*. of *September* following, the Subsidy is said to have been Granted in the Old form, *per Prælatos* & *Magnates Regni* nostri; and the *Writs* to the *Barons* for this very *Parliament* ran in the ancient manner, as [15] Dr. *Brady* shews.

[14] See Dr. *Brady* Introduct. p. 143.

[15] Ib.

It is in the next year then that we must look for the first Considerable Change on the *Church*, as well as on the *Lay* Part of our *Parliaments*. In that we find not only several *Deans*, but a numerous Roll of *Religious Prelates* assembled. And though

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though the *Summons* be not Extant, yet it appears by our *Records*, that *All* the *Priors* of *England* were called to that Convention: Whether any others of a *Lower Order* were Summoned to it, I cannot tell; it is probable that none were.

Here then it is that, as far as I can Obſerve, the number of our *Parliament Clergy* received its firſt Enlargement. From the time of the *Conquerour*, till the latter End of King *John*, the *Biſhops* and *Clergy* who *Held* by *Barony* of the *King*, were the only Perſons of our Order who were wont to be Called to the *Great Councils* of the *Realm*. After the paſſing of his *Charter*, ſuch others as *held in Chief* of the *Crown* may probably have been Summoned to them on the *Eccleſiaſtical*, as they were agreed to be on the *Lay Part*. The *King* Obliged himſelf to Cite all ſuch, and I know of no Exception that was made to exclude the *Clergy* from their Right to it. Thus, I conceive, this Matter ſtood, till the preſent *Parliament*, the 49*th* of *Henry* the *Third*; when not only the other *Priors* who held not at all of the King were *Univerſally Summoned*, but, with them, Five *Deans* too; under what Capacity, whether as *Chief* of their *Churches*, or by *Virtue* of their *Tenures*, I am not able to ſay.

But againſt this Notion, Dr. *A.* is more than ordinarily Violent: He charges me with two Aſſertions, relating to this *Parliament*, which he affirms to be utterly falſe; and indeed as I Expreſſed my ſelf, I cannot ſay that they were altogether true. The words which he reflects upon are theſe: [1] "Whereas before "the 49*th* of *Henry* the *Third*, only the *Biſhops*, and *Abbots*, who held of the King "by their *Baronies*, were *wont* to be Summoned to *Parliament*, that year, when the "*Commons* began to be *Called*, ſeveral of the *Inferiour Clergy* were called with "them; and that, for ought appears, in a larger Proportion than the *Lay* "themſelves were.

[1] Authority, &c. p. 209.

[2] "Here (ſays Dr. *A.*) are two *Aſſertions*, in the laſt of which he is kinder to "his Function than will Conſiſt with Truth, and in the firſt not ſo juſt as he "ought to be. For long before the 49*th* of *Henry* the *Third*, not *Biſhops*, and "*Abbots* only, but (I hope) ſome *Priors* too, were Called to *Parliament*. I do Confeſs there were; and therefore inſtead of *Abbots*, I ſhould have ſaid *Prelates*, or *Clergy*; had I expreſſed my ſelf ſo *properly* as I ought to have done.

[2] Rights, &c. p. 435.

Sect. 83. But Dr. *A.* goes on: "We will ſuppoſe him to have Comprehended theſe "under *Abbots*, yet even thus his Account is very Defective: For not thoſe *Ab-*"*bots*, and BARONS (he meant PRIORS) only, *who held by Barony*; (for I know no other *Barons* that there were before that time who held not by *Barony*:) "were "Called, but many more than theſe, and OFTENTIMES the WHOLE ORDER. "The [3] firſt *Parliamentary Summons* left Calls ALL the ABBATS, and PRIORS of "*the* DIOCESE, together with the *Biſhop*, to it: And the *Priores Inſtallati*, & *Plenum* ſub ſe *Conventum habentes*, are (I have ſhewn already) ſeveral times men-"tioned by *Paris*, as having a *General Call* to *Parliament*.

[3] Vito. *Jo.*

What Dr. *A.* has *ſhewn already*, as to this Particular, has been already Conſidered; and, I think, Satisfactorily Anſwered. As for his Aſſertion now advanced, "That the WHOLE ORDER, of REGULAR PRÆLATES, had, *before* this, been "OFTENTIMES *Called* to *Parliament*; It is an Aſſertion that I will then Subſcribe to, when he can prove it. 'Tis true in that *Summons* which he mentions vi^to. *Johan.* the Biſhop of *Sarum* is Required to cauſe the *Abbots*, and *Conventual Priors* of his *Dioceſe*, to be Cited to that *Parliament*: But when Dr. *A.* ſays that *that Summons* Called them *All*, he Miſtakes himſelf, and miſleads his Reader. The Words of that *Writ* are theſe: "The *Abbats* and *Conventual Priors* of "the *whole Dioceſe*: Not ALL the *Abbots*, and *Conventual Priors*; no, but ſuch of them as held of the *King* by *Barony*, and ſtood upon the *Parliament Rolls*; and ſo were wont to be *Called* to *Parliament*. Thus I underſtand that *Writ*, and that, among others, for this *Reaſon*, which if he apporves not, I ſhould be glad he would give me ſome plain Anſwer to it.

Apud *Seld.* Tit. of Hon. part. 2. p. 607.

In the time of King *Edward* the *Third*, the *Abbot* of *Leiceſter* being Summon'd to *Parliament*, deſired to be Diſcharged of his *Attendance*, becauſe he neither *Held* of the *King* by *Barony*, nor after any other *Manner*; nor had any of his *Predeceſſors* ever been wont to be called to *Parliament*, before the 49*th* of King *Henry* the *Third*: *Quo Anno* in which Year ALL the *Abbots* and *Priors* of the *Kingdom* of "*England* were *Voluntarie Summoniti*, freely Summoned; that is, as I underſtand it; with a Liberty to Come, or not Come, as they ſhould think fit. If

†

this

this Allegation were true (and that it was found true upon Inquiry, the King's *Writ* Teſtifies;) then 'tis plain this *Abbot* was neither Summoned, nor went to that *Parliament*, in the *6th* of King *John*. By Conſequence, the *Summons* then iſſued out, was not, as Dr. *A.* pretends, a *General Summons* of ALL the *Regular Prelates*; like that other here mentioned; but a Common *Summons* of ſuch *Parliamentary Prelates*, as were wont to be *Called to Parliament*, in thoſe days. *King* HENRY *the* IIId.

But however to allow (which yet cannot be Proved) that King *John* did, *that Year*, Summon ALL the *Abbots* and *Priors* of *England*, as King *Henry* the *Third* did now: Yet it is plain from the Remonſtrance of the *Abbot* of *Leiceſter* before mentioned, and allowed of by the King upon Examination, that this was a ſpecial Caſe, and of very Rare Practice. It is taken notice of in that Pleading, as a ſingular Inſtance, that ALL the *Abbots* and *Priors* of *England*, were this year *Voluntarie Summoniti*; and that therefore this *Abbot's* being *Cited* then, was to be no preſident againſt him, to oblige him to come at any other time. Which being ſo, Dr. *A.* muſt give us ſome more Inſtances of the like kind, before he can with any *Truth* affirm *himſelf*, that "the WHOLE ORDER was before this OFTEN-"TIMES *Called* to *Parliament*; or with any *Juſtice* expect that we ſhould believe him.

Here therefore he Recurrs to *M. Paris* Authority, who (he ſays) mentions theſe *Priors* ſeveral times as having a GENERAL CALL *to* PARLIAMENT. Dr. *A.* muſt not forget what it is he Aſſerts, *viz.* that the WHOLE ORDER (of the *Regular Prelates*, *Abbots* and *Priors*) were OFTENTIMES *Called* to *Parliament*. Now if *M. Paris* affirms this, I muſt ſubmit: But if the Hiſtorian ſpeaks only *Indefinitely* of *Abbots* and *Priors*, as K. *John's* Writ does, not Univerſally of ALL the *Abbots* and *Priors* of *England*; Dr. *A.* muſt Excuſe me if I underſtand him, as I do that *Writ*, of ſuch *Abbots* and *Priors* only, as either by their *Tenures* were Obliged to Come, or as the King thought fit ſometimes, by a *Special Summons*, to Call to Parliament. Sect. 84.

But this is not all: [1] "*M. Paris*, he ſays, ſpeaks alſo *not ſeldom* of the *Decani*, "*Archidiaconi*, & *aliæ perſonæ Eccleſiaſticæ*, as preſent. Dr. *W.* who would be "thought to know all our *Hiſtorians* ſo intimately, ſhould methinks have had "ſome ſort of Acquaintance with the beſt of them, *M. Paris*, at leaſt he ſhould "not, till he had Read him, have ventured to determine any thing concerning "the Conſtituent Members of the *Great Councils* in *Henry* the *Third's* Time, of "which we have no where ſo juſt an Account as in that Accurate Writer. Who is beſt acquainted with our Hiſtorians, Dr. *A*, or Dr. *W*, is a point that ſhall never be Diſputed by me. Let Dr. *A* think as highly of himſelf, and as meanly of Dr. *W.* as he pleaſes. It is enough that Dr. *W.* has Read *M. Paris* ſufficiently, to know that Dr. *A.* does Egregiouſly miſ-repreſent him; and to have given, I believe an abundant Proof to Convince any impartial Perſon that he does ſo. [1] Rights, &c. p. 436.

I will rather Obſerve that my Expreſſion, unaccurate as it was, in that One Word, *Abbots*, for *Prelates*; or *Clergy*; yet, as to the Subſtance of it does give the true Account of this Matter, had Dr. *A.* thought fit to make a fair Repreſentation of it. From the time of the *Norman Conqueſt*, [2] I ſay, p. 207. that "All the *Great Men* and *Clergy* who held by *Barony*, were Summon'd to theſe "*Councils*: And with thoſe all ſuch *Others alſo* as held *in Capite*, were Obliged "to Attend at them, whenſoever their preſence ſhould be required; and parti-"cularly when the *Prince* wanted *Money*, and expected a *Supply* from them. "For this I refer to the *Charter* of King *John*, and affirm it to have been the "true Conſtitution of our *Parliament*, till about the latter End of King *Hen-"ry* the *Third's* Time. [2] Authority, &c. p. 207.

Here therefore I fully deliver'd my Opinon, and from hence, in all Reaſon, Dr. *A.* ſhould have taken my Senſe, of the *Conſtituent Members* of our *Parliaments*. The Paſſage he [3] Deſcants upon in the *next page*, touches this Matter only by the by; and that with the leſs Accuracy, becauſe I thought I had fully Explained my meaning before. Now in the very ſame Opinion I continue ſtill, only to prevent his Miſtake hereafter, I will a little more fully Repeat it to him. [3] Authority, &c. p. 208.

Firſt then, I take it for Granted, that All the *Abbots* and *Priors* of *England*, were not wont to be Called to our *State-Councils*: The *Conſtant Members* of them were only ſuch of Theſe as Held of the King by *Barony* firſt, and afterwards *in Capite*; who only, ſtrictly ſpeaking, were Obliged to come to them. This we Sect. 85.

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are ſure was the Caſe from the time that we have any *Records* of thoſe who were wont to be *Summoned* to our *Parliaments*; and from the [1] Pleas of ſuch as deſired to be Diſcharged from this Service afterwards, we have good Ground to conclude, that the Caſe was the ſame before.

[1] Vid. *Seld.* Tit. of Hon. par. 2. p. 598, 607, &c.

But tho' ſuch only of the *Prelates*, and *Clergy*, were Obliged to Attend at theſe *Great Councils*, as held by theſe *Tenures*, yet if the King at any time thought fit to Summon any others, they were bound to Come; and would have been puniſhed for their *Contumacy*, if they had refuſed ſo to do. This the *Modus tenendi Parliamentum*, intimates: And tho' that piece be of no great Antiquity it ſelf; yet may it ſometimes ſerve to point out to us the Antient Practice in theſe Matters. Let us hear what it ſays in the preſent Caſe: [2] "To the *Parlia-*
"*ment* there ought to be *Summoned*, and to *Come*, *Archbiſhops*, *Biſhops*, *Abbots*,
"*Priors*, and ſuch other *Great Clergy-men*, as hold by *Barony*: But no *Leſſer Ones*,
"NISI EORUM PRÆSENTIA ET ADVENTUS ALIUNDE QUAM PRO TENURIS SUIS
"REQUIRATUR. *Nec debent ejuſmodi* Celerici minores SUMMONERI ad PARLIAMENTUM
"ſed REX *Talibus taliter mandare* BREVIA *ſua Rogando quod ad* Parliamentum *ſuum*
"*interreſſent*. But the Plea of the *Abbot* of [3] *St. James* by *Northampton* is more full, and of better Authority; wherein 'tis expreſly acknowledged, as to this matter, "Quod *Omnes de Regno*, de *quocunque*, vel *qualitercunque teneant*, veni-
"ant ad *Citationem Domini Regis*; and that under the Pain of Contumacy, as it is before ſaid.

[2] In Regiſter. *Arundel.* Arch. *Cant.* par. 1. ad fin. Lib.

[3] Apud *Selden.* Tit. of Hon. part. 2. p. 605.

Now this being ſo, I ſhall not deny but that our *Kings* may, and, I believe, did oftentimes call ſeveral of the *Prelates* to their *Parliaments*, who were not ſtrictly bound by their *Tenures* to come to them. But that they Called the WHOLE ORDER at any time before the 49*th* of King *Henry* the *Third*, (the Parliament of which we are now ſpeaking) does not yet appear to me, nor is there any thing, except that Summons of King *John*, *Anno Regni* VIto, (which in truth is nothing) to give the leaſt Colour to ſuch a Suppoſition.

That among thoſe who held of the King, by *Barony*, or in *Chief*, and ſo were Obliged to come to his *Parliaments*, if Summoned by him; there may have been ſeveral other *Clergy-men*, beſides *Biſhops*, and *Regular Prelates*, I ſhall not deny. But as Dr. *A*'s Romance of the 7411 *Knights* Fees Veſted by the *Conqueror* in *Parochial Churches*, is an Extravagance beyond Expreſſion; ſo I do not think that there were very many, whoſe *Benefices* gave them this *Right*, or rather laid this *Obligation* upon them, to come to theſe *State-Meetings*.

The *Clergy* then who were hitherto wont to be Summon'd to *Parliament* under our preſent Diviſion, ſeem to have been theſe: The *Biſhops*, *Abbots*, *Priors*, and other *Clergy*, who held of the King, of what *Kind*, or *Order*, ſoever they were; together with ſuch other *particular Perſons*, as our Kings, at any time, thought fit by their *Writs* Specially to Call to it. But for any *General Summons* of *Deans*, *Archdeacons*, or *Proctors*, either of the *Chapters*, or *Dioceſan Clergy*; there was yet none, nor do I believe we ſhall hereafter meet with any before the 23*d* of King *Edward* the *Firſt*. To this firſt Charge therefore of Dr. *A.* let this be the Return; My Aſſertion, in the Subſtance, and Import of it, was True; let him diſprove it if he can.

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In his other *Charge* he has greater Reaſon againſt me: For indeed it does not appear that the *Lower-Clergy*, properly ſpeaking, were Called to this *Parliament* at all; and therefore it muſt have been an Error in me to ſay not only that they *were Called*, but were *Called in a larger Proportion than the Laity themſelves were.*

But will Dr. *A.* give me leave to ſay, that here again the Miſtake was in the *Expreſſion* more than in the *Senſe*; and the Propoſition was faulty only by the *Impropriety* of the Word LOWER. For of the *Clergy*, in general, I ſtill think it will hold True, and that Dr. *A.* is very much out in the Cenſure of it upon that Suppoſition. Let us hear how he delivers his Judgment againſt me. "It may be the *Abbots*, *Priors*, and *Deans*, that held not by *Barony*, are
"Dr. *W*'s *Inferiour Clergy?* He is in the *Right*; they were the very *Perſons* that Dr. *W.* meant, tho' his *Expreſſion* was not ſo proper as it ſhould have been.
"Let them be ſo, ſays He;

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"Their Number, in this Inſtance, did "not amount to above Eighty, whereas "the *Knights*, *Citizens*, *Burgeſſes*, and "*Barons* of the *Cinque Ports*, muſt have "been, *Four* or *Five times* that Number.

The Second Edition Corrected.

"[1] Their *Number* will amount to a-"bout an Hundred, whereas the *Knights*, "*Citizens*, *Burgeſſes*, and *Barons* of the "*Cinque Ports*, muſt have been, at leaſt, "*Three* or *Four times* that Number.

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[1] Addit. p. 72.

Will Dr. *A.* give me leave to ſay, that notwithſtanding his ſecond thoughts, he is ſtill much more out, than he will ever be able to ſhew me to *have* been, in this Computation? The *Abbots*, *Priors*, and *Deans*, entred upon the *Roll*, are 106. [2] Beſides theſe, the *Writ*, I before mentioned, tells us that this year, "*Omnes Ab-*"*bates*, & *Priores* Regni, *All* the *Abbots*, and *Priors* of the *Realm*, were *Summon-ed* to *Parliament*. So the *Record* ſpeaks; and ſo the Learned Mr. *Selden* under-ſtood it. The Queſtion then, is, How many *Abbots*, and *Priors* there were at that time in *England*? And whether was the Greater in *Proportion*, the Number of the *Eccleſiaſticks*, with Reſpect to the *Number* of the *Clergy*, or the Number of the *Lay-Commons*, with Reſpect to the *whole Commons* of the *Realm*?

[2] Vid. Apud *Selden.* Tit. Hon. part. 2. p. 599, 607.

To this Dr. *A.* roundly Replies, That the *Knights*, *Citizens*, and *Burgeſſes*, and *Barons* of the *Cinque Ports*, muſt have been *Four*, or *Five times* that *Number*. How many they were at that *Parliament*, neither Dr. *A*, nor I, can tell. But more they cannot be ſuppoſed to have been in that time of *War*, and *Diſturbance*, when ſome *Cities*, and *Boroughs*, (as that of *London*) were not Summon'd at all to it; than afterwards they were, towards the latter end of King *Edward* the *Firſt*'s Reign. Now in the 23*d* of his *Reign*, the whole Number of the *Commons* called to *Parliament*, amounted but to about *Two hundred* and *Thirty*, and that is not *Three* times as many as himſelf Computes the preſent Clergy to have been. To ſuppoſe then the *Laity*, now Summoned, to have amounted to the ſame Number, that they did in that other *Parliament* the 23*d* of *Edward* the *Firſt*. The Queſtion is, *Whether* there were not above *Two hundred* and *thirty Abbots* and *Priors*, at that time in *England*; and by conſequence whether the *Eccleſiaſticks* then Summon'd, may not reaſonably enough be Conjectured (for that is at laſt all, that we now pretend to on either ſide) to have been rather more than the *Laity* were? Which is the ſum of what I ſaid; and againſt which he has made ſo great, but withal ſo inſignificant a Clamour.

Nay, but this is yet too much: For I did not ſay that the *Clergy* called to that *Parliament* were *Abſolutely* more in *Number* than the *Laity*; but that they were more in *Proportion*: That is, that the Greatneſs of the Two Bodies Conſider'd, the *Commons* and *Clergy*, under the *Degree* of *Barons*; the latter were called to this *Parliament* in a *Greater Proportion*, as I thought, than the former were. Here therefore we muſt again Conſider, what *Proportion*, in *point* of *Number*, did the *Clergy* then bear to the *Laity*? I ſhall be thought too liberal, to allow the One, to have been One Third with Reſpect to the other. However let us fix here: Then, ſuppoſing, the whole *Number* of *Commons* Summon'd to this *Parliament* to have been *Two hundred* and *Thirty*: The Queſtion will be, Whether the *Abbots*, and *Priors*, under the Degree of *Barons*, at that time in *England*, did not amount to above *Seventy ſix?* 'Tis a trifling Point, and not worthy a ſerious Examination: Yet if Dr. *A.* inſiſts upon it, I will try my Skill in Computation, and ſee whether I may not venture to abide by my Aſſertion, thus truly Repreſented; That the *Clergy* were Summon'd to *Parliament* in the 49*th* of *Henry* the *Third*, in a *larger Proportion* than, for ought appears, the *Laity* themſelves were.

In the mean time, I cannot conclude this Matter, without Obſerving with what quickneſs Dr. *A.* is pleaſed to take me up here, for Aſſerting that very thing, which I really thought, he had hitherto been endeavouring to Prove to have been the conſtant Practice for *Six hundred* years before, *viz.* that the *Lower-Clergy* were *Summon'd* at this time to *Parliament*. "Were they ſo? ſays this Bluſtering, Impetuous Author; "How came then our *Hiſtories* and *Records* not to have "mentioned it? From none of which can it be learn'd certainly, that there "were *any* of the *Clergy* Called to this *Meeting* below *Abbots* and *Priors*, but "Five *Deans* only. It may be, many of *Inferiour Rank* might be *Summoned* too; "but if they were, 'tis more than can be proved; for there is not, I believe, "the *leaſt Hint* of ſuch a *Summons* remaining. Thus Dr. *A.* falls upon me, not Conſidering that he, at the ſame time, ſtabs himſelf through my Sides. * The

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Lower-Clergy were not *Called* to this *Parliament* : * If they were, *'tis more than can be proved.* * Our *Hiſtories* and *Records* make *no mention of it.* So ſays Dr. *A.* The ſame ſay I of all the Other *Parliaments* preceding : There is no more Proof of their being Called to them, than to this. And therefore from his own Arguing, I will, for once, beg leave to Conclude, that they were not Called, as yet, to any of our *Parliaments* at all.

I ſhould now go on to the remaining Parliaments of this Reign ; but before I do that, I muſt remove one other Stop which Dr. *A.* has thrown in my Way. Having ſhewn, as he ſuppoſes, that the *Commons* were called to *Parliament* before this time ; he concludes in theſe [1] Words: "It cannot be therefore "ſaid that the *Commons* were *firſt call'd to Parliament* in the 49*th* of *Henry* the "*Third*, but that they *then*, or *thereabouts*, began to be Summoned thither *Uninterruptedly*, and to grow a *fixed*, and *neceſſary part* of their Meeting. The "Learned Advocate, I know, on the other ſide has *doubted* (and Dr. *W.* therefore is very pardonable in doubting after him) *whether from the* 49*th* of *Henry* the *Third*, to the 18*th* of *Edward* the *Firſt*, ANY SUMMONS *went* "out, becauſe the *Writs* are loſt ; but this I think will bear no doubt : For "that loſs, as it happens is pretty well ſupplied by our Hiſtories, and I ſhall "produce the *paſſages* from thence that prove it.

What Dr. *A.* here means, it is pretty hard to know : Whether that Dr. *Brady* doubted whether any *Parliamentary Summons*, at all, were iſſued out from the 49*th* of *Henry* the *Third*, to the 18*th* of *Edward* the *Firſt* ; or whether his doubt were, whether Any were iſſued out like thoſe of this *Parliament* ; to Call the *Commons* to it. But indeed I do not find that he doubted of either. On the contrary, [2] he expreſly proves from that very *Parliament*, of the 49*th* of *Henry* the *Third*, to the 18*th* of *Edward* the *Firſt*, by many *Subſequent Parliaments*, under both theſe *Kings*, that the *Commons* (as we now underſtand the Word) were *not Called* from the time of the *One*, to the time of the *Other*. And for [3] Dr. *W.* he doubts of nothing in this *Caſe* but of the *Conſtancy* of the *Practice* now begun ; in which he is indeed out of doubt, that there was, if not a *Total*, yet a *frequent Interruption*, in it ; between the two Periods, here aſſigned : So that, in Truth, Dr. *A* does utterly *Miſtake*, or I am ſure does very much *Miſrepreſent* us both.

The Fortune of the King prevailing, the next year, over the *Barons* ; he Aſſembled his *Parliament* at *Wincheſter*. To it, ſay the [4] *Annals* of *Waverly*, were called "Omnes *Magnates* terræ ; and particularly, on the *Church part*, All the *Biſhops*, *Abbots*, and *Priors*, who held by *Barony* ; by whoſe *Decree* the *King* had all the Rebels Lands Granted to him, [5] "*Unanimi Conſilio & Voluntate* MAGNA"TUM *Noſtrorum* apud *Winton* Convenientium, ſays the *Record* relating to this very *Parliament*.

But there was more Required to Settle the *Kingdom* than could at that time be done by them ; [6] and therefore the *Parliament* was, by Conſent, Adjourn'd to *Weſtminſter* in the *Feaſt* of *St. Edward* ; when all the Reſt were diſinherited who ſtood out againſt the King after the Battle of *Lewes*, as the others had been before. At *Chriſtmaſs* following, *Regionis Nobiles*, ſays [7] *M. Weſtminſter*, came again together to Treat about the *Peace* of the *Realm*, after their accuſtomed manner.

The year following ſeveral *Great Councils* were held : [8] One at *Kennilworth*, on *St. Bartholomew*'s day ; where we Read of *Biſhops*, *Abbots*, and *Barons*, Meeting, and Acting, but of none elſe. [9] Another at *Northampton* the *Tueſday* before *All Saints* : Whither the *King* Called the *Biſhops*, and *Abbots*, *Priors*, *Earls*, and *Barons*. [10] A *Third* at *Weſtminſter* after *Chriſtmaſs* ; cum *Potentioribus terræ ſuæ*, ſays *M. Weſtminſter*. To all which [11] *Wykes* adds a *Fourth* at *St. Edmundsbury*, on the *Octaves* of the *Purification* ; to which the King, by his *Writs*, Call'd all the *Magnates Regni*, as well *Eccleſiaſtical* Perſons, as *Seculars*.

'Tis true, as to the *firſt* of theſe, the *Record* which relates to it after having mentioned the *Common-Aſſent*, and *Common-Counſel* of the *Biſhops*, *Abbots*, *Priors*, *Earls*, and *Barons*, adds, & TUZ AUTRES ; And *All Others*. And theſe Others, ſome will have to be the *Commons* there Aſſembled. To this [12] Dr. *Brady* gives another Senſe, more agreeable to the Practiſe of thoſe times, that they were the King's *Tenants in Chief*, or *by Knights Service*. I meddle not

[1] Rights, p. 310.
[2] Dr. *Brady's* Introduct. p. 144, 153.
[3] Authority, p. 208. "That "in the 49*th* "year of that "King (*H.* 3*d*) "the *Commons* "were Sum"mon'd by "*Writ* to *Come* "to *Parlia*"*ment*, is con"feſs'd by thoſe "who deny "that they e"ver had any "place in it "before. "Whether "they from "thenceforth "continued to "be CON"STANTLY "CALLED to "theſe *Coun*"*cils*; or whe"ther there "was an In"terruption "in this "New-Eſta"bliſhment, "till about the "18*th* of *King* "*Edw.* Iſt. as it "is hard to de"termine, ſo it "is not very "material to "my preſent "Buſineſs to "Enquire. "That which "we are ſure "of is, that in "the 18th of "K. *Edw.* Iſt. "They were "again Sum"moned, and "ſo have con"tinued ever "ſince to be. 1266. Sect. 89.
[4] Annal. *Wav.* p. 220.
[5] Rot. Pat. 49. *Hen.* III. m. 9. dors.
Brad. Introd. p. 144.
[6] Annal. *Wav.* pag. 220. *M. Paris* p. 999.
[7] *M. Weſtminſt.* p. 397.
[8] Annal. *Wav.* p. 223. 9Ib.
[10] *M. Weſtmin.* p. 398.
[11] Chr. *Tho. Wykes* p. 78. Compare *M. Paris*, p. 1092. *Everſden.* ad An. 1267.
[12] *Brady* Intr. p. 35.

not with the Diſpute; it is enough for me that they were not the *Lower-Clergy*; or, at leaſt, that it does not appear that they were.

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How the Grant made to the King by the Legate *Ottobon*, in the *Pope*'s Name, upon the *Clergy*, about this time, was raiſed, I cannot certainly tell. But by his Order [1] dated at *London*, *Idus Julij* 1267, and directed to the *Archbiſhop* of *York*, the *Biſhops* of *Durham*, and *Carliſle*, and to all the *Abbots*, *Priors*, *Deans*, *Arch-Deacons*, *Rectors*, *Vicars*, and *Other Prelates* of the *Church*, within their ſeveral *Dioceſſes*, deſiring and admoniſhing them to raiſe a Subſidy for making Peace between *the King* and his *Barons*, it ſeems to have been tranſacted in their ſeveral *Dioceſſan Synods*. This Subſidy, as appears by ſome [2] Other *Inſtruments*, was a *Tenth* impoſed upon *both Provinces*, and Conſented to, in Obedience to the *Pope's Order*, by *both*.

1267. Sect. 90.

[1] Regiſt. *W. Giffard.* Arch. Ebor. fol. 44.

[2] Ibid. fol. 44. 81, 84, 97.

Upon the *Octaves* of St. *Martin*, 1267. the *Parliament* met at *Marleberg*, where the Famous *Statute* of that Place was made. In the *Preface* to which all that is ſaid of the Members of that Aſſembly is this; that there were met together the "*Diſcretiores Regni, tam Majores, quam Minores.* And who theſe were; that they were the *Greater*, and *Leſſer* Barons, of whom *King John*'s Charter ſpeaks, two Antient Authors will tell us: the [3] One of which ſays, that "*de Conſilio* "DISCRETORUM, *& Unanimi* —— *Voluntate* MAGNATUM *Suorum*, he made theſe *Statutes:* The [4] Other names the very Perſon who drew them; *viz. Robert Walerand*, "*per comune Aſſent des* GRAUNTZ —— *Seigniours due Realme.* To which laſt let me add the Authority of another accurate [5] *Writer*, where ſpeaking of the *Parliament* of *Marleberg*, he has theſe expreſs Words; "*in quo de aſ-* "*ſenſu* Comitum *&* Baronum, *edita ſunt* Statuta *que ad* Marleberg *vocantur*; Theſe are the very Words of the [6] *Continuer* of *M. Paris*, and were probably tranſcribed from him.

[3] *Walt. Hemingford.* lib. iij. c. p. 23. pag. 588.

[4] *Britton.* cap. 36. fol. 95. b.

[5] *Walſingham Hipodigm. Neuſtr.* pag. 471.

[6] *Mat. Paris.* pag. 1006.

It is in the next Year following that our Hiſtorians Generally Place the *Legantine Synod* of Cardinal *Ottobon*: At this, [7] One tells us were Preſent, All the *Prelates* of *England*, *Wales*, *Scotland*, and *Ireland*. [8] Another Explains who thoſe *Prelates* were; All, as well *Greater*, as *Leſſer*, "*qui quocunque* Prælationis *titulo* "*præſidere Videbantur*. And a [9] third Enumerates the Particulars; Five *Arch* Biſhops, beſides a multitude of Biſhops, *Abbats*, and Other *Prælats*. But this by the way. As for the *Parliaments* of this Year, in which our preſent Concern lies, the [10] *Waverly Annals* tell us that one was held at *Northampton*, where the *King*, and Other *Great Men*, met; Another at *Wincheſter*, the Members of it not deſcribed.

1268. Sect. 91.

[7] *Mat. Weſt.* pag. 400.

[8] *Chron. Th. Wykes.* pag 85.

[9] *Petr. de Yekham.* ad Ann. M. S.

[10] Annal. *VVaverl.* pag. 224. Comp Everſden ad Ann.

Of the former of theſe *two*, that at *Northampton*, [11] *Wykes* ſays, that there came to it the *Legat*, the Biſhop of *Wincheſter*, and an Innumerable Multitude of the *Engliſh Militia*. Among theſe he in the next Words ſpeaks, of the *Earls* of *Glouceſter*, and *Warren*, *William Lord of Valence*, and Other *Milites*, to the Number of 120, who took the *Croſs* upon them. But Dr. *A*'s Careleſneſs, (for I am unwilling to Call it Prevarication) in the Repreſentation of this Matter, is inexcuſable: Where ſpeaking of this *Parliament* of *Northampton*, he tells us [12] *Wyke*'s Words are, "that the *King* convened all the *Prælats*, and *Great Men*, "*nec non* "*cunctarum Regni* ſui civitatum *pariter &* Burgorum potentiores; *Confluente pari-* "*ter* Plebejæ Multitudinis (*i. e.* of the *Commonalty* of every *County*) *turba non* "*modica.*

[11] Chron *Th. VVykes.* pag. 85. 86.

[12] Rights, &c. pag. 310.

[13] *VVykes* Chron. pag. 88. 89.

The truth of the Matter is this: [13] The Year following, 1269. the King being returned into *England*, On the xiij*th.* of *October* Reſolved to remove the Reliques of K. *Edward* the *Confeſſor* out of the *Old Shrine* in which they lay, and to put them in a more *noble Repoſitory*. To Grace the Solemnity of this *Tranſlation*, he called together ſays the *Hiſtorian*, [14] All the *Prælats*, and *Great Men*, together with the Chief of all the *Cities*, and *Burroughs* of his *Realm*. Beſides theſe, there *came together* (Un-Called) *Plebeia Multitudinis Turba non modica*; *Dr.* Atterburies *Parliamentary Commons*; and in the Preſence of All theſe this Tranſlation was made, in the *Conventual Church* of *Weſtminſter*.

1269. Sect. 92.

[14] CONVOCATIS *univerſis* Angliæ PRÆLATIS *&* MAGNATIBUS, *nec non cunctarum Regni ſui Civitatum pariter & Burgorum* POTENTIORIBUS: CONFLUENTE *pariter* Plebejæ Multitudinis *turba non modica.*

What *Wykes* thus Relates, the [15] *Annals* of *Waverly* more fully diſtinguiſh. They tell us, that in Order to this Solemnity, a *Convention*, or *Aſſembly*, was held of Biſhops, *Earls*, Barons, *Abbats*, *Priors*, and *Many Others*. [16] The Tranſlation being

[15] Annal. *Waverl.* pag. 225.

[16] *VVykes*, pag. 89. Celebrata tandem tantæ Tranſlationis Solemniatate, cæperunt NOBILES, ut ASSOLENT, Parliamentationis Genere de Regis & Regni Negotiis pertractare, *&c.* Annuentibus *Regni* MAJORIBUS, *a Twentieth was Granted.*

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ing over, the Nobles began, according to Custom, to *Treat* after a *Parliamentary manner* of the Affairs of the *King*, and *Kingdom*: And by the *Consent* of the Great Men, a xx*th* Part of all the Movables of the *Laity* was Granted to him; and the same *Lords* and *Prelates* who gave this Money, assigned a *great Part* of it, to the Intended Expedition of Prince *Edward* to the *Holy Land*. Here is *Wyke*'s distinct Account of the *Translation*, and of the *Parliament*. To one a *Great Company* of the *People flowed together*, and so were present with the *Prelates*, and *Great Men*, at it. But in the Other none but the *Nobles*, *Majores Regni*, *Proceres* & *Prælati*, are once mentioned. Let Dr. *A.* therefore tell us with what Conscience he could make so false and delusory a Representation of it.

But I must look Back to an Antecedent *Parliament* of this Year, which, to follow Dr. *A*'s mistaken Application of this History to the Parliament of *Northampton*, the Year before, I was forced to pass by. [1] Fifteen days after *Easter* the King having called together a Great Multitude *Magnatum Angliæ*, of the *Great Men* of *England*, treated a long time *cum proceribus*, as it was Customary to do. In this *Parliament* I conceive it was, that the xx*th* was Granted to the King for his Expedition to the *Holy Land*. [†] For by a *Writ* dated the vij*th* of *August*, for Swearing those who were to Chuse the *Assessors* of it in the *County* of *Worcester*, and the time limited, within which they were to Execute their Commission, *viz.* the next day after *Michaelmas*; 'tis plain the Grant could not be made in the *Parliament* in *October* following, as it must have been, if done in that *Other Council* to which the Chronicle of *Wykes* applies it. This xx*th* the *Writ* tells us was Granted to the King *a Magnatibus & Aliis regni nostri fidelibus*. To all which, let me add this Remark of the same [2] *Historian*, that the Earl of *Gloucester*, being ill advised, about this time, refused to come to the *Parliaments*, of the *King*, and the *Nobility*, *ad Parliamenta Regis & Procerum*; to which he was called, and among which He ought to have been the Chief.

It was about the time of the latter of these *Parliaments*, in [3] *October*, that the King pretending that the *Triennial Tenth* Granted him by the *Pope*, and now Ending, had not been Collected according to its full Value, demanded in Recompence of that Loss, the Continuance of it for a *fourth Year*. In Order hereunto, a *General Assembly* of the *Bishops* and *Clergy* met at the *New Temple* London. The Bishops were willing to Gratify the King in his Demand: But the *Body* of the *Clergy* Appealed against it. This [4] *Eversden* tells us, and this is all the Account that I have any where met with in our Historians of this Matter. But the very *Copy* of their *Appeal* is fallen into my Hands: It mentions the *Abbots*, *Priors*, *Rectors*, and *Vicars*, being Assembled for this *Subsidy*; and that, as the *Subscription* shews, out of *both Provinces*. But there were no *Bishops* of *York Province* present; so their Appeal, was made before those of the *Province* of *Canterbury* only. The piece is a Curiosity that deserves to be known; and I shall therefore insert it in my [5] *Appendix*, as it stands in an antient Manuscript of *Corpus Christi Colledge* in *Oxford*.

And now the time drew on, when the Expedition was to begin to the Holy Land. To determine about this, and some other Affairs of the Realm; a [6] *Parliament* was held of all the *Prelates*, and *Great Men* of *England*, xv days after *Easter*; where the E. of *Gloucester*, and some Others of the *Nobles* not agreeing, the Matter was deferr'd to the *Octaves* of St. *John Baptist*. [7] Then almost all the *Great Men* again Assembled, to treat of the same Matters: And by the good Conduct of the *King* of the *Romans*, all things were Accommodated, and the *Earl* came to the *Parliamentary Treaties* of the *King*, and Lords, as he was wont to do. What the Great Resolution here taken was, we may learn from the King's [8] Letters Pattents, dated iv*th* of *August* following: Where he says, that tho' he was desirous to Go, together with his Eldest Son, to the Assistance of the *Holy Land*, yet because it seemed to the *Prelates*, *Great Men*, and *Commonalty* of the *Realm* to be neither Expedient, nor Safe, therefore by the Advice of the said *Prelates*, and *Great Men*, he committed that Affair to the *Prince* alone.

In the Parliament after *Easter*, [10] the *Bishops* Granted to the King a *Twentieth* of their own Lands, and of the Lands of their *Villains*. This the King Raised, even upon such Bishops as were not *present*, nor had *Consented* to it. All the Ceremony that He used was to send his Letters to them to acquaint them with what the Others had done, and to desire them to Consent to the same; One of which, for the Curiosity, more than Pertinence, of the thing to my present Argument, I have inserted into my [11] *Appendix*. That

[1] Chron. *Tho. Wykes*, pag. 87.

[†] Brev. Reg. Episc. Wigorn. dat. vij. August. Regn. liij. in Registr. *Giffard.* fol. xxi. *a.*

[2] Ibid. pag 89.

[3] Chron. *Tho. Wykes*, pag 88.

[4] *Eversden*: M. S. ad Ann.

[5] Appendix ad Ann. 1269. 1270. Sect. 93.

[6] Annal. *Waverl.* pag. 225. Annal *Winton*, pag. 313.

[7] *Wykes*, Chron. pag. 90. 91.

[9] Dr. *Brady*'s Hist. Append. Vol. I. pag. 249.

[10] Regist. *VV. Giffard*, Arch. Ebor. fol. 74 *a*.

[11] Append. ad Ann. 1270.

That which will more deſerve to be taken notice of is, that the King deſiring this xx*th* not only of the *Biſhops*, but of the whole *Clergy* of *England*, the *Biſhops* called them together for this End, in their Reſpective *Dioceſan Synods*. The anſwer which thoſe [1] of *York* made, was to this Effect, that they would follow the Example of the *Clergy* of the *Province* of *Canterbury*, which being much larger than theirs, they thought it was alſo proper ſhould firſt begin. To this I find the *Clergy* of our *Province* agreed, and made a preſent Payment of it. This I conceive they did in their *Dioceſan Synods*, having not met with any Account of a *Provincial Convocation* called for this Purpoſe. The *Clergy* of the [2] *Dioceſſe* of *York*, I am ſure were Aſſembled for this End, as I ſhall preſently ſhew; And we cannot doubt but that the reſt of the *Clergy* of that *Province* were Called together, in their reſpective *Dioceſes*, after the ſame manner. From all which it appears that the *Lower Clergy* in this whole Tranſaction, were neither Preſent at theſe *Parliaments*, nor did meet in their *Provincial Synods*, as *Attendants* upon them; ſo that Dr. *A.* muſt either-way be miſtaken in his Opinion with Relation to them.

K. HENRY *the* IIId.

[1] Ibid. fol. 98. *a.* Et 107. *a.*

[2] Vid. Append. ad Ann. 1271.

After *Chriſtmas*, another *Parliament* was held by [3] *the Great Men*, at *London*, about the *Octaves of Epiphany*, and the Diſinherited were Reſtored to their Lands again. The ſecond Week in *Lent* following, a *Convocation* of the *Biſhops* met at *Reading*, to treat of the *Juriſdiction* of the *Church* of *Canterbury*, whether they ought to Obey the *Chapter* of *Canterbury* or not. [4] The Occaſion of it was this: In *January* this Year *Walt. de la Wyle* Biſhop of *Saliſbury* died. Into his Place was Choſen *Robert de Withampton Dean* of the ſame *Church*. The See of *Canterbury* being Vacant, he was Confirmed by the *Chapter* of *Canterbury*, "which *Chapter*, "ſays my Author, has, and Exerciſes, All, and All manner of *Juriſdiction* in a "Vacancy, that the Archbiſhop does when the See is full. But this was a *Juriſdiction*, which, it ſeems, the *Chapter* had not been wont to Exerciſe before. The King therefore Refuſed upon their *Certificat* to Reſtore the *Temporalities* to him. Yet the *Monks* went on, and Summon'd all the *Provincial Biſhops* to come to *Canterbury*, on a Certain Day, there to Conſecrate their *Biſhop*, whom they had *Confirmed*. The *Biſhops* met at *Reading* to Conſult of this matter; and there reſolved to ſtand upon their *Authority*, and not to Obey the *Chapter*'s Summons in this Particular. [5] To put the Whole of this Matter together: The 17*th* of *May*, the Day appointed for this *Conſecration*, being Come, only One Biſhop appear'd at *Canterbury*; the Reſt had Appealed to *Rome*, and ſo the *Conſecration* proceeded not. There was then no *Pope* there, as there was no *Archbiſhop* here. But the *Cardinals* determined on the *Chapter*'s ſide, that, in the *Vacancy*, the *Confirmation*, and *Ordering* of the *Conſecration* of Biſhops, belongs to the *Chapter* of *Canterbury* as *Petrus de Yckham* Reports the Matter.

[3] Annal. *Wigorn.* pag. 499.

[4] *Petr. de Yckham* ad Ann. Chron. *Wykes*, pag. 95.

[5] *Petr. de Yckham.* loc. cit. 1271.

The *Clergy* of the *Province* of *Canterbury*, had not only agreed to pay the xx*th* demanded of them for the *Expedition* to the *Holy Land*, but paid it in too, before thoſe of *York* had finally agreed to it. To ſettle this Matter, [6] the *Archbiſhop* by his *Official* Summon'd the *Clergy* of his *Dioceſſe* to appear in the *Conventual Church* of St. *Leonard* at *York*, upon *All Saints day*, to agree to this Contribution. But neither then did they fully conclude of it. The King had ſent down two Perſons to lay this Tax upon them; but by the Interpoſition of the *Archbiſhop*, was prevail'd with to Recall them; [7] In the Preſence of thoſe very Perſons (if I take the Proceſs aright) He preſs'd his *Clergy* with all Earneſtneſs to agree to what was demanded of them. But they ſtill perſiſted in their former Reſolution, "That "they would follow the *Clergy* of the *Province* of *Canterbury*, which was much "larger than theirs; and of whoſe Grant, it ſhould ſeem by this Anſwer they were not yet thoroughly Convinced. For this Reaſon the Archbiſhop wrote to his *Archdeacon* of *York*, who was then at *London*, to Certify to Him what was Generally done in that *Province*, and what he would adviſe ſhould be done in his Own. By the ſame Letter it appears, that a *Parliament* was held the *Week* after *Midlent*, about the xix*th* of *March*; in which He left it to the ſame Perſon to Excuſe his Abſence. The date of this *Inſtrument* is vi *Kal. Januarij*, or *Decemb.* 27*th*. *Pontificatus V*^to^. Archbiſhop *Giffard* was tranſlated from *Bath* and *Wells*, *October* the 9*th*. and Enthroned *November* the 1*ſt*. 1267. So that this Report muſt have been made *Anno* 1271. after the Meeting of the *Clergy* in *November*, of which I before ſpake.

[6] Reg. *Giffard.* Ebor. Arch. fol. 107. *a.*

[7] Ibid. fol. 98. *a.* Append. ad. Ann. 1271.

We

K. HENRY *the IIId.*

1273.

We are now come to the *laſt Year* of this long Reign: in which ſome Diſturbances at *Norwich* gave occaſion to a three-fold Aſſembly; a *Dioceſan*, a *Provincial*, and a *Parliamentary Council*. [1] The firſt was held by *Roger* Biſhop of *Norwich* at *Eye*, not long after the Tumult there, *Auguſt* the 29*th*. In which the *Biſhop* and his *Clergy* Excommunicated all thoſe who were concerned in the Inſult made upon the *Priory*, and in the miſchiefs which followed thereupon. This Sentence was Confirm'd in a *Council* of the Biſhops at *London*, *October* the 18*th*. Before which, on *September* the 1*ſt*. the King held his *Parliament* at St. *Edmunds Bury* upon the ſame Occaſion, and call'd to it "*Univerſos totius Angliæ Proceres* "*& Magnates*, ſays *Everſden*; all the *Barons* of *England*; and *de Conſilio Magna-* "*tum Angliæ*, ſay the *Norwich Annals*, by the Advice of the ſame *Great Men*, went himſelf to *Norwich* to Enquire into the Matter.

Sect. 94.

[1] *Everſden*: ad Ann. 1272. Hiſt. *Norwic.* pag. 399.

Sect. 95.

Hitherto then it does not appear that the *Lower Clergy* were ſo much as Once Summon'd to *Parliament*, during the Reign of this *Prince*. The *Biſhops*, with ſuch *Abbots*, and *Priors*, and Other *Clergy Men*, as were either by their *Tenures* Obliged, or elſe were ſometimes, by *Special Writ* from the King, Required, to Come to it, being All of the *Eccleſiaſtical State*, that as yet met in thoſe *Great Councils*.

K. EDWARD *the Iſt.*

In the beginning of the next Reign, Dr. *A.* thinks he has a full Teſtimony for his *Commons* in *Parliament*; but the Inferior *Clergy* were not there. "In his "firſt Year (ſays [2] He) while he was yet Abroad in his Expedition, we find "the *Commons*, (as we now underſtand the Word) Preſent in *Parliament*; "and that in a Greater Number then they were in the 49*th* of his Father. But is Dr. *A.* ſure that this was a *Parliament*? If ſo, I would be glad to know by whoſe *Commiſſion* it was call'd? Or whether the *Nobility* had, of themſelves, Power, in *Law*, without any *Commiſſion*, in the *King*'s Abſence, to *Call a Parliament*? The plain Matter of Fact was this. King *Henry* the IIId. died *November* the 16*th*. His Son King *Edward* I*ſt*. was abſent in the *Holy Land*. [3] Before the *King* was buried, the *Earl* of *Glouceſter* in preſence of the *Archbiſhop* of *York*, and Other *Biſhops*, *Earls*, and *Barons*, ſwore to maintain the Peace of the Realm: ſo did all the Reſt of the *Lords* and *Biſhops*, who were there Aſſembled. After this they met together in a Greater Body at the [4] *New Temple London*. There they made a New *Great-Seal*, and under that, appointed *Guardians* and *Miniſters*, to preſerve the *Treaſure* of the *King*, and the *Peace* of the *Kingdom*. After *Hilary* they all met again; and then cauſed All the *Prelates* of *England*, and all the *Great Men*, viz. *Archbiſhops*, *Biſhops*, *Earls*, and *Barons*, *Abbots*, and *Priors*; four *Knights* out of *Every County*; and as many out of *Every City* to come to *Weſtminſter*: And there they All again in Preſence of the Archbiſhop of *York*, *Roger Mortimer*, and *Robert Burnell* Elect Biſhop of *Bath and Wells*, who were appointed *Guardians* of the *Realm*, *ſware* the ſame thing. There they made *Walt. de Merton* Lord *Chancellor*, and Commanded him to Reſide at *Weſtminſter* till the *King*'s Return. And, laſtly there they agreed, that there ſhould be no *Juſtices Itinerant* in the *King*'s Abſence, but only the *Juſtices* of the Bench.

[2] Rights: pag. 219.

[3] Anual. *Wigorn.* pag. 499. *Mat. VVeſtminſter*, pag. 401.

[4] *Mat. VVeſtminſt.* l. c.

This was the Meeting which Dr. *A.* Calls a *Parliament*; but which was indeed a *Convention* of the *Nobles*, and of ſuch a certain Number of *Knights* out of Every *County* and *City*, as they thought fit to Call to them, to ſecure the Right of the *King*, and Peace of the *Kingdom*: And the *Annals* of *Waverley*, which in Other Places Uſe the Proper term *Parliamentum*, here (as alſo thoſe of *Worceſter* do) call it a *Convocation*, as knowing it indeed to be no Other.

I will not now diſpute who the *Milites* were of whom theſe *Hiſtories* ſpeak; tho' I look upon them to have been the King's *Tenants* in *Capite*; under the *Degree* of *Barons*. I will only leave it to Dr. *A.* to Conſider theſe two things; If this were a proper *Parliament*, and if theſe were not ſuch *Knights*, but proper *Members* of *Parliament*, as we now ſpeak; then, 1*ſt*. How the *City-Members*, as well as the *County* Repreſentatives, came to be call'd *Knights*, and not by their proper term *Citizens*. And, 2*dly*. How the *Burroughs* came to be forgotten; who I ſuppoſe did not ſtand upon their Priviledges, and Refuſe to come, to *Parliament*; as He confidently tells us, without any manner of Authority, the *Clergy* did. [5] His Words are theſe: "But it does not appear that the *Inferior* "*Clergy* were at this Meeting, who, it ſeems, ſtanding upon their *Priviledges*, "and *Exemptions*, were not ſo eaſy to be dealt with, in this Reſpect, as thoſe "of the *Laity* were. If he has any Authorty for this Suggeſtion, let him ſhew

[5] Rights. pag. 219.

†

us,

us, that they were *Call'd* to this *Meeting*, but that for the Reason which he alledges They Refuſed to Come. If he has none, let him Confeſs that He here wrote Hiſtory upon his own Fancy; and gave a Reaſon for the Abſence of the *Lower Clergy* for which he had no Ground, but the *Exigence* of his *Cauſe*, and a *happy Invention* in the defence of it.

The Biſhops being come together upon the Occaſion of this *Meeting*, agreed about the ſame time to the *Subſidy* which the *Pope* had Granted to the *King*, and his Brother, to help defray the Charges they had been at, in their Expedition to the *Holy Land*. [1] As for the *Inferior* Clergy, they were not ſo much as ask'd their Conſent, but the Biſhops having agreed to comply with the *Pope*'s Grant, his *Nuntio*'s, by his Order, oblig'd them to do likewiſe. Here therefore was no Aſſembly, either *Convocational*, or *Parliamentary*, in which they were Conſulted; nor were they, tho' on ſuch a reaſonable Occaſion, Called together, even to the Granting of their Own Money.

[1] Regiſtr. *Giffard Wigorn.* fol. 36. 37, *&c.* Append. ad Ann. 1272.

The next Year, tho' it affords no *Parliament*, yet preſents us with a proper and Remarkable *Council*. Archbiſhop [2] *Kilwarby* being come from *Rome*, was Conſecrated at *Canterbury* the firſt Sunday in *Lent*. In *May* He Received his *Pall*, and was inthroned about the *7th.* of *September* following. The ſame day he iſſued out his *Mandats* for a *Convocation* to meet at the *New Temple London*, the *Wedneſday* after the *Feaſt* of St. *Denis*, *October* 11*th.* [3] *Super Statu Eccleſiarum, & Eccleſiaſticarum libertatum, ac aliis quibuſdam Articulis, Nobiſcum tractaturi.* To this He Summon'd the *Biſhops* of his *Province*, and Commanded that every one of them ſhould bring along with him three or four Perſons *de Majoribus, Diſcretioribus, & Prudentioribus, ſuæ Eccleſiæ & Dioceſeos*, by whoſe Counſel the Buſineſs for which they met, might more happily be Expedited.

1273. Sect. 96.

[2] Annal. *Waverl.*

[3] Append. ad Ann. 1273.

What the *Articles* were which chiefly fell under the debate of this *Aſſembly*, we are no where told; but if I might be allow'd to Conjecture, I ſhould think that one of the Chief was, concerning the *Peace*, and *Security* of the *Scholars* in the *Univerſity* of *Oxford*. There had happen'd not long before great *Diſturbances* among them; inſomuch that the Place was left almoſt *deſolate*, and in Danger of being totally forſaken. This was thought a matter of ſuch *Public Concern*, that a [4] *Writ* was iſſued out in the *Kings Name* to the *Archbiſhop*, *Auguſt* 12*th*, to take Care of it. The *Archbiſhop* tranſmitted his *Orders* to all his *Suffragans* thereupon; and we can hardly doubt, but that now it was brought under a *Publick Conſideration* before them. To encourage our *Univerſity* the more, not only the *King* and this *Archbiſhop* took ſuch Care of it, as I have ſaid; But in the *Council* of Reading, ſix Years after, a [5] *Provincial Conſtitution* was paſs'd in favour of it; and very particular *Priviledges* were therein Granted to it. A *Copy* of this *Conſtitution* being fallen into my Hands, I ſhall take the Liberty in Duty to a *Place* to which I owe ſo much Reſpect, to publiſh it in my *Appendix*: And by the Addition of ſo *Authentick*, and *Memorable* an Order, of that Venerable *Aſſembly*, make ſome amends for depriving it of thoſe *Canons* which the Liberality of our late Editors have without all Reaſon aſcribed to it; as by an Irrefragable *Authority*, I ſhall hereafter be forced to do.

[4] Appendix ad Ann. 1273.

[5] Appendix ad Ann. 1279.

The Year following King *Edward* was Solemnly Crown'd at *Weſtminſter*, *Auguſt* the 19*th*. He came into *England*, *Auguſt* the 2*d*. Made his Entry into *London*, *Auguſt* the 18*th*. And was the next day Crown'd with his Queen. To this Ceremony of his *Entry* and *Coronation*, flock'd together not only the *Citizens* of *London*, but all the *Barons* of the *Realm*, both *Clergy* and *Laity*, ſays [6] *Wikes*; who, as well for the Novelty of the Sight, as for the Honour of their Prince, were Gathered together, *per Evocationem Regiam*: For to thoſe I referr the *Kings Call*; not to the *Turba* which follows; tho' the Pointing of the Hiſtory, as it now ſtands, turns it to the Other, and, I think, the wrong Senſe.

1274. Sect. 97.

[6] Chron. Tho. *Wikes*: pag. 101.

Beſides theſe, there came to this Solemnity a *Multitude* of Others from all Quarters. The *City* of *London* was Richly adorn'd; The *Citizens* were all in their beſt Apparel; Many Pageants were Erected; and in, ſhort, the Entry was made upon *Saturday*, and the Coronation Solemnized upon the *Sunday* following. The King appear'd in Glory, "*Coram Regni ſui Proceribus*: Nor was there wanting, together with the *Citizens* of *London*, thoſe of the Other *Cities* and *Towns* of the *Realm*, who ſeem'd to outvie one another, in their Ornaments, and Dreſſes, upon that Occaſion.

K. EDWARD *the Ist.*

Will the *Reader* excuſe me for tranſcribing ſuch impertinent Stuff? But it was neceſſary to ſhew him Another of Dr. *A*'s *Parliaments*. This, and this only Confluence, is the Aſſembly which he calls the *Parliament* of 1274. and from *Wykes*, delivers in ſuch a formal manner to Us. [1] " The *Aſſembly* that met *per* " *Evocationem Regiam*, upon *E.* the *Iſt.* Return into *England*, was compoſed of " *Comitum, Baronum, & Militum Copioſa Caterva*; beſides the *Repreſentatives* of " the *City* of *London*; *& Caterarum Civitatum & Oppidorum totius Regni*; to wit " (ſays he) of ſuch as ſent *Members* to *Parliament*. But who told him, that the *Citizens* and *Towns-folk* who came to this Sight, were only of ſuch *Places*, as ſent *Members* to *Parliament*? This again is a New-*Comment*, for which he has no *Authority*; but that which never fails him at a puſh, his own Invention.

[1] Rights, *&c.* pag. 311.

About the beginning of *Lent*, the *Archbiſhop* held an *Eccleſiaſtical Council*; concerning the Relief of the *Holy Land*, and the Affairs of the Church. To this the *Biſhop* of *Worceſter*, being Indiſpoſed, ſent his *(a)* Proxy: But what Reſolutions were taken, or what Affairs were done there, I have not found.

(a) Regiſtr. *Giffard*, fol. 48. *a.*

In the laſt Year Dr. *A.* produced a *ſtrange Aſſembly* of *People*, under the Name of a *Parliament*. He has now a true One, and that (as He might have obſerved from the Preamble to the *Statutes* of it) the *firſt* of this King: [2] Son *primer Parliament General* apres ſon *Coronement*; are the Words of the *Record*. Who were call'd to it, on the *Lay-ſide*, has been a matter of Diſpute, which I ſhall not Engage in. But on the *Clergy*, the very Record Cited by [3] Dr. *A.* is clear againſt his Notion; the *Statutes* being ſaid expreſly to have been made by the " Aſſent of the *Archbiſhops*, *Biſhops*, *Abbots*, and *Priors*; and no Others ſo much as Pretended to have been there.

1275. Sect. 98.

[2] 2*d.* Inſtit. p. 156.

[3] Rights, *&c.* pag. 311.

The *Writ* of *Summons* to this *Parliament*, I ſuppoſe, is loſt; but [4] the *Writ* of *Prorogation* to the *Archbiſhop* of *Canterbury*, remains: And that Recites the King's Intention to have held it, " *cum Prælatis, & Magnatibus*, on the *Quindene* of the " *Purification*; but that for Certain Cauſes he had Prorogued it to the Morrow " after *Claus. paſch.* and therefore Required the *Biſhop* to be preſent at that " time to *Treat* and *Ordain*, *una Cum Prælatis, & Magnatibus Regni*, as it a Se- " cond time Runs.

[4] Regiſtr. *Giffard, VVigorn.* fol. 50. *a.* Append. ad Ann. 1274.

If after theſe *Records* it be needful to hear our *Hiſtorians* in this Caſe, they All cloſe in with the ſame Language. XV days after *Eaſter*, a famous and ſolemn *Parliament*, was held at *Weſtminſter*, [5] " *Congregatis totius Regni* MAJORIBUS, *tam* " *Sæcularibus quam perſonis Eccleſiaſticis*; ſays One. [6] " *Facta Communi Convoca-* " *tione Omnium* MAGNATUM *Regni*, ſays Another. [7] " *Rex ad Parliamentum Weſt-* " *monaſter. Omnes* NOBILES *Regni ſui juſſit Congregari*, ſays a Third. A [8] Fourth, " *Facta Convocatione Omnium* MAGNATUM *Regni*. Not one that I know of, diſſenting from this Language.

[5] Chron. *Tho. VVykes*, p. 102.
[6] Annal. *VVaverl.* pag. 230.
[7] *Mat. VVeſt.* pag. 407.
[8] Annal. *VVigorn.* pag. 501.

In *October* following, Another *Parliament* was held. To that (as to the foregoing) *Regni* PROCERES *juſſerat* Evocari, ſay the [9] *Waverly Annals*. And who the PROCERES were, they particularly tell us, *Archbiſhops*, *Biſhops*, *Earls* and *Barons*. [10] *Wikes* calls them the MAGNATES: ſo does [11] *Everſden*: The *(a) Worceſter Annals* ſpeak of the *Archbiſhops*, *Earls*, *Barons*, and All the *Great Men* of the Kingdom, as preſent at it.

[9] Annal. *VVaverl.* pag. 230. 231.
[10] Chron. *Tho. VVykes.* pag. 103.
[11] *Everſden.* M. S. ad Ann.
(a) Annal. *VVigorn.* ad Ann. p. 501.

But that which is more Conſiderable, is the [12] *Proxy* of the *Archbiſhop* of *York*, ſtill Remaining, to this very *Parliament*, and framed upon the *Form* of the *King's Writ*: Wherein he Empowers his *Official* to Appear in *Parliament* for him, and to concurr in what the *King* ſhould *there Treat*, and *Ordain*, *cum Regni* PROCERIBUS *&* PRELATIS; Who therefore were to be ſure the proper *Conſtituent Members* of it.

[12] Regiſt. *Giffard.* fol. 133. *a.* Vid. Append. ad Ann. 1275.

The King having here obtain'd a xv*th* of the *Temporalty*; call'd together before him the *Biſhops* of the *Realm*, with *totius Cleri* MAJORIBUS, All the *Greater Clergy*, who were Summond to *Parliament*, and ask'd a *Voluntary Contribution* of them. But they neither thinking it fit to Grant ſuch a *Benevolence* without conſulting their *Clergy*, nor yet totally to deny the *King*, agreed, before *Eaſter* following, to Call together the *Clergy* of their ſeveral *Dioceſſes*, and to Conſult with them about it; and to intimate to the *King* their Reſolution, within xv Days after *Eaſter* next. How they perform'd this Promiſe, [13] the *King's Writ* of the next Year will, in part, inform Us: where having Recited the xv*th* Granted by the *Parliament*, it takes Notice of the *Archbiſhops* and his *Suffragans* Voluntary *Conceſſion*; and declares that it ſhould not be drawn into Cuſtom.

[13] *Pat.* 4. *Edw.* I. *m.* 6.— Apud. *Brady.* Hiſt. 2. Vol. p. 6. *Prynnes* Records. Vol. III. pag. 179.

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Of

K. EDWARD *the Ist.*

Of the *Parliaments* of the next Year, I find little said; but that they were held: Only of that after *Easter*, [1] *M. Westminster* has this Expression, to our present Purpose, that the King called a Great many of his NOBLES to it.

1276. Sect. 99.

Nor does the next afford any Remark as to this Point. But by the [2] *Mandate* for a *Convocation*, the *Morrow* after *Hillary*, it appears, that the *Clergy* had some-time before met at *Northampton*, where not having finish'd their Business, they were again Call'd to *London*, at this time, to make an End of it. The Persons cited to this Meeting were the *Bishops*, with some of the *Greater Members* of their *Chapters*, the *Archdeacons*, and *Proctors* of the *Diocesan Clergy*: No *Regulars* Summon'd; Nor any *Deans*, or *Priors*, of the *Cathedral Churches*, Called to it.

[1] *M Westmin.* p. 408.

1277.

[2] See it in the Appendix. *Anno* 1277.

Three Weeks after the *Easter* following, the King held his *Parliament* at *London*; but whom he summon'd to it, is not said: Nor do our *Historians* tell us who were Cited to that at *Gloucester* on the *Octaves* of St. *John Baptist* after. But in the [3] *Statute* of *Westminster* the 2*d Anno* xiii of this King, a distinct Account is Given us of them; "*Rex* in xv[a] St. *Johan. Baptist. Anno Regni sui* vi[to] *convocatis* "*Prælatis*, *Comitibus*, *Baronibus*, *& Concilio suo*, *apud Glouc*estre, &c. which plainly shews that none of the *Lower-Clergy* were call'd to this *Parliament*, or had any thing to do in the *Statutes* that were made in it.

1278.

[3] 2*d* Institut. fol. 331.

There was yet a [4] *Third Parliament* held at *London* about the Middle of *October*; but the Members of it are not mentioned. And by a [5] Summons sent to the *Bishop* of *Worcester*, to be with the *King* at *Windsor* upon *Christmas Eve*; there seems to have been either another *Parliament*, or *Council*, held there: But having no further Account of it, I shall not insist any longer upon it.

[4] Annal. *Waverl.* p. 233. Annal *Wigorn.* p. 502.

[5] Regist *Giffard.* fol. lxxxiii.

About the End of *July*, the *Pope* having advanced the *Archbishop* of *Canterbury* to the Dignity of *Cardinal*, and *Bishop* of *Porto*, He took a Solemn leave of his Brethren in a *Synod* of his *Provincial Bishops*, and did no Other Business that we Read of in it. [6] To Him succeeded, by *Papal Provision*, the famous *John Peckham*, who was no sooner come into *England*, but He called a *Provincial Synod*, and published his *Provincial Constitutions* in it. And this being all he designed in this *Synod*, [7] He cited only his *Suffragan Bishops* to it; as by his *Mandate* dat. *June* the 12*th.* does evidently appear.

1279. Sect. 100.

[6] Chron. *Tho. Wykes*, p. 107.

[7] Append. ad Ann. 1279.

At *Michaelmas* following the *Parliament* met; and the *Archbishop* being called to Account for his late [8] Acts in his *Synod* at *Reding*, was forced to Retract some part of his *Provisions*, and to consent to the Repealing and Annulling of them. In the same *Parliament* was the famous Statute of *Mortmain* made, "*de communi*, "*Consilio & Assensu* PROCERUM, says our [9] Historian: The *King*, the *Bishops*, and *Princes* of *England* came together, and establish'd it; so [10] *Mat. Westminster.* But the Record it self as it is the most Authentick, so is it the cleareſt Evidence of the *Members* of this *Parliament*; [11] We says the King, by the Advice of the *Prelates*, *Earls*, and *Other Faithful* of our *Kingdom*, being of our *Council*, have Establish'd.—— And who they are, whom that Phrase denotes, has been Sufficiently seen before.

[8] *Claus.* 7. *Edw.* I. *m.* 1. *dors. Revocationes Provisionum Concilij Reding: Apud Prynn Records.* Vol. III. p. 235.

[9] *Tho. Wykes*, Chron p. 109. Comp. Annal. *Waverl.* p. 234.

[10] *M. Westmin.* ad Ann.

[11] *Apud Prynn.* Records. Vol. III. p. 235.

At this *Parliament* the King seems to have demanded an *Aid* of the *Clergy*. [12] To comply with whose Desire, the *Bishops* agreed that at their next Meeting after *Hilary* they would give him their Answer as to this Matter; And, in the mean time, (*a*) Every *Bishop* should call his *Clergy* together, and dispose them to a liberal *Aid* to the King, as soon as the time of the *Tenth*, then Running, should be expired: And that they should either by their *Bishops*, or the Proctors of their *Bishops*; or else by *Proctors* of their own sent on purpose for this End, (as the *Bishop* should think Expedient) let the *Archbishop* know, at his *Council* after *Hilary*, what they would Give. To remind the *Bishops* of this, the *Archbishop* sent out his *Mandate* to the *Bishops* of the Province to do their Duty Effectually herein, and to make them the more Careful and Vigorous in their Endeavours, the King seconded it, with *Letters* of his own, sent in like manner, to every *Bishop* for the same End.

[12] See the Appendix. *Anno.* 1279.

(*a*) Regist. *Giffard. Wigorn.* fol. 100. 101.

Whether the Archbishop acted sincerely with the King in this Matter, and could not prevail with his *Clergy*; or whether, as our *Historians* seem to intimate, he had no mind to Grant what the King desired; I cannot pretend to judge. But so it was, that the *Clergy*, being met at *Hilary*, either came to no Resolution about it, or the *Archbishop* gave not in their Resolution to the King. [13] For it was not till the *Parliament* after *Easter* that He agreed to a *Fifteenth* for *three Years*, as our Historians inform us, and the [14] *Records* of the *Archbishop* plainly imply as much.

[13] Chron. *Wykes.* p. 110. *Petrus de Rokham*, & *Walt. Hemingford*, M. S.

[14] Regist. *Peckham* fol. xxv. a.

K. EDWARD *the* Ist.

[1] Regiſt. *Wickwaine.* fol. xi. *b.* xxxix. *a.* lxxxiii. *b.* Sect. 101.

[2] Rights, *&c.* p. 10.

What the Method was which was taken in the *Other Province* for this Affair, I cannot tell; but do think that there alſo it was tranſacted wholly in the *Dioceſan Synods*. Of that of *York*, the Caſe is clear; [1] The Clergy met at *Pontfract*, and Granted a *Tenth* to the King; thoſe of the *Archdeaconary* of *Richmond* Excepted; as by the *Inſtruments* themſelves yet Remaining, does plainly appear.

But before I leave this part of our Hiſtory, I muſt take Notice of one Capital *Error*, ſo often Repeated by [2] Dr. *A.* and employed to ſo many Purpoſes by Him, that one would think he ſhould have been very ſecure of the Truth of a Fact which He intended to lay ſo Great a Streſs upon. That which he Affirms is this, that it was agreed in the *Council* at *Reading* that the *Clergy* of the *Dioceſe* ſhould appear (not by their *Arch-deacons*) but by two *Proctors* of their Own, which (ſays he) I ſuppoſe, has ever ſince been Conſtantly Practiſed.

This p. 10. * He applies to their *Synodical Meetings*, and that not only as to their *Repreſenting* of the *Clergy*, but for a Power of *Treating* with the *Biſhops*, p. 11. * Pag. 38. He proves by it another Point; Of the *Clergys Cuſtomary Meeting* in *Convocation*, at the ſame time that the King held his *Parliament*. An Aſſertion as falſe, as the Proof of it is feeble and fallacious. * Pag. 39. He cites it to ſhew that the *Numbers* of the *Lower-Clergy* Called by the *Archbiſhop* to his *Parliamentary Convocations*, had born ſome Proportion all along to thoſe of the *Lower Laity*, called at the ſame time to *Parliaments*. * Pag. 219. 220. He finds out no leſs than three ſeveral *Reaſons*, why the *Archbiſhop* ſhould, at this time, make ſuch a *Conſtitution* in this *Synod*. * Pag. 303. He affirms that the *Conſtitution* of *Reading* (ſo often Cited) firſt made *diſtinct Proctors* for the *Rural Clerks* of every *Dioceſe*, a fix'd and neceſſary part of the *Clergies Parliamentary Aſſemblies*; that this was done not as a *Priviledge*, but a *Burden* to the *Clergy*; Who were more Eaſy, as to their Charges, while the *Arch-deacons* were Commiſſioned to Act for them.

And now, would One not think, that Dr. *A.* ſhould have been well aſſured that ſome ſuch *Conſtitution* as this had certainly been made in the *Council* of *Reading*? And yet, after all, it is clear, even to Demonſtration, that no ſuch thing was thought of in that *Synod*. I inſiſt not upon the other *M. S. S.* of theſe *Conſtitutions* tho' I have Examined ſeveral of Good Antiquity, and not found this *Chapter* in any One of them. I appeal to a Tranſcript made the very ſame Year, and probably within few Weeks, after that *Synod* met; That of the [3] *Regiſtry* of *Worceſter*: which preciſely contains thoſe Conſtitutions, and thoſe only which have been publiſh'd in Sir *William Dugdale*'s *Copy* of that *Council*; and wants all thoſe Additional *Articles*, which the *Editor* of it, to whom Dr. *A.* Referrs, has (I know not by what Authority) Connected to the true *Conſtitutions* of it.

[3] Regiſtrum *Giffard.* fol. lxxxix.

It was both the *Law*, and *Practiſe* of thoſe *Times*, for the *Biſhops* within a certain Term after the End of every *Provincial Council*, to Aſſemble their *Clergy*, and to *Publiſh*, or cauſe to be *Publiſh'd*, the *Conſtitutions* made in theſe Provincial *Synods* to them. This Order the *Archbiſhop* in Effect Renew'd in this very *Synod*, *Cap. de ſenten. Excomm. publ. denunciand.* which ought to be placed (as in the *Regiſter* of *Worceſter* it is) in the *Cloſe* of the *Acts* of this *Council*. Now as we cannot doubt but that for this End every *Biſhop* had a *Copy* of the *Conſtitutions* which were here made, to carry, or ſend into his *Dioceſe*, ſo we may venture to conclude that the *Copy* Entred this ſame Year, and that within ſix Weeks after the *Council* was ended, into the *Regiſter* of the *Biſhop* of *Worceſter*, [4] was taken from that which He brought with him to *Publiſh*, or Cauſe to be Publiſhed, in that *Dioceſe*. Here therefore we have an Evidence, beyond denial of the Falſity of Dr. *A*'s. Suppoſition; *viz.* That the *Council* of *Reading* made any ſuch Appointment as he, ſo often, deſcants upon: And then the Foundation failing, all his Imaginary Reaſons for the making of it, and a Great part of his Conſequences too which He builds upon it, muſt fail alſo.

[4] Regiſt. *Giffard.* fol. 92. b. *Quæ autem a Nobis in præſenti Ordinata fuerint, vel adjecta Concilio ſupraſcriptis, BIS in ANNO, videlicet in duobus Capitulis Generalibus ſingulorum Archidiaconorum, præcipimus* Singulorum Auribus INCULCARI.

When this *Conſtitution* was truly made, has been probably enough conjectured by a * Learned Writer on this Subject. To that I Referr Dr. *A.* Only I muſt beg leave to add, that before I allow of any ſuch Uſes as he pretends to make of it, I muſt ſee it better proved than yet it has been, that any ſuch *Conſtitution* was made even then, when that Other Author ſuppoſes it to have been: For hitherto I have not found it in any Mſ. Copy that I have Examined, of our *Provincial Conſtitutions*.

* Dr. *Kennet.*

It

It is plain then that there was no such *Conſtitution* publiſhed in the *Council* of *Reading* as Dr. *A.* pretends; I add, that neither did things paſs that Year ſo, as, in Conſequence of this ſuppoſed *Conſtitution*, He would make us believe that they did. [1] Dr. *A*'s. Scheme is this; "that the Council of *Reading* order'd that "two *Proctors* ſhould be *Elected* by the *Clergy* of every *Dioceſe*, and ſent up to "*Repreſent* them in the next *Congregation* of the *Clergy* to be held with the *Next* "*Parliament*: And from thenceforward he takes it for Granted that ſuch "*Proctors* were conſtantly Returned to all the *Clergies Parliamentary Meetings*; and therefore to be ſure to the next of all, to which, if he be in the Right, they were particularly Summon'd.

EDWARD the Iſt. Sect. 102.

[1] Rights, &c. p. 219. 220. Compare, 303.

The Words of the *Conſtitution* are theſe, *Duo Electi ad Minus*, that *two* at *leaſt* ſhould be *choſen* by the *Clergy* of every *Biſhoprick*: The *Number* was not yet fix'd, as neither was it intirely ſetled a long time after. Dr. *A.* therefore is again in the Wrong when He repreſents this as the Stated meaſure, and manner of *Repreſenting* the *Clergy*; which the very Words of the *Conſtitution* ſhew was but now *beginning* to be pitch'd upon; and not yet brought to any Certain or Regular *Proportion*. * And himſelf Obſerves that above ten Years after, *Anno* 1290 more than two were, if not directed to be ſent to the *Synod* at *Ely*, yet at leaſt were Allow'd to be deputed thither.

* Rights, &c. p. 39.

But his Hiſtory is more faulty: For at *Michaelmas* the *Parliament* met, and the *Biſhops* and *Prelates* came, as uſually, to it. But the *Lower-Clergy* were not there, either in *Parliament*, or *Convocation*, as the *Hiſtory* of what paſs'd there does manifeſtly declare. [2] Now that the *Archbiſhop* in his Letter dated *November* vi*th.* (immediately after this *Parliament*) clearly ſhews: where he Recounts how that the *Laity*, in *Parliament*, had Granted a *Subſidy* to the *King*; that the *Biſhops* had ſet an Example in this Matter to their *Clergy*; and therefore Requires his *Suffragans* to Call their *Clergy* together in their ſeveral *Dioceſes*, and to Excite them to a liberal Contribution. All which had been utterly needleſs, had the *Convocation* been ſitting at the ſame time with this *Parliament*; and ſo the *Proctors* of the *Clergy* been there, in a Readineſs to have done that together in their *Provincial Council*, which was here Required to be done by Every *Biſhop* in his *Dioceſan Synod*. But I proceed:

[2] *Regiſt. Peckham.* fol 165. *a. Append. ad Ann.* 1279.

The account of what the *Clergy* would do, was Order'd to be ſent to the next *Provincial Council* after *Hilary*, by the *Biſhops* of the *Dioceſe*, or by ſpecial *Proctors* of their *Own* deputed for this End, to make Report of their Reſolution in this Particular. It does not appear which of theſe the *Clergy* Choſe: but having declined to Grant any thing that time, 'tis moſt likely they left it to their *Biſhops* to make a Report of their Refuſal.

Upon this, the *Archbiſhop* and *Biſhops*, (at that *Synod* as I conceive) agreed to have the *Clergy* Call'd again together, and that their Anſwer ſhould now be Return'd to the next Parliament, which was to meet after *Eaſter*. *Anno* 1280. So the [3] Archbiſhop ſpeaking of their Grant Implies; And our *Hiſtories* tell us, that then the *Archbiſhop of Canterbury*, *pro ſe*, *& Clero*, Granted a xv*th.* for three Years to Come. Yet it does not appear that the *Clergy* were either at that *Parliament*, or aſſembled in *Convocation* during the time of the *Parliament*, any more than they had been the *Michaelmas* before.

1280.

[3] *Regiſtrum Peckham*, fol. 25. *a.*

As for thoſe of the Other Province, The Clergy of *York* met in their *Dioceſan Synod*, *February* 9*th.* and there agreed to a Benevolence. The [4] Other *Biſhopricks* probably did likewiſe; ſo that to be ſure they *Attended* not upon either the One, or Other, of theſe *Parliaments*.

[4] *Fin.* 9. *Edw.* 1. m. 14. *de Decima Colligenda. Prynne's Records.* iii. Vol. p. 275.

Dr. *A.* then is utterly out in his firſt *Attempt* to bring the *Proctors* of the *Lower-Clergy* to his Imaginary *Parliamentary Convocations*. [5] What that *Aſſembly* was, which was Order'd to meet at *Lincoln* ſome time before *Chriſtmas*, this ſame Year, *Jo. Everſden* tells us: It was for the Conſecration of the *Beſhops* of *Lincoln*, and St. *David*, which was ſolemnly perform'd there.

[5] *Regiſt.* Giffard. *Wigorn.* fol. 108. *a.* 1281.

Sect. 103.

Upon the vii*th.* of *October*, the next Year, the *Archbiſhop* of *Canterbury* held his *Provincial Council* at *Lambeth*, and ſummon'd not only the *Biſhops*, [6] but the other *Prælates* of his *Province*; the *Deans* of *Collegiate* and *Cathedral Churches*, with the *Proctors* of the *Chapters*, to it. But to the utter Ruine of Dr. *A*'s. *Hypotheſis*, the *Dioceſan Clergy* were Omitted: as all the Others had been, in the *Council* of *Reading*, but two Years before. To this *Council* the [7] *Regulars* refuſing either to *Come* in *Perſon*, or to ſend their *Proctors*, were order'd to be ſeverely puniſh'd for their *Contumacy*, by the *Archbiſhop*. How his Order was Executed in

[6] *Regiſt. Peckham.* fol. 175. 176. *Vid. Append. ad Ann.* 1281.

[7] *M. Weſt. ad Ann.* 1281. *Append. ad Ann.* 1281.

EDWARD the Ist.

in the other *Dioceſes*, we may in ſome Meaſure judge by the Return which was made to it by the Biſhop of *Worceſter*; which becauſe it is a Curioſity that I have not elſewhere met with, I ſhall offer it to the Reader in my *Appendix*.

This *Synod* was hardly over, before a new Occaſion was given to the *Archbiſhop* to Summon another. Upon [1] *December* the 27*th* He received an Order from the *Pope*, to uſe his utmoſt Endeavours with the King for the Enlargement of *Almaric* de *Montford*. In Order thereunto He the very next day iſſued out his *Mandate* for an Aſſembly of his *Suffragan Biſhops* to be held at *London*, three days after the *Purification*. To this none but the *Provincial Biſhops* were Summon'd: Neither the *Inferior Prelates*, nor *Dioceſan Clergy*, were called to it. Not long after this, a *Third Congregation* was appointed to meet at *Lambeth* upon the *Saturday* next after the *Jubilate*, or *Third Sunday* after *Eaſter*, *April* the 25*th*. [2] The Buſineſs of this was to Regulate the Uſurpations made upon the *Biſhops Authority*, by the *Judges* and *Officials* of the *Archbiſhops Courts*. Several Projects were drawn, and a Conſtitution to that Purpoſe was agreed upon there. [3] But by ſome means or other it remain'd Unſealed, and was not publiſh'd for many Years after.

1282.

In the interval between theſe two *Synods*, the *Archbiſhop* ſeems to have been abroad upon his *Provincial Viſitation*. A little before this laſt met, the Troubles of *Wales* breaking out, the King ſent a [4] Letter to the *Archbiſhop*, being then in the *Dioceſe* of *Exeter*, to haſten his *Biſhops* to this *Aſſembly*, and therein to do what He deſired of them. What they did in Purſuance hereof, I have not yet been able to diſcover. [5] Moſt likely it is that the Expedition of the Archbiſhop into *Wales*, and the *Excommunication* of *Llewellin* Prince of *Wales*, were concerted in this meeting: For the 25*th* of *April*, this *Synod* was held at *Lambeth*: The 2*d*. of *May* the *Sentence* of *Excommunication* paſs'd upon *Llewellin*, was publiſh'd, and ſent to the *Biſhops* of the *Province* of *Canterbury*; As by the Copy of it ſtill remaining in the *Regiſter* of the Biſhop of *Worceſter* does appear.

The King was now proceeding upon his Expedition into *Wales*: (*a*) He had order'd all which ow'd him Service to be ready to attend upon him at *Rothelan* Caſtle, *Auguſt* the 2*d*. But before that, He held his *Parliament* at *Worceſter*, *June* the 24*th*. To it he called his (*b*) *Proceres* or *Barons*, to deliberate about the *War* which He was then entring upon. (*c*) Beſides theſe, there was the *Communitas Regni* too; ſo the *King's Writs* relating to this *Parliament* tell Us. And by their Common-Advice, He proceeded upon that troubleſome Undertaking.

The *War* of *Wales* being thus begun; and the *Archbiſhop* himſelf being ſtill in thoſe Parts, (as by a [6] *Sentence* of *Excommunication* dated at *Rothelan* ii *Id. Novembr.* this year appears) Upon the 22*d* of the ſame Month the King iſſued out his [7] *Writs* to the *Archbiſhops* to Call together their *Suffragan Biſhops*, with the *Abbots*, *Priors*, and other *Heads* of *Religious Houſes*, and the *Deans* and *Chapters* of the *Cathedral* and *Collegiate Churches* within their Reſpective *Provinces*, to meet the One, at *Northampton*, the Other at *York*, on the *Octaves* of *Hilary*; there to treat with the King, or ſuch *Other Perſons*, as He ſhould ſend thither in his ſtead. This *Writ* the *Archbiſhop* of *Canterbury* not only Executed, but inſerted it at large into his *Mandate*, dated at *Hereford*, ivto. Id. *Decembr.* Here now we have a proper *State-Convocation*, and yet no [8] *Proctors* of the *Dioceſan-Clergy*; not ſo much as the *Archdeacons* called to it. To this *Congregation* the King deputed his *Commiſſioners*, the Earl of *Cornwall*, the *Abbot* of *Weſtminſter*, (who was at that time his *Treaſurer*) and the *Archdeacon* of *Coventre*, by his *Letters* dated *January* the 5*th*. *Regni* xio. But the Aſſembly being but thin, they would not Grant any Aid to the *King* then; but reſolved that the [9] *Archbiſhop* ſhould Call another *Meeting*, wherein they would Return their Anſwer to what had been demanded of them.

1283.

In purſuance of this Reſolution, the very next day after the Riſing of that Aſſembly, the *Archbiſhop* iſſued out his *Mandate*, dated at *Northampton*, *January* the 21*ſt*. for a [10] ſecond Meeting at the *New Temple*, *London*, three Weeks after *Eaſter*; *Anno* 1283. To this he cited all his *Suffragan* Biſhops; with the *Abbots*, *Priors*, and Other Heads of *Religious Houſes*; the *Deans* of *Cathedral* and *Collegiate Churches*, and the *Arch-deacons* to appear before Him. As for the Other *Clergy*,

[1] Regiſt. *Peckham*. fol. 64. b. Append ad Ann. 1281.

[2] Regiſt. *Giffard. Wig.* fol. 132. a. 133. *Concil. Spelm. Tom* 2. p. 346. Regiſt. *Dalderby Linc.* fol. 62.

[3] Regiſt. *Peckham*, fol. 46, &c. —*Adnot.* in Marg. '*Iſta* '*litera licet* '*fuerit conceſ-* '*ſa communi* '*Conſilio Ar-* '*chiepiſcopi &* '*ſuorum, non* '*tamen fuerit* '*ſigillata, nec* '*Emanavit* '*ad alios: ſed* '*uſq; ad* xii. '*Ann Ordina-* '*tionis Archie-* '*piſcopi manſit* '*quaſi perdita* '*in Archivis.*

[4] Regiſt. *Peckham*, fol. 99. a.

[5] Regiſtorum, *Giffard, Wigorn*, fol. 140. b.

(*a*) Regiſtr. *Giffard: Wigorn*, fol. 142. a.

(*b*) Chron. *Wykes*, p. 110. Annal. *Wigorn*, p. 506.

(*c*) *Rot. VVall.* 11. *Edw.* I. *m.* 4. *dorſo*. See Dr. *Brady* Hiſt. Vol. ii. Append. p. 3.

[6] Regiſt. *Giffard. Wig.* fol. 154. b.

[7] Regiſt. *Peckham*, fol. 82. b. Append. ad Ann. 1282.

[8] Regiſtrum *Peckham*, fol. 101. b. '*Edw.*—— *Ven. in Chriſto Patribus* Jo. *Eadem Gratia* Cant. Archo. —— 'Epiſcopis, Abbatibus, Prioribus, *&* *Aliis dominorum Religioſarum* Præfectis; Decanis, Capitulis *Eccleſiarum* 'Cathedralium *&* Collegiatarum *de* Prov. Cant. *&* *Eorum* Procuratoribus, *apud* Northampton, *&c.* *Con* 'vertis

[9] *Regiſtr. Peckham*, fol. 83. b. Append ad Ann. 1283.

[10] Ibid.

Clergy, a Particular Proviſion had been made in the Meeting at *Northampton* with Reſpect to them: "That the *Biſhops* of every *Dioceſe* ſhould ſome convenient Time before their next Meeting call together the *Clergy* of their Reſpective *Dioceſes*, and acquaint them with the King's Demand; that ſo at the *Time* and *Place* appointed, the *Dioceſan Clergy* might appear by *two Proctors*, the *Cathedral* and *Collegiate* by *One*, ſufficiently inſtructed and impower'd to Act for them.

Being thus Aſſembled the Second time, in a *Full-Convocation* of the whole *Clergy*, of the *Province*; the [1] *Annals* of *Worceſter* tell us that the *Archbiſhop* and his *Suffragans* promiſed the King a Certain Sum of Money to be provided by them. But that the *Religious* and *Clergy* delay'd their Anſwer till *Fifteen-Days* after *Michaelmas*, when they were to meet again for that Purpoſe. And true it is that they were Summon'd again at that time to *Convocation* for ſuch an End. But then by the *Orders* of the *Archbiſhop*, to this Effect, the Caſe ſeems to have been thus. [2] That upon the laſt day of the *Convocation* after *Eaſter*, the *Clergy* being Called to *Lambeth*, agreed to the *Triennial Diſme* which the King had at firſt demanded of them at *Northampton*: But demurr'd upon that farther Aid which he had now, at this Meeting, Required of them; becauſe that being not before acquainted with it, they had *Received* no *Inſtructions*, nor brought any *Powers* with them, concerning it. For this Cauſe it was agreed by the *Archbiſhop*, with the advice of his *Suffragan Biſhops*, that they ſhould meet again at the *New Temple*, *London*, three Weeks after *Michaelmas*; and that then the *Proctors* of the *Chapters* and *Clergy* ſhould again come, as they had now done.

This ſpecial Order, and Reſolution, I take to be that which Dr. *A.* has ſo often, and Erroneouſly put upon the World, for a General *Conſtitution* of the *Council* of *Reading*. The time of their Aſſembly drawing on, to the End the *Clergy* might be the better prepared for it, on the *6th.* of *Auguſt* the *Archbiſhop* iſſued out a [3] ſecond *Mandate*, to require his *Suffragans* to call together the *Clergy* of their *Dioceſes* to treat upon this New Demand of the King; that ſo when they met, they might preſently Come to a Reſolution concerning it. By this Conduct the King ſeems to have Gain'd his Point here again: For both [4] our Hiſtorians tell us, that about this time a xx*th. Part* of all their *Eccleſiaſtical Revenues* was Granted to the King by the *Province* of *Canterbury*, according to the *Norwich Taxation*; and the King's [5] *Writ* to the *Archbiſhop*, dated *January* the 28*th* 1284: to pay in the firſt Product, due the 11*th* of *November* before, more ſtrongly confirms, that it was Granted in this *Convocation*.

About the ſame time, or not long before this laſt Aſſembly of the *Clergy*, the King held a *Council* at *Shrewsbury*, and called to it the [7] "*Majores Regni ſui, & Sapientiores, tam de Civibus, quam de Magnatibus*, as *Wikes* relates it. There *David*, Brother to *Lewellin* Prince of *Wales*, was "*per Potentiores Angliæ* judged to Death. This Dr. *A.* may fancy to be a Lucky Conjunction; that a *Parliament* ſhould meet at *Shrewsbury*, and a *Convocation* at *London* ſo near to One Another. But tho' this would be a Matter of no Great Moment, if it were true; yet indeed it was not ſo: That Aſſembly at *Shrewsbury* was only a *Lay-Court* for the *Tryal* and *Condemnation* of that Unfortunate *Prince*; not a *Great Council* of the *Nation*, for the *Publick Affairs* of *State*.

It is more to be conſider'd, that, about the ſame time, as our *Hiſtorians* inform us, the *King* held his *Parliament* at (†) *Acton-Burnell*; where the *Statute* denominated from thence was made; and thereby proves this to have been ſuch a true *Parliament*, as the Other, at *Shrewsbury*, was not. This ſame Year the *Laity*, as well as *Clergy*, Granted a (*) Subſidy to the King; whether at this, or at what Other Meeting, our *Hiſtorians* do not ſay.

Having thus endeavour'd to give the beſt Light I could to the Perplex'd Hiſtory of theſe three Years, let us now ſee what Account Dr. *A.* has, after his manner, preſented us of them.

In the beginning of the Year 1281, *April* 1*ſt.* he tells us "the *Kings* and the *Archbiſhop's Authority* were jointly, and interchangeably Employ'd (in calling the *Clergy* to *Convocation*.) The Archbiſhop ſignifying the Kings pleaſure in his *Letters Mandatory* to the Clergy, and the *King*, on the Other ſide, Executing the Archbiſhops *Mandate*, by his Own Miniſters. The Caſe he ſays was thus. The *Biſhops* [and their CLERGY] were Summon'd to a *Synod* at *London* by an *Injunction* from the *Archbiſhop*, in which they were commanded alſo to meet "at

[1] Annal. *Wigorn.* p. 507.

[2] Regiſt. *Peckham*, fol. 84. 85.

[3] Regiſt. *Peckham*, fol. 87. a.

[4] *Everſden.* ad Ann. *Heming.* M. S. *Nic. Trivet.* ad An. *Walſingham.* p. 475.

[5] See *Pryn.* Records, Vol. iii. p. 347 *Comp. Brev. direct. Epiſcopo. Wigorn. dat. vi Kal. Martij* 1284. *Giffard*, fol. 224.

[6] *Mat. Weſtm.* p. 411. *Annal. Waverl.* p. 238.

[7] *Chron. Tho. Wykes*, p. 111.

(†) *VValſ.* p. 475. *Annal. VVigorn.* p. 507. *Nic. Trivet. ad Ann.* 1283.

(*) *Annal. VVig* p. 507. *Nic Trivet. ad Ann. VValſ. Hyp. Neueſt.* p. 475. *Hemingf.* M. S. &c.

1281. Sect. 104.

K. EDWARD the Ist. "at ANOTHER TIME, and PLACE, appointed by the King. And that they might "be sure so to do, LETTERS of CITATION are directed (not to the *Bishop of* "*London*, but) to the *King* himself, to be by him Communicated to the seve- "ral *Bishops* by Royal Messengers. This odd president we have an Account of "in the *Register* of *Peckham*. The Citatory Letters are dated: *Kal. April* "1281.

Of this Letter I have met with two Copies; One that of the *Archbishop's Register*: The Other out of a Volume of *Peckham's Letters*; but could never till now find out the Year of it. The *Kal. April* I read indeed in the *Register*; but as for 1281. Dr. *A.* has I doubt by pure Invention added that; and, by Ill-luck, very Erroneously to it.

[1] See the Letter, Append. *Anno* 1282.

The Substance of this [1] *Letter*, which Dr. *A.* makes such a Mystery of, is, as far as I can discern, no more then this. The *Archbishop* had some time before Summon'd his *Suffragan Bishops*, (for as to the Addition AND THEIR CLERGY, 'tis like the Year, intirely Dr. *A*'s Own, nor is there in the Letter the least Ground for it) to a *Congregation* at *London*, three Weeks after *Easter*. The *Archbishop* was at this time at *Clyst*, in his Visitation of the Diocese of *Exeter*; when he received a Letter from the *King*, informing him of the *New Troubles* that were just then broke out in *Wales*. These began in the *xth* Year of this *King*: [2] *Lewellin* having on *Palm-Sunday* surprised the Lord *Roger Clifford*, the *Kings Justitiary* there, and sent him Prisoner to *Snowdon*. Now this fixes the date of this Letter, to *April 1st*. 1282. And to the same time the Order of the *Archbishops Register*, which is very accurate, agrees. The *King* had (it seems) somewhat to be done at this Meeting which made him very desirous to have it as *full* as was possible. He therefore *Wrote* to the several Bishops of the *Province* himself; and he insinuated to the *Archbishop* after what manner He would have him also *Write*, upon this fresh Occasion, to Them. The *time* of their *Meeting* was very near; and the *Archbishop* thought that his *Letters* would be more quickly dispatch'd, and come more certainly to them, if they were Carried together with the *Kings*, to the several *Bishops*, by the Kings Messengers, than if he sent them by the Usual way, of a *Mandate* to the Bishop of *London*; to be by him Communicated to the rest of his *Suffragans*.

[2] Dr. *Brady's* Hist. Vol ii. p. 9.

Here now is all the Mystery, which Dr. *A.* makes such a work of: The *Archbishop* back'd his first *Mandate*, with a fresh and Earnest Order, after the manner that the *King* desired. The *King* join'd his *Own Letters* to the *Archbishops*; and by his *Messengers* conveyed both the One, and the Other, to the *Bishops*. [3] The *Bishops* accordingly met at *Lambeth* on the *Saturday* after the *Jubilate*, or Third *Sunday* after *Easter*, according both to their first *Summons*, and to their *Repeated Orders*. There the *Constitution* which I before mention'd, was made for Regulating the *Archbishops Courts*, which is still Extant in the *Archbishop's Register*; and has from thence been publish'd in the *Second Volume* of Our *English Councils*.

[3] *Regist. Gifford, Episc. Wigorn*, fol. 133. 134. *Regist. Peckham*, fol. 46. b. 47. b.

But [4] Dr. *A.* goes on, and improves this *first Error*, with a *second*. "And "the same formality (says He) I suppose, was used in Convening the *Clergy* "of *York Province*, who met about this time at *York*, as appears from a *Writ* ex- "tant in *Prynn*, impowering the *Bishop* of *Carlisle* to *Collect* the *Tenth* of his Own "*Diocese*; Granted at that *Provincial* Assembly. How that *Tenth* was Gran- ted, the *King's Writ* does not expresly determine. But by Commanding the *Bishop* to Collect it in his *Dioceſs*, "*Juxta formam Concessionis nobis inde factæ a* "*aliis Dioceſibus Eborum Provinciæ*, does seem to imply, that this *Tenth* was Granted, as the Others before had been, by the *Clergy* in their *Diocesan Synods*, and not in any *Council* of the *Province* Assembled together for that Purpose.

[4] *Rights*, &c. p. 221.

Dr. *A.* therefore must first shew us some *Authority* for the *Meeting* of such a *Synod* at all, before he must expect to gain Credit with us that it was Assembled in any such *Extraordinary* way as he supposes. In the mean time, it may suffice to observe, that the King might have Other Designs to serve in the Meeting of the *Bishops* of this, than in that of the *Other Province*: and the *Archbishops Expedition* soon after into *Wales*, to compose Matters there, and his Solemn *Excommunication* of *Lewellin*, and his Brother *David*, before-mention'd, may Give us just a Ground to believe that He had.

"The next Year the King holding his *Parliament* at *Northampton* command- "ed the *Archbishop*, by *Writ*, to Summon his *Clergy* thither. This again is

intire

intire New *Hiſtory*: The King held no *Parliament* at *Northampton*, but only Summon'd a *Provincial Aſſembly* of *Biſhops* and *Prelates*, and the *Cathedral* Clergy there. To account for the Omiſſion of his Friends, the *Dioceſan Clergy*, Dr. *A.* goes on upon pure *Invention*; "that it may be theſe were by a *Particular Writ* "to be applied to afterwards, and Requir'd to follow the Pattern which the "*Superior Clergy* ſhould ſet, according to the way ſometimes practiſed in for- "mer Reigns. Should I ask him whether this was done, His Anſwer would be, that the *Superiour Clergy* not giving any thing, there was no Room for the *Inferior* to be Aſſembled; and the *Reſolution* there taken of Calling Both toge- ther, after *Eaſter*, (as I have ſhewn) ſuperſeded the Neceſſity of it. It is a Great Sagacity that ſome Men have to diſcover the *ſecret Deſigns* of Courts and Princes, at above 400 Years Diſtance. In the mean time, here we have a *Convocation* without any of the *Dioceſan Clergy*; who, therefore, as yet were not thought any *Neceſſary Members* of it. But he goes on: "And yet at the *Synod* "called on the ſame Occaſion by the *Archbiſhop* of *York* in his *Province*, we find "the *Dioceſan Clergy* appear'd; and which is very Remarkable, the *Laity* of "*York Province*, under *Barons*, had alſo their *Summons* to the ſame *time* and *place* "with the Clergy. K. EDWARD *the 1ſt.*

What a ſtrange Confuſion does this Author make of theſe Aſſemblies? A *Synod* Called by the Archbiſhop of *York*, of *Biſhops*, *Abbots*, *Priors*, *Chapters*, of *Cathedral* Churches; the *Dioceſan* Clergy, with all the Free-men, Knights and Communities, and *All Others* of EVERY COUNTY beyond *Trent*, Summon'd to the *ſame time and place with them.* This is as odd a *Council* in *One Province*, as he had before made a *Parliament* in the Other. But what then ſhall we ſay? Does not the *King's Letter* mention all theſe? I agree it does; the *Dioceſan Clergy* Excepted; who being neither mention'd in the *firſt Summons* of *November* the 22*d*; Nor in the *Letters* of *Credence* ſent into the *Biſhoprick* of *Durham*, no nor yet in this, as all the Others, (*Biſhops*, *Abbots*, *Priors*, and *Proctors* of the *Cathedral Churches*) are, neither do I take them to have been meant, by the *Communitas Cleri*; which I look upon as a *General Phraſe*, and deſign'd to referr to the whole *Body* of the *Clergy*, not to ſpecify the *Proctors* of the *Dioceſes*, as *diſtinct* from the Other *Orders* before ſpoken of. It is in this Caſe, as in the Other of the *Laity* which immediately follows in the ſame *Writ*; where having particularly men- tion'd *Knights*, *Free-Men*, *Communities* (of *Burroughs* and *Towns*) it adds, "Et "*Omnibus Aliis* de ſingulis *Comitatibus* ultra *Trentam*. Now the ſame that *Om- nes Alij* ſignifies on the one ſide, I conceive the *Tota Communitas Cleri* denotes on the Other. It is a General Expreſſion relating to the *whole Body* of the *Clergy*, as the Other apparently does to the whole *Body* of the *Laity*. The one was no more intended to ſtand for *Proctors* of the *Clergy*, than the Other to import the *Repreſentatives* of I know not whom, of the *People*. And therefore in the *Writ* to the Biſhoprick of *Durham*, where all the reſt, both of the *Clergy* and *Laity* are again ſpecified as before, theſe *General Words* are on both ſides Omitted: There is no *Omnes Alij* of the One; Nor *Tota Communitas* of the Other. In ſhort; the *King*'s WRITS Summon'd the ſame Perſons, in both *Provinces*: In neither were the *Proctors* of the *Clergy* call'd; nor could they therefore be conſidered by the *King* as *Legally Preſent* in either. Since therefore His *Letters of Credence* were ſent to thoſe only whom his *Writs* of *Summons Cited* to Appear; We muſt interpret the *Expreſſions* of the *Former*, by the *Terms* of the *Latter*; and not make the King apply himſelf to any in the *One*, but ſuch only as were *Called* to be preſent by the Other.

But not to inſiſt any longer upon this Point, which, but for the ſake of Truth, I am very little concern'd in. What ſhall we ſay to the Metting it ſelf? Was it a *Synod* or *Parliament?* Or what kind of *Aſſembly* was it? A *Parliament* it could not be; becauſe it was an *Aſſembly* only of ſome of the *Northern Counties*, not a *Convention* of the *Whole Realm*, as all *Parliaments* ought to be. Neither was it a *Provincial Synod*; for then the *Biſhop* and *Clergy* of *Durham* muſt have been there, who now met ſeparately in their *Own Country*.

To ſtate this Matter aright, the Caſe was plainly this: The King was at this time in *Wales*, proſecuting his War there. The *Barons* and Others who held of him by *Military Tenure* were with him in his *Service*. The *Spiritual Barons* had ſent in their *Services* to him. A *Parliament* therefore He could not Hold in his *Own*, and his *Barons* Abſence; or if He could, yet that would not ſo well

See the date of theſe Let- ters apud *Rothelan*: *Jan* 1.

K. EDWARD *the Iſt.*

have anſwer'd his Deſires. To get an *Aid* therefore both from the *Clergy*, and *Other Laity* who were not with him, nor had ſent any Help to Him, He took the Extraordinary Method that we here ſee. He commanded the *Archbiſhop* of *York* to Aſſemble the *Prelates* and *Capitular Clergy*, of *York* and *Carliſle*, at *York*. Thither he order'd the *Laity* of thoſe Parts to come at the ſame time. To theſe by his *Commiſſioners* He Repreſented his *Needs*, and demanded an *Aid* of them.

The *Biſhoprick* of *Durham* was a ſeparate Principality. When the Other *Counties* ſent their Members to *Parliament*, they deputed none: Nay they *ſcrupled* to do the *King* any Service in his *Wars* out of their Own Bounds; much leſs would they now have Gone to ſuch a *Meeting* as this, without the Limits of their Own *Territory*. The *Aſſembly* of the *Clergy* being upon a *State-Account*, the Biſhop of *Durham* might poſſibly no leſs have ſtood upon his *Own Exemption*, in that Reſpect, than the *People* in the other. It was therefore expedient to Summon both the *Clergy* and *Laity* within their *Own Precinct*; and ſo the King did, and ſent diſtinct *Commiſſioners* to Them. And when four Years after He laid Claim to the Promiſe of the Supplies made at theſe very *Meetings*, and the Archbiſhop of *York* thereupon Summon'd the *Whole Clergy* of his Province together, yet the Biſhop of *Durham* would not join either in the *Grant*, or *Return*, with the Other *Clergy*, but made a ſeparate Return for his *Own Territory*.

Thus were theſe Aſſemblies held in the *North*: In the Province of *Canterbury*, the *Prelates* and *Capitular Bodies* were called at the ſame time to *Northampton*. Where the *Laity*, on this ſide *Trent* met, or whether they met at all about this time, I cannot tell. It is not improbable but that they might have met at *Worceſter*, where the *Parliament* was held the *Midſummer* before; and at which we are told the *Communitas Regni* was preſent, with whoſe Approbation the *King* ſays he began this preſent *War*. But this I offer only as a *Conjecture*, till I ſhall meet with ſome better Information in this Particular.

1284. Such were theſe *Meetings* of which Dr. *A.* Gives ſo odd an Account. To Return now to the Purſuit of our Hiſtory. *Anno* 1284. the King held a *Council* at [1] *Briſtol* with ſome of his *Great Men*; but neither *Parliament* nor *Convocation* ſeem to have met that Year.

[1] *Hemingf.* Mſ. Chron. *Wikes*, p. 112.

Upon the *Quindene* of *Eaſter* following, the King, "*Convocatis Regni Procerib.* "*bus*, held his *Parliament*. This continued, [2] ſays *Wikes*, till *Midſummer*. The [3] *Waverly Annals* ſpeak of it, as meeting in *July*; "*Vocatis Terræ Potentioribus ad* "*Edictum Dommini Regis*: [4] *M. Weſtminſter* after the ſame manner; "*Convo-* "*catis Potentioribus terræ ſuæ*—— *condidit Rex Statuta quæ Weſtmonſterij Secunda* "*dicuntur*. Theſe were, as Uſual, the Members of this *Parliament*; the *Lower Clergy* neither in that, nor in *Convocation*, being at all Aſſembled with it.

1285.

[2] Chron. *Tho. Wikes*, p. 113.

[3] *Annal. Waverl.* p. 229.

[4] *Mat. Weſt.* p. 412.

At the ſame time, the next Year, another *Parliament* was, in like *manner*, Aſſembled, [5] "*Congregatio maxima Magnatum totius Regni tam Sæcularium quam* "*Eccleſiaſticorum* — *ad tractandum de Regni Regimine*, as *Wikes* repreſents it. During this *Parliament*, a Memorable Accident fell out, which will deſerve our Notice. A certain *Dominican Fryar*, *Richard de Knapwell*, maintaining ſome *Erroneous Opinions*, the *Archbiſhop* calling to his Aſſiſtance certain of his *Suffragan Biſhops*, and *Others* of a *Right* faith, by their Counſel condemn'd Them, and Excommunicated the Maintainers of them.

1286.

[5] Chro. *Wikes*, p. 113. 114. Or rather *ad Mens. Paſch. Regiſt. Giffard Wig.* fol. ccxc. a. tho' the Memorand. be without a date.

The *Parliament* being Riſen, and the King's *Neceſſities* preſſing him; He ſent his [6] *Letters* to the *Archbiſhop* of *York*, dated *Auguſt* the 8*th*. In which he Charges the *Clergy* of that *Province* with a Promiſe made to him upon his *late Expedition* to aſſiſt him, which as yet they had not taken any Care to fulfil: And therefore commands the *Archbiſhop* to Conferr with his *Clergy*, He having done that for which they Promiſed it.

[6] Regiſt. *Jo. Romani*, Epiſc. *Ebor.* fol. 99.

In Obedience to this Meſſage the *Archbiſhop* by his *Mandates* dated *September* the 6*th*. required his *Provincial Biſhops* to call together their *Clergy*, and treat Effectually with them about the *King*'s Demand, and to account to him before *Michaelmas* what they had done in Purſuance of it. Had the *Biſhops* and *Clergy* agreed in their *Dioceſan Synods* upon the *Grant* which was expected from them, there had been no Occaſion for changing the Old Method, and Aſſembling them *Provincially* in Order thereunto. But the *Propoſition* not taking in this Manner, Obliged the *Archbiſhop* to Call a *Provincial Convocation* for the more Effectual Proſecution of it. This he did by his *Mandates*, dated at *Ripon*, *October* the 6*th*, and

and appointed the *Wednesday* after St. *Martin*, *November* the 20*th*. for the Meeting of it. The Result there was, that the *Clergy* of the *Dioceses* of *York* and *Carliſle* agreed to a *Thirtieth* for three Years: As for the *Clergy* of *Durham* they made their Return by themſelves, and the *Biſhop* of *Durham* undertook to declare it perſonally to the King. K EDWARD *the* Iſt.

A fortnight after *Michaelmas*, this ſame Year the Archbiſhop of *Canterbury* held his *Provincial Synod* at the *New Temple*, *London*. If the (*a*) Biſhop of *Worceſter*'s Proxy to this Aſſembly be Accurate, and Framed, as commonly thoſe Inſtruments were, upon the Words of the *Mandate* by which the *Convention* was Summon'd, for which it was deſigned; we muſt then conclude that it was a *Congregatio Prælatorum*, and that the *Lower-Clergy* were not Called to it. And in a (*b*) Memorandum, without date, entred not far after, either this, or ſome Other Aſſembly of the like Nature is thus deſcribed; Memorand. "that the "Biſhops of the *Province* of *Canterbury* are called to appear before the *Archbiſhop* at the *New Temple*, *London*, on the Feaſt of St. *Edward* the King, a "*Fortnight* after *Michaelmas*.

(*a*) *Regiſt. Giffard*, fol. cclix. a. b.

(*b*) Ibid. fol. cclxxiii. b.

The ſame is the Character which the (*c*) Biſhop of *Hereford* gives of the next *Provincial Council* which met the Year following, *May* the 2*d*, about three Weeks after *Eaſter*. He calls it a *Congregation* of his Brethren, and Fellow-Biſhops, but takes no Notice of any Other *Clergy* that were Called to it. About the *Purification*, the ſame Year [1] "Convocatis Edicto *publico Regni* "*Magnatibus* apud *London*, the Biſhop of *Ely* the King's *Treaſurer* demanded in the King's Name of all the Earls and Barons; and, generally, ab *Univerſis Incolis Regni*, a Subſidy for the King's Uſe. They made anſwer, by the Mouth of the Earl of *Glouceſter*, that they would Grant nothing, unleſs they firſt ſaw the Face of the *King* in *England*.

1287. Sect. 106.

(*c*) *Regiſt. Swinfield*, fol. xl.

[1] Chron. *Tho. Wikes*, p. 117.

The King being return'd, about *Michaelmas* following, did accordingly iſſue out his *Writs* for a *Parliament* to meet, upon the Feaſt of *Hilary* after. The Perſons called were here again [2] "*totius Regni Magnates*: [3] The Annals of *Waverley* ſtile it a *Parliament of all the Lords*; and mention not any other as either Called, or Coming to it,

1288.

[2] Chron. *Wikes* p. 118.

[3] *Ann. Waverl.* p. 241.

In the 18*th* of this King, after *Eaſter*, a famous *Parliament* was held at *Weſtminſter* in which the *Third Statute of Weſtminſter* was made; and an Explication upon the *Statute* of *Quo Warranto*, as [4] *Hemingford* Relates it. The *Records* agree with his Account, and will inform us who were called to it, and Acted in it.

1290.

[4] Mſ. ad Ann.

[5] For the *Statute* of *Weſtminſter*, 'tis ſaid, that the *King*, "*ad Inſtantiam* "*Magnatum Regni ſui*, Granted, Provided, and Eſtabliſhed. c. 1. [6] In that *de Quo Warranto*; "that the King of his ſpecial Grace, and Affection, towards his "*Prelates*, *Earls*, *Barons*, and *Cæteros de Regno ſuo*, Granted, *&c.* But there is another *Record* that will ſpeak more plainly in this Caſe. For on the 1*ſt* of *June*, [7] the *Prelates*, *Earls*, *Barons*, and *Great Men* of the *Kingdom*, with one Aſſent in full *Parliament*, granted to the King for *themſelves*, and the *whole Community of the Kingdom*, forty Shillings of every *Knights Fee* for an Aid to Marry his *Eldeſt Daughter*; as the Words of the Roll are.

[5] 2 Inſtitut. fol. 500.

[6] Ibid. fol. 494.

[7] See Dr *Brady*'s Introd. p. 149.

This *Parliament* firſt met after *Hilary*, *Anno* 1289. It Re-Aſſembled after *Eaſter*; and on the firſt of *June*, Granted the Aid I before mention'd. Upon the 14*th* of *June*, [8] at the Requeſt of the *Lords*, and *Great Men*, there Aſſembled, the King iſſued out *Writs* to the *Sheriffs* of every *County*, to Order *two* or *three* to be choſen for their Reſpective *Counties*, and Return'd up to this *Parliament*, (which was then ſitting, and had ſate ſo long, and done ſo much Buſineſs without them) within *Three Weeks* after the Feaſt of St. *John Baptiſt*, *July* the 15*th*. Before they Came, the *King*, with his *Lords* only, made the *Statutes* of *Weſtminſter* before mentioned; which were paſs'd in *Parliament* the xv[e] of St. *John Baptiſt*, that is to ſay, *July* 8*th*. The *Knights* being thus Summon'd for the ſeveral *Counties*, were return'd accordingly: From ſome *Three*, from others *Two*, as the *Sheriffs* thought fit; which ſhews this Matter not to have been yet come to any Certain Eſtabliſhment. They were deſign'd to Repreſent all the *Military Tenants* of the *Counties*, in *Capite*; and they did accordingly *Conſent* for them to a xv*th* then Granted, per *Archiepiſcopos*, &c. by the *Archbiſhops*, *Biſhops*, *Abbots*, *Priors*, *Earls*, *Barons*, *& Omnes Alios de Regno*; the very Stile that was uſed when the whole Body of thoſe who held by *Military Service* were

Sect. 107.

[8] Ibid. p. 150.

K. EDWARD *the Iſt.*

Perſonally Summon'd, according to the *Charter* of King *John*. This I confeſs is a Little Forreign to my preſent Purpoſe; nor ſhould I have mention'd it, had the *Learned Perſon*, againſt whom Dr. *A.* diſputes this Point, been living to ſpeak for Himſelf. The Account here given is but a ſhort Extract from his Own *Writings*, which Dr. *A.* ſhould have Anſwer'd, or He ſhould not, without Anſwering it, have publickly Cenſured his Opinion.

Sect. 108.

It is now about four Years ſince we have heard of any *Provincial Convocation*, or found any thing to give the leaſt Colour for a Pretence of the *Lower-Clergies* being call'd, in any way whatſoever, to *Parliament*. But this Year a *Convocation* was held at *Ely*; of which ſome Account muſt be Given on this Occaſion. [1] *William de Luda*, Archdeacon of *Durham*, and Dean of St. *Martins le Grand*, being Elected Biſhop of *Ely*; was upon *Sunday* the firſt of *October* ſolemnly Conſecrated Biſhop of that Place there. [2] The next day, the *Archbiſhop* held his *Provincial Council* in that City, *pro Utilitate Eccleſiæ, & totius Reipubl. ſuper quibuſdam Arduis Negotiis.* The Deſign was to give the King a *Subſidy*, [3] which accordingly they did, *viz.* a *Tenth* of all their *Spiritual Goods for One Year*. For which Reaſon, the *whole Clergy* was Called to it, and had (as it was now become Uſual for them to have) their * *Proctors* in it.

[1] *Everſden:* Mſ. ad Ann.

[2] *Regiſtr. Eccl. Cant H.* fol. xxvii. b. *Regiſt. Henr. Prior. Cant.* fol. xiv. b.

[3] *Everſden. ad Ann. Regiſtr.* Ol. Sutton. *Linc.* fol. xxvii.

* *Vid. Append. ad Ann.* 1290.

It is obſerved by (*a*) Dr. *A.* as an early Congruity between the *Parliament* and *Convocation*, that this ſame Year when the King Summon'd *duos vel tres de diſcretioribus Militibus* to the One, the *Archbiſhop* of *Canterbury* Summon'd in like manner, *duos vel tres procuratores* of the *Clergy*, to the other: And this is made " uſe of to ſhew, " that the *Numbers* of the *Clergy* cited by the *Archbiſhop* to his " *Parliamentary-Convocations*, had born ſome Proportion all along to thoſe of " the *Lower-Laity* called at the ſame time to *Parliament*. Now this might have been a Notable Proof, but for one defect in it; that the *Parliament* to which theſe *Milites* were Called ſate at *Midſummer*, and the *Convocation* not till the 2*d.* of *October*. But the Truth of the matter is this; The King now firſt began to Summon the *Knights*, or *Free-Tenants*, not in Perſon, but by Repreſentatives: And it was but a few Years ſince the Archbiſhop had called the *Lower-Clergy* by *Proctors* of their own to *Convocation*. The Number of neither was yet fix'd; and that is all the *Myſtery* of this Chance Parallel, between the *Parliament* and *Convocation*; which met this ſame *Year* indeed, but yet at a ſufficient diſtance from one Another to deſtroy all the *Pretence* of its being a *Parliamentary Convocation*, as Dr. *A.* very confidently, but withal very improperly, Calls it.

(*a*) *Rights*, &c. p. 39.

How the xv*th.* which the King, at *Michaelmas* exacted both of the *Laity* and *Clergy*, was Granted, I have before ſhewn. *Hemingford* tells us it was Given in Conſideration of the King's Proceedings againſt the *Jews*, and their Expulſion, at laſt, out of the Realm. I ſhall only Obſerve, that notwithſtanding what they now did, in *Convocation*, yet [4] the *Clergy*, as well as *Laity*, were included in it; and accordingly paid their part of it.

[4] *Regiſt.* H. *Eccl. Cant.* fol. 38.

And here at laſt Dr. *A.* thinks he has found out ſomewhat to Countenance his *New Hypotheſis*. The Archbiſhop and Biſhops of the *Province* of *Canterbury*, met *October* the 1*ſt.* at *Ely*, to Conſecrate the Biſhop of that See. The *next day* they held a *Provincial Congregation* there, about the ſame time that the King held his *Parliament* at *Clipſton*: From whence the Conſequence is Clear; This *Convocation* met at *Ely*, as an *Attendant* upon the *Parliament* which was held at *Clipſton*. [5] " For theſe *Clergy-Meetings*; tho' Concurrent in time with thoſe of the *Parliament*, yet were not neceſſarily to be held at the *ſame Place* alſo, where the " *Parliament* was Open'd; but Aſſembled, often times, at ſome other, either " in the *Neighbourhood* of it, or more *Remote* from it, as the *Archbiſhop* thought " fit, or the *Churches Occaſions* Required. This is a very ſtrange *Hypotheſis*; and if true, would prove that the *Archbiſhop* at his Pleaſure might have defeated the *King's Writs*; and have ſo Order'd Matters, that neither the Biſhops, nor Abbots, any more then the *Lower-Clergy*, ſhould ever have come to *Parliament* at his *Summons*. And all the Ground of this ſtrange Opinion is built only on the accidental Meeting of a *Provincial Convocation* at *Ely*, about the time that the *King's Parliament* (as he calls it) met at *Clipſton*.

[5] *Rights*, &c. p. 318.

I will not now diſpute whether that was a proper *Parliament*, as we now underſtand the Word: Let it be as Dr. *A.* pleaſes; tho' 'tis very certain, that in that too he is miſtaken. But ſuppoſing it to have been a true *Parliament*, will be

†

he pleaſe to tell us where the *Convocation* of the Other *Province* ſate at this *time*? Or if that be too Remote, where the *Biſhops*, and *Clergy*, of our *Own* met after *Hillary*, and in the *Summer Parliaments* of this Year before? We have very full and exact *Regiſters* of this time; and few *Convocations* I believe were held, of which ſome Notices do not Occurr in ſome or Other of them. Let him ſhew Us from thence, or from our *Hiſtorians* who ſpeak of this Meeting at *Ely*, and of moſt of the Other *Synods*; where the Concurring *Convocations* of thoſe two Other *Parliaments* met in *Either Province*; or, indeed, of All the *Parliaments* of the many Years before mention'd. Or let him not think from a ſingle *Meeting*, and that upon a *Juſt* and *Reaſonable* Occaſion, to raiſe an *Hypotheſis* of ſuch moment as this; and which all the *Subſequent Practice* as well as the *Preceding Hiſtory*, does evidently Confute.

To ſhew the more clearly, that the Queſtions I propoſe are not without a juſt Ground, and withal to convince him, if poſſible, of the little Weight which there is in this Accidental Concurrence of the Council at *Clipſton*, and the *Convocation* of *Our Province* at *Ely*, to prove the neceſſary Connexion of the *One* with the *Other*; He may pleaſe to know, that after both theſe Aſſemblies were over, on the * 4*th.* of *November* the King iſſued his *Writ* to the Archbiſhop of *York* to Summon the *Convocation* of the Other *Province*. In it he Recites what the *Clergy* of *Canterbury* had granted to him; and affectionately Requires them to Grant him the like. The Archbiſhop Cited his *Clergy* to meet for this Purpoſe the day after St. *Nicholas*; *December* the 7*th.* at a ſufficient diſtance from Dr. *A*'s *New Parliament*, and without any Regard to the ſitting of it.

As for the *Myſtery* which he diſcovers in the *Proxy* of the *Church* of *Canterbury* to the *Synod* of *Ely*; he is thus far in the Right, that it was held for a *State* End, to *Grant* an *Aid* to the King out of the *Spiritualities* of the *Clergy*, and for that Reaſon not only the " *pax* & *Conſolatio Domini Regis* & *Regni Angliæ*, were inſerted into that Inſtrument, but the very *Proctors* of *the Lower-Clergy* were Called to it, who were ſeldom Cited to theſe Meetings but upon ſuch Occaſions; at leaſt were but ſeldom Obliged Peremptorily to come to them.

The next Year [1] the *Worceſter Annals* tell us, that the *Archbiſhop* of *Canterbury* upon the thirteenth of *February*, held a *Provincial Council* to deliberate of the *Recovery*, and *Preſervation* of the *Holy Land*. Thoſe of *York*, (if ſome Extracts which I have ſeen may be rely'd upon, and they do not confound this with the *Convocation* which was Aſſembled there the ſame Month the Year before) had met on the ſame Account, the [2] *Tenth* of *December* before. In the Interval between theſe two a [3] *Parliament* ſate, after *Epiphany*: for by a Letter dated, vi. *Kal. Februar.* it appears that [4] the Biſhop of *Lincoln* had Granted a Protection to one whoſe *Barge* he made uſe of to bring him Proviſions, *inſtanti Parliamento Durante*; and to the End of the *Provincial Council* which was not long after, as is before ſaid, to be held. So that here then Dr. *A*'s Rule already fails him; for in the very next *Parliament* to that at *Clipſton* (ſuppoſing that to have been a Parliament) two *Synods* met, and neither of them at the time of the *Parliament:* That of *York* was up before the *Parliament* ſate; as, moſt probably, the *Parliament* roſe, before that of *Canterbury* met.

But indeed theſe *Synods* were held for another Purpoſe than to Attend upon the *Parliament*. The *Pope* had ſent over a *Bull*, by which he Granted to the King a [5] *Six Years Tenth* for the *Aid* of the *Holy Land*. This Bull was paſt at *Rome* in *March*, and came over hither about *Michaelmas*. The Management of the Contents of it was committed to the Biſhops of *Wincheſter*, and *Lincoln*. For this theſe *Synods* were Aſſembled in each *Province*; that in *York* ſo early that the Archbiſhop, and Biſhops, might have time after it was over to come up to the *Parliament*; that of *Canterbury*, ſo near to the Meeting of the *Parliament*, that the Biſhops might have Opportunity to hold their *Synod* before they Return'd to their *Dioceſes* from it. This was a Rational Order upon both ſides; and this is all the Myſtery that is to be found in this Matter.

I ſhall not inſiſt upon thoſe Parliaments of King *Edward* the *Iſt*, which were held both this, and the Year following, in the *North*, upon the Occaſion of the *Scotch* debate; which ſeem to Regard a particular Cauſe, and to have been held after an Extraordinary manner. That Affair being over, in the Beginning of 1293. the King return'd to *London* to hold his *Parliament* after *Eaſter*.

There

* *Regiſt.* Jo. Roman. *fol.* v. a. —— *Affectuoſe requirimus & rogamus, quod Nobis, ſi placet, Curialitatem conſimilem, vel aliam Honorabilem & decentem concedere. & Veſtræ* Provinciæ *Clerum ad Eam nobis ſimiliter Concedendam modis quibus melius expedire Videritis, inducatis.* 1291. Sect. 109.

[1] Annal. *Wigorn.* p. 513.

[2] Regiſt. *Jo. Romani.* but without the folio. So that I cannot examine the truth of it.

[3] See *Ryley*'s Placit. Parliament, fol. lxvi.

[4] Regiſt. *Oliver. Sutton:* fol. lii.

[5] *Annal. Wigorn.* p. 513. *Hemingford,* Mſ. ' *Scribens* ' *(ſc. Papa)* ' *Epiſcopis* ' Winton & Lincoln. —— ' *quod Eadem* ' *Decima in* ' *Monaſteriis* ' *recondita re-* ' *maneret* ' *quouſq; idem* ' *Rex in ſuo* ' *itinere verſus* ' *Orientem* ' *Mare magnum eſſet in-* ' *greſſus, &* ' *tunc primo* ' *ſolveretur ei.* 1292. Sect. 110.

K. EDWARD the Ist. There he met [1] *Universos Episcopos*, &c. All the *Bishops*, *Earls*, *Barons*, and a large Number of OTHERS of his REALM Assembled together, according to his Appointment, to Treat with him of the State of his Kingdom; and particularly of a *War* with *France*, as *Hemingford* and *Wykes* inform us.

[1] *Wykes.* [2] *Venienſq*; Londonias *circa* [3] RUM Regni [4] *ſtatu Regni ſui ſalubriter proviſuri.— Et de bello Gallico. Hemingford*, Mſ.

unum menſem poſt Paſcha, *invenit ibi congregatos univerſos* Epiſcopos, Comites, Barones, & ALIOS *copioſam multitudinem, ut Colloquio quod tunc ibi ſtatuerat perſonaliter intereſſent, una ſecum de*

[5] *Ryley Placit. parl.* fol. 157.

After *Michaelmas* [2] the *Parliament* met again; but of any *Convocation* that was held at either of *theſe times*, in either *Province*, I have not yet been able, with all my Enquiry, to meet with the leaſt Foot-ſteps.

1294. The next Year, *Anno* 1294. a *Parliament* was Summon'd, *October* the 8*th*, to meet at *Weſtminſter* the day after St. *Martins*, *November* the 12*th*. To this [3] See Dr. *Brady* of Burroughs p. 29. the *King* by his [3] *firſt Writs* Summon'd two *Knights* out of every *County*, to be there for the *Community of the ſaid Counties*, with Power to Conſent, on their behalf, to what the *Earls*, *Barons*, and *Lords*, ſhould unanimouſly agree to. The next day, by *Other Writs*, he order'd two more to be added to them, and [4] Ibid. p. 30. to come up to this *Parliament* with them. [4] They came and join'd with the Lords in Granting a x*th* to the King; the Writs for Collecting of which, thus Recite the Grant of it: "Whereas the *Earls*, *Barons*, *Knights*, and ALL OTHERS of our REALM, have *liberally done*, &c.—

Who theſe ALL OTHERS of our REALM here ſpoken of, as on Other Occaſi- [5] Dr. *Brady*. Ibid. p. 31. ons before, were, the following Remark will clearly ſhew. [5] The *Cities* and *Burroughs* were not Summon'd to this Parliament, nor did they Grant any thing to the King there. But the King by ſpecial Commiſſioners applied to the *City* of *London* firſt, for a *ſeparate Aid*: There he obtain'd a Sixth; and having ſo done, he ſent by Other *Commiſſioners* to All the Other Cities and Burroughs of *England*, exhorting them to follow the *Example* which the City of *London* had ſet to them.

Here then, as Our Learned Dr. *Brady*, I think, well Obſerves, is a plain Evidence, that neither to this Parliament were any Repreſentatives of the Cities or Burroughs call'd. They gave ſeparately, as before, for themſelves; and were not yet accounted among the ALII DE REGNO, or the COMMUNITAS REGNI; which took in only the *Baronage*, and ſuch Others as held of the *King* in *Chief*, or by *Knights Service*; not the *Citizens* and *Burgeſſes* of particular *Corporations*.

1295. Sect. III. But the next Year after, theſe alſo were called to *Parliament* by *Writs* dated at *Canterbury*, *October* the 3*d*. to appear at *London* the Sunday next after St. *Martin*. The Terms of this Writ are Remarkable; and will yet more confirm the Account which has been given of ſome *Phraſes*, the want of Under- [6] Ibid. p. 25. 26. ſtanding which, has led many into a Miſtake in this particular. [6] Having therefore Recited his Deſign of holding a *Parliament* with his *Lords*, and *Great Men*; the King thus Commands the *Sheriffs*, with Relation to the Reſt: "That he ſhould cauſe to be Choſen, and to come thither at the *time* and "*place*, aforeſaid, *Two Knights* of every *County*; and of every *City*, *Two Citi-* "*zens*, and of every *Burrough*, *Two Burgeſſes*: Ita quod dicti *Milites*, &c. So "as the ſaid *Knights* may have ſufficient Power for Themſelves, & COMMU- "NITATE COMITATUS *Prædicti*; and the *Citizens* and *Burgeſſes*, in like manner, "for *themſelves*, and the COMMUNITIES of the CITIES and BURROUGHS, for "which they came.

"The *Parliament* did not meet on the *Sunday* after St. *Martin* (as had "been appointed) but was Prorogued, before Meeting, to the *Sunday* next "before St. *Andrew*, *November* the 30*th*. And All the *Treating*, *Ordaining* "and *Doing* in this *Parliament*, was only to Grant, and *Conſent* to *raiſe*, ſuch "Supplies as the King demanded.

When theſe *Citizens* and *Burgeſſes* were thus Called to *Parliament*, they did not *Act conjunctly* together with the Reſt who had been the *Elder Members* of it, but after a manner altogether *diſtinct* from them. The *King*'s Writ Required that the *Milites* who Acted for the COMMUNITY of the COUNTIES ſhould have a full Power to Act for them; and the *Citizens*, and *Burgeſſes*, for their *Cities*, and *Burroughs*, *diviſim*; *ſeparately* from *one Another*: And that ſo they did Act, the Writs for *Collecting* what this *Parliament* gave, expreſly affirm: The Words of which are theſe. [7] "Whereas the *Earls*, *Knights*, & [7] Dr. *Brady*. Ibid. p. 33.

" ALII *de* REGNO *noſtro*, have granted us a xith. and the *Citizens*, and *Burgeſſes*, a viith. Therefore for the Levying, &c.

I have laid the Hiſtory of theſe two Parliaments together, to ſhew the more plainly by what ſteps the *Commons*, as we now underſtand that Word, were brought, about this time, to theſe Great Councils. To Return now where we left off, *Anno* 1294. After *Whitſuntide*, our [1] Hiſtorians tell us that the King held his Parliament. To this only the *Great Men* were called; *Magnates Angliæ*; *Comites & Magnates*, as *M. Weſtminſter* calls them: *Proceres Angliæ* (ſays *Everſden*) tam *perſonæ Eccleſiaſticæ*, quam *Sæculares*. And theſe Conſented to a Scutage for his *War*, of a *hundred Marks* upon every *Knights Fee*.

1294. Sect. 112.

[1] *M. Weſtminſt.* p. 421.

But the King's Wants call'd for a larger Supply: To provide for which he iſſued out his [2] *Writs* to All the Biſhops of *England*, dated *Auguſt* the 19*th*. to call together the *Clergy* of their ſeveral Dioceſes at *Weſtminſter*, *September* the 21*ſt*. (being the feaſt of St. *Matthew*) to give their *Counſel*, and help to him. They met as he Commanded, and granted an [3] *half* of all their Goods to him; ſo both our *Records*, and our *Hiſtorians* inform Us. This Grant came hardly from them; as by the Account of One of our [4] Hiſtorians yet unpubliſh'd, from whom *Knighton* ſeems to have borrow'd a Great part of his Relation, it does appear. About two Months after this Aſſembly of the *Clergy*, the *King* call'd the Lay part of his *Parliament*, the day after St. *Martin*, and had therein alſo a *Subſidy* Granted to him.

[2] *Vid. Append. ad Ann.* 1294.

[3] *Vid. Regiſt. Memorand. Ol. Sutton. Lincoln*, fol. cx. *Prynn. Records* Vol. iii. p. 587.

[4] *Hemingford.* Mſ.

The Meetings of this Year, were All upon a *State Account*; In the next we meet with one in the *Province* of *Canterbury* upon an Eccleſiaſtical. The Aſſembly I mean was the Provincial Synod of Archbiſhop [5] *Winchelſea*, held at the *New Temple*, *London*, the middle of *July*. To this only the Biſhops of the *Province* were *called*: The Buſineſs for which it was held was to treat about the Liberties of the Church. What the *Conſtitutions* were which *M. Weſtminſter* ſays he revived there, in order to that End, I cannot tell: But by his Proceeding the next Year, it ſeems plain that he had already framed his Deſign, of withſtanding the frequent *Taxes* which this *King*'s Affairs had inforced him to lay upon the *Clergy*, as well as *Laity* of his *Realm*. [6] Not long after this, upon the firſt of *Auguſt* the King held his *Parliament* at *Weſtminſter*. What this was called for, more then to Receive the two *Legates* whom the *Pope* had ſent to make Peace between the Kings of *England* and *France*, I am not able to ſay. In *September* following new *Writs* went out for a *Parliament* to meet the *Sunday* after St. *Martin*. Here the *Premunitory Clauſe* was firſt inſerted into the *Biſhops Writs*. The Year before the King had divided the *Laity* and *Clergy* from one another; and called the Latter to Aſſemble *Nationally* at *Weſtminſter*, in *September*; the former in *November*. Now he United both together; and at the ſame time joyn'd the *Commons* too, by bringing the Repreſentatives of the *Cities* and *Burroughs*; as well as *Knights* of the *Countys*, to *Parliament*. This *Parliament* thus called to meet *November* the 13*th*. ſate by *Prorogation*, *November* the 30*th*. The *Archbiſhops* and *Biſhops* readily Executed the *Præmonition*; and the *Clergy*, for ought appears, as readily came to *Parliament* upon it.

1295.

[5] *Everſden.* Mſ. *ad Ann.* 1295. *M. VVeſt.* p. 424. *Regiſt. VVinchelſea*, fol. clxviii. b.

[6] *Annal. VVigorn*, p. 517. *M. VVeſtminſt.* p. 424. *Annal. Norwic.* p. 402.

And here I cannot but obſerve with what Exactneſs our Hiſtorians take Notice of theſe Changes. Of the *Aſſembly* of the Clergy, *Anno* 1294. (the firſt *National* Aſſembly to which the *Lower-Clergy* were ever called by the Kings Writ) " *Rex Colloquium habuit cum Omnibus Epiſcopis, & Archidiaconis, & Ab-* " *batibus*: & CLERUS *ibi ſimiliter habuit* PROCURATORES; ſay the [7] *Annals* of *Worceſter*. Of the *Parliament* of this Year, where the Commons were now called, [8] *M. Weſtminſter* thus Expreſſes himſelf, " *In Vigilia S. Andreæ accerſito* " *Clero, Magnatibus &* POPULO *apud Weſtmonaſter*. Had not ſome Change been made in theſe Meetings, we ſhould not have had ſo great a Change in their Expreſſions: And this Alteration the more fully aſſures Us, that as they before took no Notice of the *Proctors* of the Clergy and Commons in *Parliament*, ſo the true Reaſon why they did not, was, becauſe *till now* they were not Called thither.

[7] *Annal. VVigorn.* p. 516.

[8] *Ad. ann.* 1295.

Having thus given a juſt Account of the firſt beginning of the *Premunitory Call* to *Parliament*, (the Foundation of One Great Branch of the preſent Diſpute) it will be neceſſary for me now to compare it with the Report which Dr. *A.* has made of it; and ſee which of Us has been the more Exact in our Relation of this matter. His Account of it is this.

Sect. 113.

† " [1] At

KEDWARD *the Ist.*

[1] *Rights*, &c. p. 223.
[2] *Jo. Romanus.*
[3] *Reyleys Placit. Parliament*, p. 141.
[4] See Ibid. p. 113.

" [1] At what time preciſely this method was firſt ſet on Foot, I cannot be " Poſitive, but SURE I AM that a Year before the xxiiid. *Edward* the Iſt. (the " Common Æra of the *Præmunientes*) it was Practiſed. *Peckham* was now " dead, and *Winchelſea* not yet Returned with his Pall from *Rome*: and the " See of *York* fill'd with an Obnoxious Perſon, [2] fin'd lately Four Thouſand " Marks by Parliament; [3] and on that and [4] ſome other Accounts, now at " the King's Mercy. Will Dr. *A.* Give me leave, before we go any farther, to aſk him whether he be ſure that the Archbiſhop was thus fined, as he affirms, BY PARLIAMENT? The *Roll* I am ſure ſays Otherwiſe: and tho' it be not a very Material Circumſtance, yet an Author that ſpares no body, but makes out-cries againſt Others for every the leaſt Miſtake, ſhould be Careful not to ſlip, tho' never ſo little, Himſelf. Archbiſhop *Roman* was impleaded in Parliament, for publiſhing a Sentence of *Excommunication* againſt the Biſhop of *Durham*, upon this Account; that his Servants had impriſon'd the *Archbiſhop's Officers*, whom he had ſent to *Durham* to cite the Biſhop to appear before him, to anſwer for his Refuſal to Obey the *Canonical Commands* of the Archbiſhop; and that after three Admonitions, the Biſhop continued ſtill to detain them. The Biſhop pleaded his *Temporal Authority*; that his *Officers* who had impriſon'd them were his *Temporal Officers*; and the Priſon they were Committed to, the Caſtle of *Durham*, which belong'd to his *Baronie*; and that from thence they were to be delivered by the Biſhops *Lay-Miniſters* according to the *Law* and *Cuſtom* of the *Realm*. Upon this Ground the Archbiſhop was found Guilty of an Offence againſt the *Crown* and *Dignity* of the *King*; and it was agreed by the *Lords* that the *Archbiſhop* for his *Offence* ſhould be committed to *Priſon*; and that this ſhould be the *Puniſhment* of all Others who ſhould offend in the like manner. But before the *Sentence* was pronounced, the *Archbiſhop* ſubmitted himſelf to the *King*'s Pleaſure; and deſired the *Lords* to intercede for Him; by whoſe Mediation he compounded with the *King* for his Pardon under the *Obligation* of Four Thouſand Marks; and gave Security to him for the ſame.

" This lucky Juncture the King ſeems to have laid hold on to bring the *Cla-* " *gy* to a Compliance with his Will, when they had no body to head them in " their Oppoſition to him. He Summons the *Prior*, and *Chapter* of *Canterbury*, " therefore, as *Guardians* of the *Spiritualities* of that See during the Vacancy, " and by them the *Archdeacon* of *Canterbury*, and two *Proctors* for the *Dioceſe*,

[5] *Rights*, &c. *Ibid.* p. 224.

" [5] The Clauſe in this Writ differs IN NOTHING from what was afterwards " Practiſed, Except that it begins with the Word VOCANTES inſtead of PRÆ- " MUNIENTES, and mentions not the Prior, and Chapter of *Canterbury*, they be- " ing indeed the *Perſons* Written to, and having already in the former part of " the *Writ* been Cited under another Capacity.

I will not here diſpute with Dr. *A.* his Obſervation of the lucky Juncture which King *Edward* the Iſt. took to Call the *Clergy* to *Parliament*. He had done as much long before, in effect, in Archbiſhop *Peckham*'s time; and did much more in Archbiſhops *Winchelſeas*, the Year following. For then he called them *Nationally* together with the *Laity* in *Parliament*; whereas now they were Aſſembled only into a *National* Convocation, by the *King's Writ*.

Let Dr. *A.* look into our Hiſtorians, and ſhew me any One of them, if he can, that complains of their being Aſſembled after this manner. What he quotes from *Knighton* diſcovers where they thought the Hardſhip lay: to wit, in the Demand of One *half* of their *Goods*, not in their *Call* to that CONVOCATION.

That this was no *Parliamentary Summons*, as Dr. *A.* here pretends, I will preſently ſhew when I come to conſider what he Offers to prove that it was. In the mean time till he had ſeen ſome other *Copies* of this *Writ* than that one which was directed to the *Prior* of *Canterbury*; he ſhould not have pronounced ſo poſitively (give me leave to add, and ſo *falſely* too, as he does) that the CLAUSE of it DIFFERS IN NOTHING from the PREMUNITORY CLAUSE, but in putting VOCANTES inſtead of PRÆMUNIENTES. For tho' this be indeed true in ſuch Churches where there was a *Secular Dean* and *Chapter*, (and even that I believe is more than Dr. *A.* was Aware of) yet in thoſe *Churches* where there was a *Prior* and *Convent*, the *Clauſe* in [6] the Biſhop's Writ, was altogether different; And ſummon'd only the *Archdeacons*, and *Dioceſan Clergy*, leaving the Others to be Called by *Particular Writs* iſſued to the ſeveral *Priors* for that Purpoſe.

[6] See the Appendix ad Ann. 1294.

Whether the *Parliamentary Prelates* were ſummon'd to this Meeting by *Special Writs*, I am not able to ſay. *Everſden*, and the *Annals* of *Worceſter*, tell us that they were. But for the Reſt, they were [1] Summon'd together with the *Dioceſan Clergy* to chuſe their *Proctors*, and ſo were Repreſented in Common with them.

[1] *Regiſt. Hen. Prior. Cant.* fol. lxiii.

Dr. *A.* therefore is all over Miſtake, when he makes that poor Pretence for the *Prior* and *Chapter* of *Canterbury*'s being Omitted in this Summons, becauſe they were the Perſons, who under another Capacity, were ſent to. In [2] Other Writs we have the ſame Caſe; yet were they nevertheleſs put into the *Præmunitory Clauſe*. And in the Other Summons where the *Writ* was directed to the [3] Biſhop of the *Dioceſe*, yet where there was a *Prior* belonging to the *Cathedral Church*, the ſame Method was taken: The Biſhop Summon'd only his *Archdeacons*, and *Clergy*; but the *Prior* and *Chapter* had their *Special Writs*, as the *Parliamentary Abbots* and *Priors* had.

[2] *Clauſ.* 5 *R.* 1. *apud Dugd.* p. 805.

[3] *Regiſt. Giffard. Epiſc. Wigorn.* fol. 380. a. *Append ad Ann.* 1294. Sect. 114.

But ſince Dr. *A.* was now upon the Work of Collating, why would he not take the Pains to compare the *other Parts* of *this Writ*, with the Biſhops *Parliamentary Writs*. Had he done that, he would have prevented another, and no leſs *Capital* an *Error*, of Calling this Meeting by the Name of a *Parliament*; and inſiſting with ſuch Poſitiveneſs upon it (SURE I AM, *&c.*) that it was properly ſuch; And thereby of advancing the date of the *Præmunitory Summons* of the *Clergy* to *Parliament*, a Year before it began, as well as a Year before any Others had ever done it before. In the Writ there is no mention of any Perſons to Meet beſides the *Clergy*: No *Proceres*, *Magnates*, or *Incolæ Terræ*, ſpoken of. No *Comites* or *Barones*: No, but 'tis, *Veſtrum Conſilium* (the Biſhops) *& Auxilium, ſicut & Cæterorum Prælatorum, ac Cleri, de Regno Noſtro.* And again, *Ad tractandum una Vobiſcum, & Cæteris* PRÆLATIS, *ac* CLERO *Ejuſdem Regni.* Theſe are All that were Called to this Meeting; the *Laity* being ſummon'd by Themſelves above vii Weeks after, as I have before obſerved.

And this [4] Dr. *A.* himſelf is forced, at laſt, to confeſs: "Only ſtill we may obſerve that tho' the Call were REALLY to PARLIAMENT, yet it is not mention'd throughout the whole Summons, either in that Part of it which commands the *Biſhop* to Attend, or in that which warns the *Lower-Clergy* to accompany him; but they are Cited only to *Treat* and *Conſult among Themſelves*. Let him ſhew me the ſame of any One true *Parliamentary Writ* that was ever iſſued out ſince we were a Nation, and I will yield that this ſhall be a *Parliament*, or any thing elſe that he pleaſes: But if this cannot be done, he muſt then give me leave to ſay that it is almoſt a demonſtration, upon the Form of our *Conſtitution*, that that Meeting can be no true *Parliament* of this *Realm* to which the *Biſhops* and *Clergy* ONLY are *Cited to Treat and Conſult, without any Laity to Treat* with Them.

[4] *Rights*, p. 224.

"*Knyghton*, and the *Annals* of *Worceſter*, and *Everſden* mention the Clergy as "preſent in this *Parliament*. They were in the right; for as we have ſufficiently ſeen, they were Expreſly Called by the King to it; and as himſelf tells us but a little after, the King's Writ was Executed, and ſo became Effectual to the *Summoning* of them. "For the *Clergy*, ſays he, deputed two Common *Pro*-"*ctors* to Repreſent the *whole* Dioceſe; and thoſe *Proctors* ſate and *Acted* for "them in *Parliament*: *i. e.* in that *Aſſembly* of the *Clergy* which was *Summon'd* "by the *ſame Writ*, to meet at the ſame *Time* and *Place*, that the *Lay Part* of the *Parliament* were. Now this, I again affirm to be all his Own Invention: There was no *Laity* Summon'd to this Meeting; Let him produce but one *Authentick Inſtrument* of any *Lay Summons*, and I ſubmit.

But Dr. *A.* goes on ſo faſt in his Miſtakes, that it will be hard to follow him in them All. "And accordingly (theſe *Proctors of the Clergy*) did thus meet "at the Opening of it *Promiſcuouſly*; (He means, together with the *Laity*) for Proof of which He produces two Authors, *M. Weſtminſter* and *Knyghton*. As for the former, *M. Weſtminſter*, he jumbles the two Meetings of *September* and *November* into One; and whether his Relation, or the King's Writs to which I have Appealed, be of Greater Credit, let the Reader judge. But *Knyghton* is all on the Other ſide: He took his Relation, in great Meaſure from *Hemingford*, and agrees in the main with the *Writs* in it. [5] "Eodem An-"no vocavit Rex, per *literas* ſuas, *Archiepiſcopos, Epiſcopos, Decanos Eccleſiarum* "*Cathedralium*, & *Archidiaconos*, in propriis perſonis; *Clerumque* Uniuſcujuſq;

[5] *Knyghton*, Col. 2501.

K. EDWARD *the Ist.*

" *Dioceſis* per *duos Procuratores*; quibus Exiſtentibus ait Rex, *&c.* Thus *Knyghton*: Nor does he mention any Others, as Called to this Aſſembly.

[1] *Ibid. Col.* 2502.

Shall I add yet more; that [1] *Knyghton* plainly intimates the direct Contrary to what Dr. *A.* quotes him for. For the *Clergy* having Complied with the King's Demand, the King bid them ask any *Redreſs* of *Grievances* that they would. They asked to have the *Statute* of *Mortmain* Repealed. The King's Anſwer was; that that *Statute* had been made " *de Conſilio Magnatum*, & abſque *Eorum Conſi-* " *lio* non erat Revocandum: Which had been no Anſwer at all, if this Meeting had been a true *Parliament*; and by Conſequence *the Great Men* had been preſent to *Conſent* to the Repealing of it.

To Cloſe all, *Knyghton* having done with his Account of this Meeting of the *Clergy*, adds with relation to the Other of the *Laity*; *Eodem etiam Anno*, (He does not ſay *Eodem Tempore*) habuit Rex a *Communitate Regni decimum Denarium*, *& a Civitatibus ſextum Denarium.* But to proceed:

[2] *Rights*, &c. p. 225. 226.

" [2] And accordingly (they are Dr. *A*'s Words) theſe *Proctors* did thus meet " at the *Opening* of it *promiſcuouſly*, tho' they afterwards Debated and Reſolved ſeparately: Which is all meer Fancy, and falls with the Miſtake of the *Laities* being Called to this *Aſſembly.* One of the Reſolutions they came to, was to give the King a Moiety of their Goods for one Year. Will Dr. *A.* pleaſe to tell us of any *Other Reſolution* that they came to there? If not, let him ſpeak truly, that this was what they were called for, and this was the *Reſult* of their Meeting there. But he goes on: " This *Gift* however was, by the PROVINCE of CAN- " TERBURY ALONE; for the *Clergy* of YORK PROVINCE, IF PRESENT at this MEET- " ING, yet did not make their *Grant* in it, as appears from *the King's Letters* " *Patents* tranſmitted to them by the *Dean* of *York*, immediately upon the " *Riſing* of the CLERGY of CANTERBURY; wherein they are commanded to do " as the *King's Agent* ſhall direct; that is, as the CLERGY of the OTHER *Provinces* " had done before them.

Sect. 115.

Why Dr. *A.* ſhould doubt whether the *Clergy* of *York* were PRESENT at this *Meeting*, I cannot Imagine. He allows that they were ſummon'd to it; and to convince him that he was thus far, at leaſt, in the Right, [3] He may in the *Appendix* ſee not only the King's Writ to the Archbiſhop of *York*, but the Archbiſhop's Execution of it. Let me add to this, that Our Hiſtorians expreſly ſpeak of the *Archbiſhop* of *York* as preſent at it; and give a Reaſon why the Biſhop of *Durham* was not; which they would not have done, had the *Clergy* of that *Province* refuſed to Come at all to this Aſſembly.

[3] Appendix ad Ann. 1294.

But is Dr. *A.* ſure that the *Clergy* of *York* did not Grant their *Subſidy* there? If he be, I will venture to ſay I am more ſure that he is miſtaken. This Aſſembly met *September* the 21*ſt*. The King demanding an *Aid* of them, they deſired *three days* to deliberate upon it. In this time they conſulted together, and agreed to Offer the King *two Tenths*. This therefore we may ſuppoſe they did, *September* the 24*th*. The King refuſed it: New-debates were had, and high Words aroſe, and great Threatnings were made, unleſs they ſhould comply with what was demanded of them. Let us therefore agree, that all this was ended in two days more, *September* the 26*th*. *Upon the very next day*, September *the* 27th. the King's Letters relating to this Grant, were iſſued out; in which the [4] King recites how that the *Prelates*, and the whole *Clergy* of this *Realm*, had Granted to him; a Stile that I believe is no where to be found, when but *One Province* only gives; but takes in the *Clergy* of both, as from a Multitude of Examples, might eaſily be made appear.

[4] *Regiſtrum Giffard Wigorn*, fol. 383. b. See alſo *Prynn.* Records, Vol. III. pag. 588.

So our Hiſtorians alſo relate it: *Mat. Weſtm. ad Ann.* 1294. " *Poſtulat Rex d* TOTA *Eccleſiâ per* TOTUM " REGNUM *Angliæ Iecata.* And thus, he ſays, they Granted, what the King deſired. The ſame may be ſhewn from a multitude of other Writs relating to this Grant. And particularly from all ſuch as concern the Collecting of this Aid *Regiſt. Giffard.* fol. 384. *a.* From ſuch as exempt the *Clergy* from being Tax'd to the *Tenth* Granted by the Laity this Year. *Regiſt. Oliv. Sutton, Linc.* fol. 114, *&c.*

[5] *Prynne*, Ibid. p. 587.

On [5] *September* the 30*th*. the King's Writs went out for Collecting of this *Aid.* In them again he Recites how that the *Prælati & totus Clerus de Regno Noſtro*, had Granted a Moiety of their Goods to him. And that we may here be fully ſatisfied of the Extent of that Phraſe, he appoints Collectors in every *Dioceſs* of the Province of *York*, as well as in thoſe of *Canterbury*, to receive it for him. And therefore tho' I cannot tell what that Letter of the Kings is, to which Dr. *A.* referrs, nor do I believe that he knows any thing more of it himſelf

himſelf than I do, yet this I am very ſure, that the King by his Letter dated *September* the 28*th*. could not Require the Province of *York* to grant a *Subſidy* to him, which in his Letters dated the day before, He acknowledged the *Prelates*, and *Whole Clergy* of his *Realm* had already given to him; and by Others dated but Two days after, appointed to be *Collected* in that *Province*, as well as in the Other. K. EDWARD *the Iſt.*

I have now done with the *Second Period* of our *Engliſh Hiſtory*, during the Reigns of *Nine Kings*; and the ſpace of about two hundred and thirty Years. Sect. 116. I have ſhewn * that from the *Conqueſt*, to the time of King *Edward* the I*ſt*, it does not appear that any of the *Clergy* were wont to be Called to *Parliament*, beſides the *Biſhops* and *Prelates*; and ſuch Others, as by Vertue of their *Temporal Tenures*, were obliged (if Required) to come to it. * That of the *Prelates*, ſuch only were *Generally Summon'd*, as had *Temporal Poſſeſſions*; tho' if the King, at any time, thought fit to Call them *All*, they were *All* obliged to Obey him. This was done in the forty ninth of *Henry* the III*d*. whether ever beſides, and particularly, whether in the ſixth of King *John*, (as Dr. *A.* affirms) is yet to be proved to Me. * That tho' King *Edward* the I*ſt*. did ſometimes Call together the *Clergy* after ſome Other manners; *Provincially* in his Eleventh Year; *Nationally* in his Twenty ſecond; Yet to *Parliament* he never Called them, till his Twenty third Year, when the Clauſe *Præmunientes* was firſt put in the *Biſhops Writs*; and by being ſo, did firſt Intitule, or rather Oblige the *Lower Clergy*, partly in *Perſon*, and partly by their *Proxies*, to come to *Parliament*. * That it has not yet been proved that in any Part of this Period they had any *Convocations* Limited either to the Time or Place of theſe *State Aſſemblies*; much leſs, * That it was a Matter of conſtant Practiſe for the *Clergy* to meet in *Convocation*, whenever the *Lords*, and *Prelates*, did in *Parliament*. * That the ſuppoſed *Conſtitution* of the *Council* of *Reading* (the only Ground upon which Dr. *A.* builds his new *Hypotheſis*) is neither its ſelf *Authentick*, nor if it were, would it prove any thing more, than that the Biſhops agreed to require their *Clergy* to appear by their *Proxies* at their *next intended Meeting*; a *Voluntary*, or *Special Order*, both as to the *time* and *manner* of their *Aſſembling*. I ſhall only make a brief Remark, or two, upon what has been thus ſhown, and that with Relation both to my ſelf, and to Dr. *A.*

1. 2. 3. 4. 5. 6.

In my [1] former Book, I had ſaid, with Reference to the *Perſons* who are now *Called* to our *Convocations*, that "I ſhould not enquire how this came to be the "*ſetled Number* of them: Whether this *Manner* of *Choice* was derived from the "*Antient Manner* of holding *Convocations*, into the *Parliamentary Writs*; or from "the *Parliamentary Writs* of King *Edward* the I*ſt*. into the *Summons* of *Convoca*-"*tions*. I ſpake with Relation to the *King's Summons* in both, and I waved the Enquiry concerning the *Method* of *Aſſembling* the *Lower Clergy*; viz. the *Deans*, and *Arch-deacons* in *Perſon*, the *Chapters* by *One*; and the *Dioceſes* (for ſo it ſhould have been, not as in my haſt I wrote it, *Archdeaconries*, tho' that be the Caſe of the Other *Province*) by two *Proxies*. Whether the *Premunitory Summons*, led the way to the *Provincial*, or that, to the *Premunitory*.

Sect. 117. [1] Authority, &c. p. 104.

For this Dr. *A.* falls very briskly, after his manner, upon me, and thus Reports the Matter. [2] "He makes it a doubt whether the *ſetled Number* of the *In*-"*ferior Clergy*, Called by the *Biſhop's Writ*, was derived from thence into the "*Convocation Writ*, or from the *Convocation Writs* into thoſe of the *Parliament*. Well, and what ſays the Learned Dr. *A.* to this? "Which is (ſays he) in "Effect to doubt whether the *Deans*, *Archdeacons*, *Capitular*, and *Rurall Proctors*, "were Called. (He ſhould have added, *by the King*) to *Convocation* (in the "ſame manner that they now are, the *Chapters* by *One Proctor*, the *Dioceſes* by "two a-piece) before the *Biſhop's Writ* had that *Clauſe* in it: And he who "*doubts* of this, puts it beyond a *doubt* how far he is Qualified to *Write* on this "*Subject*. The turn is pretty enough, and perhaps Anſwers Dr. *A*'s End a great deal better than a true Reſolution of the Point would have done. But we are now ſeeking for *Truth*, not *Wit*; and this Reflection will be found to have but very little of the *One*, how much ſo ever may kindly be Allowed it as to the Other. Let us take the Matter as Dr. *A.* himſelf Repreſents it: The *Queſtion* is, Whether the ſtated Number of the *Inferior Clergy*, was derived from the *Biſhop's Parliament-Writs*, into the *Archbiſhop's Convocation Writs*, or from the *Convocation Writs*, into thoſe of the *Parliament*? And I do now affirm, what Dr.

[2] Rights, &c. p. 434.

K. EDWARD *the Iſt.*

A. I believe will be ſurprized at, that this Method of Aſſembling the *Lower Clergy* was firſt ſetled by the *King's Parliamentary*, (which He calls the *Biſhops*) *Writs*; before it was made uſe of in his *Provincial*, or *Convocation Writs*. Or (which is the ſame thing) that the *Clergy* were wont to be thus *Summon'd* by the *King* to *Parliament*, before they were wont to be thus *Summon'd* by *him* to *Convocation*.

Sect. 118. The firſt *Provincial Writ*, that I believe, was ever Iſſued out by any of our Kings, was that of the Eleventh of King *Edward* the *Iſt*; *Anno* 1282. In that he ordered the *Archbiſhop* to Cite his *Suffragans*, and the *Regular Prelates*, with the *Proctors* of the *Deans* and *Chapters* of the *Collegiate Churches*; and this is a Form ſufficiently different from that which we are now enquiring after.

The next Attempt was in his Nineteenth Year, *Anno* 1294. and this Dr. *A.* affirms to be a *Call* to *Parliament*; ſo that upon his *Hypotheſis* I need not Enquire how this Matter was ordered there. But indeed it was no ſuch thing, but a Summons to a National, *State-Convocation*. In this the *Deans* and *Chapters*, the *Archdeacons*, and *Clergy*, were Summon'd; but not the *Priors* and *Chapters*: For ſo the Writ runs to ſuch Biſhops in whoſe *Cathedral Churches* theſe *Regular Prælates* were ſetled, "*Vocantes Prius Archidiaconos totumq; Clerum Veſtræ Diœceſeos*; No *Priors*, or *Chapters*, mention'd. Theſe, I conceive, were Cited by particular Writs; not by this *Clauſe* in their *Biſhop's Summons*.

As yet then the Preſent Method does not Appear to have been fully ſettled, or uſed in any of the King's Writs. Let me add, nor yet in the Archbiſhop's *Mandate* neither. For but three Years before this, *Anno* 1290, in the Convocation-Writ for the *Synod* at *Ely*, the Morrow after the *firſt Sunday* in *October*, the *Archbiſhop* ordered the *Dioceſan Clergy* to appear there by *Two* or *Three Proctors* for *every Dioceſe*, as Dr. *A.* himſelf truly obſerved from ſome Collections which were Communicated to him, tho' he miſtook the *Regiſter* from whence they were taken. Yet thus far this Matter was now come to a Settlement, that the *Lower Clergy* were called by their *Own Proctors* to *Convocation*: Thoſe *Proctors* were determined to be One for *each Chapter*, and Two for *each Dioceſe*; And in ſuch *Churches* (which at that time were not very many) in which there was a *Sæcular Dean* and *Chapter*, this Year, they were all Summon'd by the *Clauſe* of which we are now ſpeaking, in the Biſhop's Writ. So that nothing remained to fix things in the Method which did afterwards obtain, and concerning which my doubt was, but to compleat this way of Summons, by taking in *All* the *Capitular Priors* of the *Cathedral Churches* alike into the ſame *Writ*; and when that was firſt done, is the very Point to be determined between Us. Now this was, I ſay, the next Year, *Anno* 1295. For then the *Præmunitory Clergy* came in; and there it Runs in Form to all alike: and from thence I do Affirm it was taken into the *Convocation Writs*, which afterwards Summon'd the *Lower Clergy* after the *ſame manner*.

See Append. ad Ann. 1290.

This therefore determines the Caſe, as to the *King's Writs*, concerning which the Original Enquiry was; and ſhews the preſent manner of Aſſembling the *Clergy* to have been firſt ſetled by the King in the *Parliamentary*, and from thence to have been derived into the *Provincial*, *Convocation-Writs*. But if the Queſtion ſhould be carried yet farther; and it ſhould be asked, *when*, or *by whom*, this Method was firſt brought up; I have before ſhewn that Dr. *A.* after all his Pretences, did not himſelf know how to Account for it. That he has Committed many a *Groſs Miſtake*, by his Implicite Relyance upon the Conſtitution of the *Council* of *Reading*; as if this Matter had been Originally ſetled by it. That in the *Convocation* held but three Years before, the Number of *Proctors* for the *Lower Clergy* was not yet ſetled. If therefore to Err in this Caſe be a Miſtake of ſo Capital a Nature, as wholly to Unqualify a Man for Writing upon this Subject, let Dr. *A.* think a little with himſelf, whether his Cenſure will not fall back upon his own Head; and prove himſelf to have been as unfit to meddle with theſe Matters, as I am very well content he ſhould think me to have been to Engage in them.

The Reſult of this Point is this: About the Year 1283. by order of *Archbiſhop Peckham* and his *Brethren*, the *Deans* and *Priors* of *Cathedral Churches*, and the *Archdeacons*, in *Perſon*; the *Capitular*, and *Collegiate Bodies* by *One*, and the *Dioceſan Clergy* by *Two Proctors*, were firſt brought to Convocation. To *Convocation* I ſay, not to *Councils*: For as for thoſe Aſſemblies which were properly

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ly *Eccleſiaſtical*, they were not yet thought to be any neceſſary Members of them; nor were they a long time after, wont to be *Peremptorily Cited* to them. This Model thus begun by the *Archbiſhop*, and *Biſhops*, but not yet form'd into any conſtant, or fix'd Method by them, the King firſt ſetled by his *Parliament Writs*: From thence it was derived into his *Convocation* Writs, as in the Proceſs of this *Hiſtory* I ſhall have Occaſion hereafter to ſhew. K. EDWARD *the* Iſt.

As for Dr. *A.* the Uſe I would make of what has been before ſaid with relation to him, is this; To convince him that his New *Hypotheſis* of the *Clergies* coming firſt *Nationally* to *Parliament*, from the time of King *William* the *Conqueror*, till about the middle of King *Henry* the IId. and afterwards attending upon it in two *Provincial Synods*, and thus continuing till the time of King *Edward* the Iſt. by whom they were again brought *Nationally* to *Parliament*, as before, is not only *Precarious*, but *Falſe* too; and appears by the whole *Current* of our Hiſtory ſo to be. Sect. 119.

The Truth is, Dr. *A.* himſelf does not ſeem to be very well ſatisfied as to this Matter; nor does he, I believe, yet diſtinctly know what it is that he would ſtand to, with Relation to it. Under the [1] *Saxon* Times, he Profeſſes not to determine "how, or in what Capacity, the *Lower Clergy* were Summon'd to theſe *Great Councils*; whether as *Repreſenting any Part of the Spirituality*; or *as the King's Servants, and Dependants*; or in what Other Reſpect: Which is, I think, plainly to own that in thoſe Times the Body of the *Lower Clergy*, for ought he knows, were neither Called to Parliament, nor Repreſented there. [1] Rights, &c. p. 290.

And after all his Pretences, the ſame, is at laſt, his Uncertainty here. He affirms indeed, (and in that he is utterly miſtaken) [2] "that from the *Conqueſt* "down to King *Edward* the Iſt, the *Inferiour Clergy* had *Place*, and Intereſt in "*Parliament*: But then he adds, what Overthrows his own *Hypotheſis*, "being there *ſometimes in* BODY, and as REPRESENTING *the* WHOLE, *ſometimes in* "PART *only*; and as *Entituled* by their *Tenures*: Now and then by diſtinct *Pro*"*ctors* of their *Own*, but more frequently, by their *Priors*, and *Archdeacons*, "particularly Empowered to that purpoſe. Sect. 120. [2] Rights, pag. 316.

What Confuſed Aſſemblies does this Man of Antiquity make our *Great-Councils*, in theſe Times to have been? In which there was Nothing *Certain*, Nothing *Eſtabliſhed*. Not ſo much as the *Perſons* determined who were to have *Place*, or *Repreſentation* in them. *Sometimes* the *Clergy* were there in *Body*, and as *Repreſenting* the Whole. How came they to be there *ſometimes*, under that *Capacity?* Or if thus there *ſometimes*, how came they not to be ſo *Always?* Was it not known of what *Eſtates* the *Parliament* did Conſiſt? Or who were the Members of thoſe *Eſtates?* Neither what *kinds* of *Perſons* were to Come to it? Nor by *whom* they were to be *Repreſented* in it? Let this *Author* think as he will; for my part, I cannot perſwade my ſelf that our *Government*, in thoſe Days, was either ſo *Arbitrary*, or ſo *Uncertain*, as he would hereby Repreſent it to Us.

But he goes on: "Nor matters it much, whether they were thus Called up "immediately by a *Royal Writ*, or by an *Eccleſiaſtical Summons* ONLY, iſſued "out at the *King's Inſtance*: ſince whether Cited this way, or that, the Effect "of their *Citation* was to *Attend* the *Parliament*: ----They might be Summon'd "*often*, as they ſate, apart from the *Laity:* but as they *ſate* in *Parliament* tho' "ſeparately, ſo were they *Called* to *Parliament*; tho' perhaps after a *Different* "*Manner* from the *Laity*, and did there together, with the *Greater Prelates*, "compoſe a *full Repreſentative* of *the Clergy*, and the *firſt Eſtate* of *the Realm*.

As to the manner of their *Citation*, ſo long as it was made *at the King's Inſtance*, as he ſpeaks; or, as I would rather have ſaid, by the *King's Command*, and in *Obedience* to his *Writ*; I am not Offended at it. They were Called by their Biſhops, after *Edward* the *firſt*'s time, at the *King's Inſtance*, and had they been ſo Called before, I ſhould not have *thought them ever the leſs proper Members of Parliament*, for all that. But has this Author ſo ſoon forgot himſelf? Did he not, in this very *Paragraph*, ſay that the *Lower Clergy* were in *Parliament* ſometimes, as *Repreſenting* the Whole; ſometimes in *Part only*, and as *Entituled* by their *Tenures?* And how does he now Affirm, without any ſuch Reſerve, that "they were (indefinitely) *Called* to *Parliament*, and did there together "with the *Greater Prelates*, compoſe a full *Repreſentative* of the *Clergy*, and the "*firſt Eſtate* of the *Realm?* For if this were the *End* for which they were *Sum-*

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mon'd thither, then they must not only have been *Always Called*; but have been *Always Called* under this *Respect*, as *Representing* the *Body of the Clergy*; and so *Compleating the first Estate of the Realm in Parliament.*

Let me therefore put the *Case* as it ought to be Stated, would Dr. *A.* deal freely, and fairly with Us; and then desire him to give a plain, and positive *Answer* to it. Were the *Lower Clergy* called to *Parliament* from the time of King *William* the *Conqueror*, to the middle of King *Henry* the IId. as they were afterwards called by King *Edward* the I*st*? Had they their *Representatives* there? Whether *Archdeacons*, or other *Proctors*, it is to me indifferent. And were they Regularly, and constantly Called; as the *Great Men*, and *Prelates*, were to it? If he can shew this, I must then own that I have hitherto been under a very Great Mistake in this Particular. If he cannot; (as I think I have now sufficiently proved that he cannot) all his other Pretences will signify but very little. For that not only *Prelates*, but all other *Clergy-men* whose *Tenures* Intituled them to a *place* there, were wont to be *Summon'd* upon the account of such of their *Tenures*, I readily agree: But what that *signifies* as to the *Body* of the *Lower Clergy*, to intitule them to *Parliamentary Rights*, or *Priviledges*, I cannot imagine; let Dr. *A.* make his Advantage, if he knows how, of it.

CHAP. VII.

The History of the Assemblies *of the* Clergy *of* England *continued from the Twenty Third of King* EDWARD *the* I*st. to the End of King* RICHARD *the* IId. *That in all this Time the* Convocations *did not* Attend *upon the* Parliament: *Dr.* A's Allegations *to the contrary Consider'd, and Answer'd.*

Sect. 1.

WE are now come to that part of our History, on which the Determination of those *Rights* and *Powers* of the *Clergy*, for which Dr. *A.* Contends, will begin to turn. Hitherto our Enquiries have had more of Curiosity than Use, as to this matter: And whether Dr. *A*'s Scheme, or mine be accounted the more true, the Cause in Hand will get, or suffer, but little by it. But here the Foundation was laid, on which both the *Parliamentary* and *Provincial Assemblies* of the *Clergy* were built. From henceforth therefore every step that is made will be of some Use to Us, either to Clear, Confirm, or Confute somewhat in Reference to the Points under Debate. I shall therefore need the less Apology, if I here pursue my History a little more fully than the Cause before Required, or I thought it proper to do. To those who desire a full Satisfaction in these Matters, I have no Apprehension that such a Procedure will appear tedious, because I am sure they will find it to have been Necessary: And for Others, I ought to have the less Regard, because it will give no trouble to them.

Had Dr. *A.* once for all handled this part of our History in a Full and Methodical manner, he would at least have let us into a clear Notion of what he aimed at, tho' we should not have approved of his Opinion, or been satisfied with his Proofs. But under the frequent, and disjointed Views which he has given Us of it, in the several Parts of his Book, 'tis hard to Resolve (in many Circumstances) what his *Hypothesis* is; and for that Reason only, it will be difficult to refute it. If this were Policy, and done by Design, I shall not blame the Artifice, whatever I may think of the fairness of it. But if (as I rather Hope) it was Owing to a want of Light, and possibly of Materials too, when he began to Write; I could only have wished that he had either better Understood what he was himself about, or had been more sparing in his Reflections upon other Mens Ignorance, in a matter wherein he himself was involved in utter Darkness and Obscurity. Be it which it will, I shall take his *Scheme* as I find it put together by himself in his *Second Chapter*; where he purposely *States* his own *Opinion*; and according to which it will therefore be the fairest Method for me to proceed in the Representation of it.

King *Edward* the *Iſt.* by the *Præmunientes* inſerted into the *Biſhop's Writs*, brought the *Lower-Clergy*, as we have before ſeen, to *Parliament*. [1] "This *Clauſe* "how much ſoever to the Real Intereſt and Advantage of the *Lower-Clergy*, "was yet thought a burden by them, and an inroad upon their Priviledges; "and they tried all ways of withſtanding, or declining of it. This they could not accompliſh in King *Edward* the *Iſt*'s time; but they advanced it very far in *Edward* the *IId*s. and fully ſetled it in *Edward* the *IIId*'s Reign: Whereby this "Accommodation took Place, that the *Præmunientes* ſhould ſtill Summon them "from the King to meet *Parliamentarily*, but that ſufficient Obedience ſhould "be Underſtood to be paid to it, if the *Clergy met Provincially*; tho' not *At* "the ſame *Place*, yet *About* the ſame *Time*, and to the ſame *Purpoſe*; to be ready to hear what ſhould be *propoſed from the King*; to give their *Advice* when "*asked*, and their *Conſent* when *Requiſite*; to offer their *Aids*, and their *Petitions*; and, in ſhort, to anſwer the *Neceſſary Affairs* of the *King*, and *Kingdom*.

K. EDWARD *the Iſt.* Sect. 2.

[1] Rights, &c. p. 40.

[2] Ibid. p. 43.

"From henceforth the Buſineſs of the *Præmunientes* became a matter of FORM, rather than an EFFECTUAL SUMMONS to PARLIAMENT. The *Clauſe* was continued in the *Biſhop's Writs*, and *Executed* by the *Biſhops*, and *Clergy*: But that was all. "Thus (ſays Dr. *A.*) the *Forms* were kept up, and by that means the King's *Right* of *Summoning* the *Clergy* Aſſerted, and Owned; and ſo the *State* [3] *Ends* of *Summoning* them, were alſo anſwered, they were left to do it in an ECCLESIASTICAL WAY, and to *Attend* the *Parliament*, and the *Buſineſs* of it, not in *One Body*, as they were *Called*, but in *Two Provincial Aſſemblies*. This they did, at firſt, by the *Connivance* of the *Crown*, rather than by any Expreſs *Allowance*; the *Archbiſhop* of his own Accord ſending out a *Provincial Citation* Concurrently with the *Biſhops Writs* of *Summons*: Which Method obtaining, and thoſe *Meetings* of the *Province* being *tacitly accepted* in Lieu *of the Clergies Reſort* to Parliament; it grew Neceſſary for the King to Employ his Authority alſo in Convening of them.—— This gave Birth to the Cuſtom of iſſuing out *Two Convocation-Writs* when a new *Parliament* was to be *Choſen*; which tho' ſet on Foot before, yet ſetled not into a Rule, till ſome Years after *Edward* the *IIId.* was in the Throne; and then it was *Practiſed* as *duly*, and *regularly*, and much in the *ſame manner*, as it is at *this* Day. Take one Inſtance inſtead of many, *&c.*

[3] Ibid. p. 44.

"[4] Thus the *Clergy* were indulged in the *Form*, ſo the thing were but Effectually done; which was, *to have them Meet together with the Parliament*, and for the diſpatch of the *ſame Urgent Affairs of the Kingdom*, for which the *Parliament* met. And this was no *New-Practiſe* but a *Method* now *Setled* and *Cuſtomary*; of which various Precedent Inſtances might, if they were needful, be given; but it is a ſhort and ſufficient Proof of it, that the Words of the *King's Writ* to the *Archbiſhop* run, *More ſolito Convocari faciatis.*

[4] Ibid. p. 46.

The Form now ſetled was this; that the *Province* of *Canterbury*, met a little before that of *York*, to ſet the Example of a *Grant*, which it was *Expected the Other ſhould almoſt implicitely follow*. [5] As for the *Parliament*; that, Generally, went about a *Week before both*, tho' here (18 *Ed.* III.) it followed. "And "this was the uſual Diſtance throughout *Edward* the *Thirds*, and *Richard* the "*Seconds* Reign, till *Henry* the *Fourth* began to Enlarge it; *in*, and *after* whoſe "time, the *Clergy* held their *Aſſemblies* during, and near the *Seſſions* of *Parliament*, "but not *throughly Concurrent* with them.

[5] Ibid. p. 47. 48.

"But this was only an *Interruption* of the *Old Practice* for a time, not a "through *Alteration* of it: For about the Entrance of the *Laſt Age*, when the "*Prerogative* began to Recover the Ground it had loſt to the *Church*, we find "theſe *Meetings* of the *Clergy* and *Laity*, more cloſely United; the dates of "*Henry* the *Eighth*'s *Convocations* being *All One*, or a few-days before, or after, "(if not altogether the ſame with) thoſe of his *Parliament*.

"The *Clergy* therefore, tho' by a *miſtake* in their *Politicks* ſeparated from the "*Parliament*, yet continued ſtill to *Attend* it in two *Provincial Aſſemblies*, or "*Convocations*.

This is Dr. *A*'s Scheme concerning the *Connexion of our Convocations*, and *Parliaments*, within the *Period* We are here Enquiring into. Let us now take it to Pieces, and ſee wherein we *agree* or *differ* in our Notions of theſe Matters.

And

K. EDWARD *the Ist.*

And 1*st*. It is agreed between Us; that King *Edward* the I*st*, brought the *Lower Clergy* to *Parliament* by the *Præmunientes Clauſe*. In this we Differ, that Dr. *A.* affirms him herein to have only Reſtored the *Antient Practice*; whereas I deny that ever the *Body* of the *Inferior Clergy* had before been Called to our *State-Conveils*, or been Repreſented there; and I referr my ſelf to the *Hiſtorical Proofs* of the preceding *Chapters*, for the *Ground* of ſuch my Denial.

2. Whether the *Lower Clergy* were *Miſtaken in their Politicks* in Refuſing all they could to comply with this *New-Summons*, and accounting it a *Burden* rather than an Advantage to them, as it is hard to Determine, ſo is it of no great Moment to Diſpute. That hereby they were deſign'd not only to be put to the Charge and Trouble of a *frequent Aſſembling*; but that in order to a farther Burden of coming into a large ſhare of all the *State-Taxes*, from whence (as to their *Spiritualities* and *Antient Demeſnes*) they had hitherto been almoſt wholly Exempted is very Plain: And the Endeavours they uſed both by their Own Management, and by the *Popes Aſſiſtance*, to avoid theſe Impoſitions, ſufficiently ſhew that this was the *Grievance* of which they were aware. What they ſhould have gain'd by a more conſtant Coming, to have recompenſed ſo much Coſt and Labour, and to have turned it to their *Real Intereſt*, I cannot tell; being not yet able to find that the *Lower Clergy* ever Came and Acted in a *Body* in *Parliament*; or were ever Conſidered as a *Separate-State* from the *Lords*, and ſo Allowed a *Negative* on ſuch *Acts* as would otherwiſe have paſſed (oftentimes) to their Grievance there. All that I can perceive they did, when they Came to Parliament, was to *Conſult* with their *Biſhops*; and, by them, ſend their *Senſe* and *Petitions* to the Other *States*: Who being intermixed with the *Lords Temporal*, had no more Priviledge on the Account of the *Lower-Clergy* in thoſe days, than what they Continue to Enjoy now; but were Concluded by the *Votes* of the *Upper-Houſe*, as they ſtill are, notwithſtanding the *double Capacity* in which they ſit there.

[1] Chapt. 1. Sect. 13. Rot. num. 38.

I have already given an Evident Inſtance of this in the [1] *Parliament* of the 3*d* of *Richard* the II*d*; where tho' the whole *Clergy* Diſſented, yet the *Act* paſſed for all that, and was not ſtopp'd upon their *Proteſtations* againſt it. So that I am ſtill to learn what Advantage, more than that of adviſing with their *Prelates*, the *Lower-Clergy* could have gained by this *Summons* to *Parliament*: And whether that alone would have been an Equivalent to the *Coſt*, and *Trouble* it was like to bring upon them, I ſhall leave it to Dr. *A.* upon further Thoughts to Conſider.

But be this as it will; the *Lower-Clergy* thought it a *Grievance* to be Obliged to come to *Parliament*, and try'd all ways of Declining of it. This Dr. *A.* allows; in Point of *Fact*; and in this I ſhall not differ with him: They were Uneaſy at it; and they came as little as poſſibly they could to it.

Sect. 4. [2] Rights, *&c.* p. 75.

3. Now this brought up the Uſe, tho' I cannot ſay of [2] *Parliamentary*, yet, at leaſt, of *State-Convocations*; and of which Dr. *A.* tells us, that the *Accommodation*, between the *King* and *Clergy*, was this; "that the *Præmunientes* ſhould "ſtill *Summon* them to meet PARLIAMENTARILY; but that *ſufficient Obedience* "ſhould be UNDERSTOOD to be PAID to it, if the *Clergy* met PROVINCIALLY; "tho' not AT the ſame PLACE, yet ABOUT the ſame *Time*, and to the ſame "*Purpoſe*. But in this I can by no means Agree with him, and indeed his *Own Expreſſions* ſhew ſome kind of *Violence* in his *Notion*. The *King* was, "by the "*Præmunientes* to *Summon* the *Clergy*, he ſays, to meet *Parliamentarily*: but a "*ſufficient Obedience* ſhould be *Underſtood* to be *paid* to it, if they met *Pro*"*vincially*. Now by Meeting, in this manner, *Provincially*, either they did truly Obey the *Præmunitory Summons*, or they did not. If they did *truly Obey* it, then 'tis too much Mincing of the matter to ſay that thereby a *ſufficient Obedience* ſhould be UNDERSTOOD to be PAID to that *Summons*; whereas it ought to have been Roundly Affirmed, that by *ſuch* their *Meeting* they did Pay a *due*, and *Legal Obedience* to it. But if ſuch a *Meeting* in *Convocation*, did not Anſwer the *Obligation* which that Summons laid upon them; If it were ſo far from doing that, that it was, in truth, no *Obeying* of it at All; then *Dr. A.* ſhould plainly have told us how the Caſe ſtood, and in which I ſhould not have differed with him: That tho' the *Clergy*, being Unwilling to come to *Parliament*, did not *Obey* the King's *Præmunitory Summons* ſo duly as they ought to have done, yet ſo long as they met together in their *Provincial Convocations*, whenever he Required them;

them, and gave him what he desired there, he was Content to bear with their Neglect in that Particular, and did not much insist upon their *Coming* to *Parliament*, whilst he got what he aim'd at of them in their *Convocations*. K. EDWARD *the Ist.*

This was the truth of the Case, but this would not have served Dr. *A*'s Purpose: and therefore what he insinuates here; he elsewhere more plainly affirms, "that these *Convocations* (in some Sense) were *held always by the* "*King's Writ*, that is, by the *Præmunitory Clause* in the *Bishop's Summons*: And "for this he Referrs Us to the Authorities of Mr. *Bagshaw*, and Bishop *Ravis*; "the One of which he says *Owns*, the Other *Affirms*, as much.

Dr. *A.* must Excuse me if I say that I cannot see any such Position, either in the *Ones Argument*, or in the *Others Papers*. But what does he mean by his new *Qualification* again in this Case? These *Convocations*, in some Sense, were held by the PRÆMUNITORY CLAUSE. The *Bishops Writ* is a *Legal Summons*; and has a *Legal Force* and *Obligation*. If therefore it Respects the *Convocation* at all, it *Summons* it *Expresly*, and not in some Sense only; and the *Clergy* by meeting there, must Legally *Obey* it, or I am sure a *sufficient Obedience* cannot be Understood to be paid to it by such their Meeting. For, in *Law*, no *Obedience* is *sufficient*, but what is *Legal*, and answers the Terms of what the *Law* Requires. And to the *Common Reason* of Mankind I appeal, as well as to the *Law* of the *Realm*, whether a *Writ* framed (as both the *Words* shew, and Dr. *A.* himself Owns that it was) to Summon the *Clergy* of the two *Provinces Nationally* to *Parliament*, can be Obey'd in any Sense at all, by their meeting not *Nationally*, but *Provincially*; not in *Parliament*, but in *Convocation*; at another *Time*, in another *Place*, and with another sort of *Men*, from what that *Writ* Requires them to meet at, and withall.

In short; as the *Lower Clergy* were Summon'd, so are the *Bishops*: The *Writs* both for *Parliament*, and *Convocation*, Regard them both alike; and the same Reason must hold for both or neither. Here therefore let me ask Dr. *A.* When the *Bishops* are *Summon'd* to *Parliament*, would they in SOME SENSE Obey the KINGS WRIT by meeting only in *Convocation?* Should the *Archbishop* and *Bishops* of the *Province* of *York* (for Example) instead of coming up to *London* to *Parliament*, Assemble only in *Convocation* at St. *Peters York*; and tell the King that by this they did in *Some Sense* Obey his Call of them to *Westminster*; would Dr. *A.* undertake to defend their Plea, and prove that this was a *Legal Obedience* to the *King's Parliamentary Summons?* If not, then let him not tell us that the *Lower Clergy* do in *Some Sense* Obey the *King's Parliament Writ*, by meeting in *Convocation*; or sit there in *Any Sense* by Vertue of it: but let him Remember, what Himself, (according to the usual Consistency of his *New-Notions*,) elsewhere tells us, that in former times, when the *Convocation* and *Parliament* met together, the *Clergy sate Personally in the One*, and sent their *Proctors* to the *Other*, to Act there for them: Which had their *Meeting* in *Convocation* been such either in the *Eye of the Law*, or by the *King*'s Avow'd *Acceptance* of it, as he here pretends, there would have been no need of their doing.

The truth then of this matter is this: The *Clergy* being Uneasy at their *Parliamentary Summons*, by degrees brought all their *Grants* to be made in *Convocation*; and the King, whose design in *Summoning* of them to *Parliament* was only to have Aids of them, comply'd with their Humour; and never enquired whether they Obey'd his *Writs*, by coming to *Parliament*, so long as they both met, and supplied his needs in *Convocation*. This is *true History*, and *Good Sense*: Whereas Dr. *A*'s pretence has indeed, neither *History*, nor *Law* to support it; nor will the *Nature* of the *Writs*, admit of such a Use, as he pretends, to be made of them.

Let us hear how he himself goes on, to the Contradiction of his own Assertion. "[2] Thus the *Forms* were kept up, and by that means the King's Right "of *Summoning* the *Clergy Asserted* and *Owned*: and so the *State-Ends* of *Summon-* "*ing* them were also Answered, they were left to do it in an *Ecclesiastical* "*way*,— not in *One Body*, as they *were Called*, but in *two Provincial Assemblies*. "This they did, at first, rather by the *Connivance* of the *Crown*, than by any "*Express Allowance*. Now All this exactly agrees with what I affirm; and with the truth of the Case; but it shews, at the same time, that the *Pretence* of *Meeting* in this manner, in any *Sense*, by *Authority* of the *Præmunitory Clause*, is All but Fancy: A Principle which Dr. *A*'s Case wants,

[2] Rights, &c. p. 44.

[1] Rights, &c. p. 66. compare pag. 75. Where he expresly says, that 'These 'Provincal 'Assemblies, 'tho' held a-part from the *Parliament*, yet belonged to it; met by the *Parliamentary* no less than the *Provincial-Writ*; &c. And p. 251. He affirms the Original Design of the *Provincial-Writ* to have been 'only to 'secure an 'Obedience to 'the *Præmunitory Clause*: 'This (he says) is IN-'DUBITA-'BLY TRUE.

K. EDWARD *the Ist.* Sect. 5.

but such as neither *Law*, nor *Reason*, will allow of. To Proceed therefore.

4*thly*. " This Method obtaining, (of the *Clergies Meeting*, and *Granting Subsidies* in two *Provincial Assemblies*) " and this their Meeting being *tacitly* Ac- " CEPTED *in lieu of the Clergies Resort to Parliament*; it grew Necessary for the " King to employ his *Authority* in Convening of them. This, in the Sense before mentioned, I can agree to; but then what he adds is utterly false in point of *Fact*, [1] " This (says he) gave Birth to the Custom of Issuing out two *Convocation-Writs*, when a *New-Parliament* was to be Chosen; which, tho' set " on Foot before, yet setled not into a *Rule*, till some Years after *Edward* the " *Third* was in the *Throne*: and then it was Practised as Duly, and Regularly, " and much in the same manner, that it is at this day. This, I say, is utterly false; as to the issuing out of two *Convocation-Writs* when ever a *New-Parliament* was Called. Our Kings never Obliged themselves, nor were they ever by *Law Obliged*, to any such thing: They often did *Call them* at the same time that they did their *Parliaments*, as having the same need of Both; and they *more often* held them, not only at different *Times* from, but without any *Respect* to one another. Sometimes *Parliaments* met without any *Convocations* at all; Often *Convocations*, without any *Parliaments*, to be either petitioned to, *Advised*, or otherwise *Acted with*, by them.

[1] Compare, Rights, Ib. p. 215, 276, 332, 350, 355, *&c.*

[2] Rights, Ib.

But [2] Dr. *A.* will give us One Instance instead of many, of this. That indeed is Extraordinary: He will shew us, that once upon a time a *Parliament and Convocation* were held together, and that to prove that it was the *Constant Custom* for them to be held one with the other. A noble Induction, and worthy the Point that is to be proved by it. However let us hear what this *One Instance* says. He tells us that it " had been agreed for the *Urgent Affairs* of the *King-* " *dom*, to hold a *Parliament* at *Westminster* on the *Munday* after the *Octaves* of " *Trinity*, and that the *Archbishop* should call a *Convocation* of the *Prelates*, and " *Others* of the *Clergy* of his *Province*, to the *Church* of St. *Pauls*, *London*, on the " morrow of *Trinity* for the dispatch of the said Affairs. The Words of the [3] *Roll* are more full; and will shew this to have been an Extraordinary Case. By *Writs* dated the 7*th*, of *March*, a *Parliament*, or *Great Council*, had been summon'd to meet at *Westminster* fifteen days after *Easter*. There, at that *Council*, says the *Roll*, " it was agreed by all the Lords, who were then Present, that " for divers great Occasions touching the Government, and Safety of the " *Realm* of *England*, which could not, as it was there said, be Expedited " without a *Parliament*, a *Parliament* should be Summon'd, at the *Time* and *Place* " before mentioned; and that the *Archbishop* of *Canterbury* should hold a *Convo-* " *cation* of the *Prelates* and *Clergy* of his *Province* about the same time. Here therefore was an Express Agreement, by order of a *Great Council*; for the holding of this *Parliament* and this *Convocation*. The *Place* and *Time* of both were setled by the Resolution of the *Lords* there Assembled: And Dr. *A.* therefore can infer nothing of a Common Usage from such an Instance, which was plainly of an Extraordinary, if not of a singular Nature; and the like whereof (unless in the same Case about five Years before in the 13*th* of *Edward* the III*d*.) is not to be met with in this whole Reign.

[3] Rot. Parl. 18 *Edw.* III. num. 1.

However, since Dr. *A.* has pitch'd upon this Time for the *thorough Settlement* of this *pretended Custom* to hold a *Convocation* with every *New-Parliament*; I will comply so far with his own Choice, as to consider how the Case, in *Fact* stood, as to this matter, for some Years, on each side of this One Instance so Pompously Alledged by him.

In the 12*th* of *Edward* the III*d*. *Anno* 1338. Three *Parliaments* were held; but with none of them can I meet with any *Attending-Convocation*: And having a very Particular Account of the Transactions of this Year, I conclude, there was none Called at all with them. *Anno* 1339. A fortnight after *Michaelmas*, a *Parliament* sate, and no *Convocation* with it. There it was agreed that another *Parliament* should be held in the *Octaves* of *Hilary*, and the *Convocations* called about the same time with it; but on *Midlent-Sunday* a third Parliament was Assembled and sate forty five days, without any *Convocation*, that I can find, of Either *Province* to Accompany it.

Anno 1340. The Parliament sate the *Wednesday* after the *Translation* of St. *Thomas* of *Canterbury*, *July* the 12*th*. About the Eleventh of *December* following, a

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Convo-

Convocation was held at *York*: but of any *Convocation Concurrent* with, or *Attending* upon the *Parliament* of this Year, I meet with no Footſteps.

Anno 1341. a Parliament met fifteen days after *Eaſter*. In *October* an *Eccleſiaſtical-Council* was Called by the Archbiſhop of *Canterbury*; but neither this Year can I hear of any *Convocation*.

Anno 1342. On *Wedneſday* after St. *Edward* the *Confeſſor*, about the middle of *October*, the *Parliament* ſate. The *Convocation* of our *Province* went before it, and ſate *October* the 9*th*. That of *York* met not till the Ninth of *December*; at too Great a diſtance to be called either a *Concurrent*, or *Attending Convocation*.

Anno 1343. The *Parliament* ſate *April* the 28*th*; but for *Convocations* I can meet with none at all this Year.

Thus ſtood the Caſe for ſix Years before the time of which Dr. *A.* gives us his *One Inſtance*; let us go on with a View of as many after it.

Anno 1345. A Parliament, or *Great Council*, ſate the *morrow* after the *Purification*: In *May* following, 1346. an *Eccleſiaſtical Synod* met; but no *Convocation* at all that Year. [1] 'Tis true, by a Minute taken out of the *Great Regiſter* of the *Church* of *Worceſter*, I am inform'd that a Proxy was Granted by the *Prior* and *Chapter* for a *Parliament* to be held at *Weſtminſter* on Munday next after the *Octaves* of *Eaſter*, about ten days before this *Synod* was held. It is of no Great Moment ſhould we ſuppoſe ſuch a *Parliament* to have Aſſembled at that time; ſeeing the *Council* which met in *May* following, was a *proper Eccleſiaſtical Synod*; and ſuch as even Dr. *A.* himſelf will not allow to be one of his *Attending-Convocations*.

[1] Regiſt. Mag. Wigorn, *fol.* 189.

On *Munday* after the *Nativity* of the *Bleſſed Virgin*, *September* the 11*th*. of the ſame Year, the *Parliament* was Aſſembled; but the *Convocations* kept at a Great Diſtance from it. The One ſate not till the 16*th* of *October*; the Other was not called till after the *middle* of *December*, and ſate not till the End of *January* following.

Anno 1347. Two *Parliaments* were held: One the *Morrow* after *Hilary*; the other about *Midlent*. About three Months before the former of theſe, an *Eccleſiaſtical Synod* of the *Province* of *Canterbury* was Aſſembled: But for any *Parliamentary* Attending *Convocations* I am yet to ſeek; Dr. *A.* will pleaſe to tell Us when they *met*.

Anno 1348. A *Parliament* was called to meet the *Munday* after *Hilary*, and twice *Prorogued*, without ever ſitting. Yet a *Convocation* met at *York* in *Whitſon Week*; but of any Called at any of the times that the *Parliament* was Summon'd, I find no mention.

Anno 1350, 1351. the *Parliament* ſate in the *Octaves* of the *Purification*. The *Convocation* of *Canterbury* was not held till *May* the 2*d* after; that of *York*, not till the 18*th*, of the ſame Month.

And now from this ſhort View of the *Convocations* of this time, for about Twelve Years ſpace; I ſhall leave it to Dr. *A.* himſelf to Conſider, with what little Reaſon he affirmed it to have by this time become the Conſtant Practiſe for *Convocations* to be *Called* with every *New-Parliament*, as *Duly* and *Regularly as they are at this day*. I omit any farther Enquiry into theſe Matters, till I come in Order of time to the Conſideration of them; and then I ſhall not only more fully inſiſt upon the Years which I have now Curſorily run over, but ſhall take in the whole Proceſs of theſe *Meetings*, during this, and *all* the *following Reigns*.

5. The *Time* of the *Convocations Meeting*, is the next Circumſtance which comes to be Conſidered, and of that Dr. *A.* gives us this Account: [2] "The "*Clergy* (ſays he) were indulged in the *Form*, ſo the *Thing* were but *Effectually* "done; which was to have them meet together with the *Parliament*; by which I ſuppoſe he muſt mean, within the ſame *Compaſs* of *Time* that the *Parliament* was *ſitting*. [3] "The *Province* of *Canterbury* uſually met a little before "that of *York*; and the *Parliament* generally went about a *Week* before *both*; "and this was the Uſual Diſtance throughout *Edward* the *Thirds*, and *Rich-* "*ard* the *Seconds* Reigns: "Till *Henry* the IV*th* began to Enlarge it; in, and "after whoſe time, the *Clergy* held their *Aſſemblies* DURING, and NEAR the "SESSIONS of PARLIAMENT, tho' not THROUGHLY CONCURRENT with it. But "this was only an *Interruption* of the OLD PRACTISE; (which therefore muſt

Sect. 6.

[2] Rights, &c. pag. 46.

[3] Rights, &c. pag. 47, 48, 75, 258, 259, &c.

K. EDWARD *the* Ist. "have been, by this Account, to hold the *Sessions* of *Parliament* and *Convocation* THROUGHLY CONCURRENT with one another:) and was Reformed again about the Beginning of the Last-Age; when the *Convocations* began to be *Altogether* of the *same date*, or but a few days before, or after, with that of the *Parliament*.

This therefore I take to be Dr. *A*'s Hypotheſis as to this matter. The OLD PRACTISE was, to have the *Convocations Altogether Concurrent with*, or *within a few days*, of the *Parliament*. In *Edward* the *Third*, and *Richard* the *Second*'s time the *Parliament* ſate about a Week before the *Convocation* of *Canterbury*; and ſomewhat more before that of *York*. In *Henry* the IV*th*, and the *following Reigns*, They met *during*, and near the *Seſſions* of *Parliament*, tho' not *Altogether Concurrent* with it. But this was only an *Interruption* of the *Old Practiſe*; which was Reſtored again the beginning of the laſt Age, and ſo has been continued from the time of King *Henry* the VIII*th* (as he here ſays) of [1] King *Henry* the VII*th*, (as he elſewhere affirms) to this day.

[1] Rights, &c. pag. 276.

How true this Account is, as to the time of King *Edward* the III*d*, the ſhort Specimen of that part of his Reign to which Dr. *A.* himſelf Appeal'd, may ſuffice to ſhew. In which, to paſs by the many *Parliaments* which ſate without any *Convocations* at all; The Parliament of 1338. met at *Northampton*, *July* the 26*th*, the *Convocation* of *Canterbury*, *October* the *firſt* at *London*, that of the Other *Province*, about the ſame time at *York*. In 1340. the *Parliament* met in *July*; the *Convocation* of *York* not till *December* the 11*th*. In 1342. the *Parliament* in *October*, the *Convocation* of *York*, again in *December*. In 1346. the *Parliament* in *Auguſt*; the *Convocation* of *Cant.* not till *October*, that of *York* not till *January* after. In 1350. 1351. the Parliament in *February*; the *Convocation* of *Canterbury*, a fortnight after *Eaſter*: that of *York*, *May* the 19th, at three Months diſtance from one another.

So many are the Contradictions to Dr. *A*'s Rule in this very Period, within the Compaſs of Eleven Years. I have already ſhewn that he has been no leſs miſtaken in the times of King *Henry* the VII*th*, and to the twenty fifth of King *Henry* the VIII*th*, before which time there was no ſuch Stated *Union* between our *Parliaments* and *Convocations*, as he pretends; and how there came to be ſo afterwards, I ſhall hereafter declare. In ſhort; Our *Kings* were as free in this Particular, as they were in All the *Others*; they Called their *Convocations* at their *Own Pleaſure*; ſometimes nearer their *Parliaments*; ſometimes at a greater Diſtance from them; as they thought moſt Convenient for their Affairs: Oftentimes the *Archbiſhops* were left to take their *Own time* for it; and when preſcribed to by the *King's Writ*, yet (if they ſaw it needful) they departed from it, and fixed a different time in their *Mandate*, from what the King, by his *Writ*, had limited them unto.

Sect. 7.

6. There is yet one Circumſtance more remaining to be Conſidered, viz. the Buſineſs for which they met, and that Dr. *A.* thus declares: [2] "It was for "the diſpatch of the ſame *Urgent Affairs* of the *Kingdom*, for which the *Parliament met*. And what thoſe *Urgent Affairs* were, is a queſtion that muſt a little be Enquired into. The *Convocations* made no *Civil Laws*, nor ſo much as *Debated* about them, or gave *Conſent* to them. They treated not of *Peace*, or *War*; of *Trade*, or *Comerce*: Nay it was a long time before they made any *Eccleſiaſtical Canons* or *Conſtitutions* by their own *Spiritual Authority* there. What therefore were theſe *Urgent Affairs* of the *Kingdom*, *Common* to the *Convocation* with the *Parliament*, for which they met? Dr. *A.* muſt Excuſe me; (for *Truth* is neither to be *frighted* by *Calumny*, nor to be Overborn by *Noiſe* and *Clamour*; and the Truth it is which I formerly *Aſſerted*, and do here again *Repeat*; and will Undertake to *Defend* againſt all his *Arguments* and *Revilings*) I ſay he muſt Excuſe me, if I tell him, that it was to debate on the *Neceſſities* of the *Government*, and to agree upon Suitable *Aids* for the *Supply* of them. This was the *Great End* for which our Kings *Summon'd* them: This the *Writs* by which they were Called, for the moſt part, Expreſly *Declared*: This our Princes conſtantly Demanded of them, and Recommended to them: And, laſtly, This, upon Enquiry, will be found, to have been All that was Generally done by the *Clergy* in them.

[2] Rights, &c. pag 46.

As for *Church-Affairs*, they had their *Provincial Synods* to tranſact them in. There they Managed them before ever any *Convocations* were Called, and there they

they Continued to Manage them above an Hundred Years after they were wont to be *Summon'd*. K. EDWARD *the Ist.*

Their *Parliamentary Petitions* were drawn up by, and preſented in the Name of, the *Parliamentary*, not the *Convocational Clergy*. And theſe might Equally have been framed in any of their *Meetings*; and tender'd on their behalf, as commonly they were, by the *Biſhops* and *Prelates* in *Parliament*.

Their *Addreſſes* to the King, were uſually Delivered by their *Metropolitans*; and thoſe might have been ſent from a *Church-Synod*, as well, and (the Circumſtance of *Money* being laid aſide, as Acceptably too) as from a Convocation.

In ſhort let Dr. *A.* turn himſelf into what Forms he pleaſes; let him Ranſack all his Stores; he will find nothing beſides the *Granting* of *Money*, that moved our Kings either to *Countenance*, or *Call*, theſe *State-Convocations*. All the Other Matters that were ever done by them, were either ſuch things for which the *Government* needed them not; or ſuch, as might have been done, in another manner, and in ſome other Aſſemblies, as well as in theſe.

This then is the Difference between Dr. *A.* and Me with Relation to this Period of Time; upon the *Scheme* which He here lays down. Sect. 8.

1. Dr. *A.* tells us that in bringing the *Clergy*, by the *Præmunitory Clauſe*, to *Parliament*, King *Edward* the *Iſt Reſtored* only their Antient manner of coming thither: I aſſert, that He thereby *firſt Obliged* the *Body* of the *Lower-Clergy* to come at all to it.

2. Dr. *A.* tells us, that this the *Clergy* Erroneouſly thought to be a burden to them; and therefore Endeavoured all they could to get free from it. [1] That "this they could not accompliſh in *Edward* the *Firſt's* time, but they advanced "it very far in *Edward* the *Second's*, and fully *ſetled* it, in *Edward* the *Third's* "Reign. I think the *Clergy* had Good Reaſon to be Apprehenſive of the Trouble, and Charge of a *Parliamentary Attendance*: That they were not therefore out in their *Politics* when they deſired to decline it, tho' they fail'd very much in their Duty, in the Ways which they ſometimes took for the avoiding of it. That they came but Uneaſily, and but in ſmall Numbers to Parliament; and being come they did little or nothing there; I agree with him: But that they fully *ſetled* the *Method* of two *Convocations*, inſtead of one *National Aſſembly*, and thereby totally left off to Come to *Parliament* ſo Early as *Edward* the *Third's* time, that again I deny.

[1] Rights, &c. p. 40.

3. Dr. *A.* [2] affirms that this brought up the Uſe of two *Parliamentary* (ſo He calls them) but I ſay, of two *Provincial Convocations*, for *State-Ends*. Dr. *A.* adds, that by meeting in theſe, the *Clergy* not only anſwered the *King's* Purpoſe, which I allow; but Obey'd his *Præmunitory Summons* too: And, that 'tis in this Senſe, that theſe *Convocations* were ſaid, 25 *H.* 8. c. 19. to have been "*Always Summon'd by Authority of the King's Writs*, becauſe they met by Vertue of his *Præmunientes*. This I deny to be either true *Hiſtory*, or *Good Law*. Becauſe neither did they *Always meet* in *Convocation* when ever the *Præmunientes* was iſſued out; nor if they had, would they thereby have paid any *Legal Obedience* to the King's *Parliamentary Writs*; nor could they have *Legally met*, after that manner, by Vertue of them.

[2] Rights, &c. p. 75.

4. In Conſequence hereof, Dr. *A.* pretends that whenever a *New-Parliament* was *Called*, a *Convocation* was evermore *Summon'd* together with it; and (after his Obliging, Modeſt, way) Challenges Dr. *W.* to prove the contrary. This I have ſhown in ſome Meaſure to be utterly *Falſe* already; and to gratify his *Deſires*, if not to accept his Challenge, will hereafter prove, as to any *Eſtabliſh'd Cuſtom*, or *Conſtant Practiſe*; much leſs as to any *Law* of our *Conſtitution*, throughout this whole Period, from King *Edward* the *Iſt*, to King *Henry* the VIII*th*, to be no leſs Erroneous.

5. Dr. *A.* adds, That theſe *Convocations*, tho' not held at the ſame *Place* with the *Parliament*, yet met, at firſt, *Concurrently* in *Time* with it; afterward about a *Week* after it: Then at a *Greater Diſtance*, but ſtill *within*, or *near* the *Seſſion* of it; till at laſt, about King *Henry* the *Seventh's* Reign, they came again to the *Old Practiſe* of *Meeting Concurrently* with it. This I affirm to be intirely *Falſe* in *Every Part* of it. The *Convocations* never had any ſuch *Regular Concurrency* in point of *Time* as he pretends: Sometimes they met with the *Parliament*: Sometimes *near* it: Sometimes at a *Greater Diſtance from it*: Often not at all with it: And all, as the *King* thought fit to Order it.

6. Laſtly,

K. EDWARD *the Ist.*

6. Laſtly, Dr. *A.* affirms that the *Convocations* met for the ſame *Urgent Affairs* that the *Parliament* did: I ſay that by that *Phraſe* we are *chiefly*, if not *only*, to underſtand, the *Granting of Aids* for the *Support* of the *Church* and *Realm*: The only way they had (beſides their *Prayers* and *Preaching*) of ſupporting them. And tho' Other things were ſometimes done by the *Convocation*, when *met*; yet this I undertake to ſhew, was the *Great*, *prevailing*, and indeed Original *Motive*, that Induced the *King* to the *Summoning* of them.

Whereas therefore Dr. *A*'s *Argument* in Proof of his Pretenſions, ſtands thus: * Thoſe *Convocations* which *Succeeded* into the *place* of the *Parliamentary Conventions* of the *Clergy*; * Which were called by the *Præmunientes*, as well as by the *Provincial Summons*; and * thereby met as *conſtantly* and *duly*, as every *New Parliament* was held: * Which always ſate, either at the very *ſame time*, or within the time of the *Parliaments ſitting*; and * Treated of the *ſame Affairs* of which the *Parliament Treated*; are properly PARLIAMEMTARY CONVOCATIONS; and by our *Conſtitution* NECESSARY ATTENDANTS upon an *Engliſh Parliament*: But this has been the *Caſe* of our *Convocations*, from the time of their firſt *Eſtabliſhment*, to the *preſent Reign*: He will give me leave not only to deny his *Aſſumption*, and thereby to deſtroy his *Argument*, but by proving the quite Contrary; to turn it againſt himſelf: That thoſe * *Convocations* which *ſucceeded not* into the place of the *Parliamentary Aſſemblies*, but were held for above One Hundred Years *together* with *them*: * Which never did, nor by *Law* could have met by *Authority* of the *Præmunitory Clauſe*; but only by vertue of the *Kings* and *Archbiſhop's Provincial Summons*: * Which oftentimes were not *Called* at all when *Parliaments* were *Called*, and * frequently were *Aſſembled* when no *Parliaments* were *held*: Which * never were Confined to the *time* of the *Parliament*, till the 25*th* of King *Henry* the *Eighth*; and then not by any *Law*, but only by the *free Prudential Choice*, and *Will* of our Princes; * Which never treated of any *Parliamentary Affairs*, unleſs upon an *Extraordinary Occaſion*, when Required by the *King*, and *Deſired* by the *Parliament*, ſo to do; and that very ſeldom, if ever at all; but met purely (as to the *King*'s deſign) to Grant *Aids* out of their *Spiritualities* to Him; which could not be taxed by any but themſelves, nor would they *tax* themſelves in *Parliament*, but only in *Convocation*; and for the Reſt, acted not as a *Parliamentary Body*, but as a meer *Eccleſiaſtical Aſſembly* of the *Province*; were no *Parliamentary Convocations*, nor can with any Reaſon, or Juſtice, be call'd *Attendants upon a Parliament*. But this I do affirm to have been the Caſe of theſe *Convocations*; and ſhall preſently proceed *Hiſtorically* to confirm it from the time of King *Edward* the *Firſt*, to the twenty fifth of King *Henry* the *Eighth*: And therefore I conclude, in the Reverſe both of his *Hiſtory*, and his Poſition founded thereupon; that our *Convocations* were not all this while, either any part of our *Parliaments*, or any *Neceſſary Attendants* upon them; neither by the *Laws* of the *Realm*; nor by the *Nature* of our *Conſtitution*; nor by any *conſtant* or *regular Practiſe* of our *Princes*; in Conſequence of *both*, or *either* of thoſe *Grounds*.

This is my *Argument* in anſwer to Dr. *A*'s Pretences in this Caſe; the *Propoſition* whereof being directly *Oppoſite* in every Particular, to his; muſt I think not only intirely deſtroy his Aſſertion, but he allow'd to inferr the contrary *Concluſion*: And the *Aſſumption* I now come to make good in my *Hiſtorical-View* of theſe Times.

King EDWARD *the Ist.*

1295. Sect. 9.

Tho' the *Lower Clergy* were not call'd to *Parliament*, till the latter End of the Year 1295, yet it may not be amiſs to take a View of the Hiſtory of the Whole, as far as the preſent Argument is concern'd in it. If a *Minute* which I have out of the Regiſter of *Jo. Roman*, (but do put no great value upon) be right, the Year began with a *Synod* of the *Province* of *York*, xi *Cal. Maij*, *April* 21. Sure we are that Archbiſhop *Winchelſea* Summon'd a *Council* of his *Province* to meet at the *New Temple*, *London*, on the *Ides* of *July*. [1] This was only a *Provincial Synod*: None but his [2] *Suffragan Biſhops* were called to it; nor does it appear that any thing was done, but meer Eccleſiaſtical Buſineſs in it. About three Weeks after the *Letters* of the *Archbiſhop* were iſſued out for calling of this *Council*; the *King* ſent forth his *Writs* for a *Parliament* to meet at *Weſtminſter*, *Auguſt* the *firſt*. [3] At which I cannot find any thing was done more than to receive, and treat with, the *Cardinals* who were ſent about that time to mediate a Peace between the Kings of *England* and *France*; and to lay the Grievances of the *Realm* before them.

[1] *Mat. Weſt.* ad Ann.

[2] *Regiſtrum, Winchelſea*, fol. 168. b.

[3] *Annal. Wigorn*, p. 517.

In

K. EDWARD the Ist,

In this posture were our Affairs when the *King* called the *Lower Clergy* to *Parliament*: The *first Summons* for which, was to meet at *Westminster*, the *Sunday* after St. *Martin*; but for the King's Convenience it was Prorogued a fortnight, till the *Sunday* next before the Feast of St. *Andrew*. To this *Parliament* the [1] *Clergy* were Cited by the *Præmunitory Clause*; *ad tractandum, ordinandum & faciendum Nobiscum & cum Cæteris Prælatis & Proceribus, & aliis Incolis Regni nostri*; concerning the Business of the *French* War. On *November* the 28*th*, the second day of the Parliament, the King demanded of the *Archbishop* an *Aid* from the *Clergy*: [2] The *Archbishop* having deliberated thereupon with them, *Granted* a *Tenth*; [3] promising withall a father *Supply* the next Year, if in the mean time a Peace were not made, or at least a Truce, in Order to a Peace

[1] *Vid. Dugdal. Summon. Parl.* p. 10. 12.
[2] *Annal. Wigorn.* p. 518.
[3] See *Prynne's* Records, fol. iii. pag. 680. 681. *Annal. Wigorn.* p. 518.

With what difficulty this *Grant* was accepted by the King, [4] *Mat. Westminster* informs us: The matter was no less than twelve days in Agitation; and at last as [5] *Eversden* owns, it was but unwillingly received by him. [6] Yet they made their Own Terms, as to the *Assessing* and *Collecting* of it: And had farther Promises of Redress of Grievances from the King, which nevertheless were but little thought of afterwards.

[4] *Mat. Westminster* ad Ann.
[5] *Eversden*, Ms. ad Ann. 1295. *Donum. qualiter qualiter acceptavit.*
[6] Ibid. *Concessa est ei à Clero* Decima—*ita tamen quòd tam* Taxatio *quam* Collectio *per* Ecclesiasticos, *non* Regios *ministros, Ordinaretur.*

1296. Sect. 10.

The War with *France* going on, and the King's Necessities Calling for a farther Supply; a new *Parliament* was Summon'd to meet at St. *Edmundsbury* the third of *November* the next Year. In the [7] *Writ* of *Summons* the *King* put them in mind of their Promise of Assisting of Him, in the last *Parliament*, if the Peace or Truce were not in the mean time concluded between the King and the *French*, neither of which he told them was yet done: And that therefore he expected that they should now make good their Promise to Him. This was no more than the *Clergy* had foreseen; and by the Interest of the *Archbishop* with the *Pope* were provided against. They now plainly perceived what they were to expect: That the King having once begun to Call them to his *Parliaments* would go on duly to *Summon* them to them; And that there they must resolve to comply with his *Desires*, or to suffer the Effects of his Resentments, for opposing of them. To avoid this, the *Archbishop* of *Canterbury*, secretly procured a *Bull* from the *Pope* to *prohibit* the *Clergy* from Granting any Aids to their *Sæcular Princes* without his Leave; and to threaten severe Penalties to those, who should either *Exact* such *Aids*, or Comply with them being *Exacted*. And in the next place He consulted with his Suffragan *Bishops* in the *Summer*, to know their *Sense*; and thereby to be the better Prepared when they should be Called together to come to such a Resolution, as his designs required; and to be firm and Unanimous in it. This is a Circumstance which tho' not hitherto taken notice of, that I know, by any of our *Historians*, yet ought to be Observed; because it shews the more clearly how they came to be so stiff in Opposing the *King*'s demands when they met in Parliament; and for the Truth of it, [8] I refer my self to an Authentick *Instument* which sufficiently speaks it to Us.

[7] *Vestra Paternitas* (plene) *benè novit qualiter Vos & alij Prælati, ac Clerus Regni nostri apud Westmonast. ultimo congregati in concessione decimæ— Nobis factâ, & à Nobis sub spe uberioris subsidij in futurum à Vobis & Aliis præstandi admissâ, bonum & sufficiens Nobis pro futuro tempore subsidium, ob Eandem Causam, nisi interim inter Regem* Franciæ *& nos, pacem Reformari, vel Treugas iniri Initioni treugarum dictus Rex* Franciæ *hactenus non Consensit*, &c. Cl. 24. *Edw.* I. *dors. m.* 7.
[8] Appendix ad Ann. 1296.

What the Result of this Procedure was, I must the more carefully Consider, because [9] Dr. *A.* has been pleas'd, not only to employ a more than usual Exactness in the Relation of it; but to charge me in a Strain, peculiar to himself, for the Account which I before gave of it. Twice in my Book I had occasion to take notice of this Passage; In the *Course* of my *History*, as I shall now do; and at the *Close* of my *Book* in answer to a most Invidious Use, which the *Letter to a Convocation Man* had, in the Close of his *Treatise*, made of it. I sought not Occasion in either place to bring it in; Nor did I relate it Otherwise than I found it, in some of our best, and most Accurate *Historians*. I will compare my own Account with Dr. *A*'s Reflections; and shall then submit it to the *Reader* to judge which of Us, after all, has made the truest, and fairest Report of it.

[9] Rights, &c. p. 319. 323.

In

K. EDWARD *the Ist.*

In the [1] former of the Places where I mentioned this *History*, I rather hinted at ſome parts, then entred on any particular Account of it. I ſaid not one Word of a *Parliament held without the Clergy*: I made no Inference from it, not ſo much as a Reflection upon what was done on either ſide. In ſhort, I barely pointed out a Circumſtance or two of it; and ſo left it to the Other Place, where I had an unavoidable Occaſion given me to inſiſt upon it. [2] Dr. *A.* therefore can hardly be Excus'd for ſaying that Dr. *W.* has "very *amply* and "*often*, dilated upon it: Seeing that in Truth I told the Story but once; and that without making the leaſt Uſe of it to the Prejudice of the *Parliamentary Intereſts* of the *Clergy*, as upon Examination it will now appear.

[1] Authority, &c. p. 232. 233.

[2] Rights, &c. pag. 319.

Sect. 11.

My Account of it is this. [3] "King *Edward* the *Firſt* having exhauſted his "Stores in the War of *Scotland*, and that with great Honour to Himſelf, and "Advantage to the Nation, called his *Parliament* to St. *Edmundsbury*, the *Day* "after *All-Souls*, and accounted his Circumſtances to them. The *Laity* readi"ly granted him a *Subſidy*, as deſir'd: but the *Clergy* pretending their Fear of "the *Pope's Bull*, deny'd in any wiſe to aſſiſt him. For this I refer to [4] *Walſingham*, One of our moſt exact Hiſtorians, as Dr. *A.* himſelf Allows; and whether I have not Reported his Senſe aright, let his Words, now tranſcribed in the Margin, ſhew.

[3] Authority, &c. p. 350.

[4] *Walſ. Hiſt. Angl.* pag. 68. *Poſt hæc Rex Angliæ profectus in Angliam, apud S. Edmundum Parliamentum tenuit in craſtino Animarum: In quo à Civitatibus & Burgis conceſſa eſt Regi Octava, à populo vero Reliquo Duodecima pars Bonorum. Clerus, ob Conſtitutionem Bonifacij Papæ hoc Anno Editam— Regi pro Guerra ſua petenti ſubſidium denegavit.*

[5] "Pope *Boniface* the *Eighth* being deſirous to advance the *Liberties* of the "*Church*, had the Year before publiſh'd a *Conſtitution*, by which he forbad the "*Clergy* to pay any *Taxes* to their *Prince* without the *Pope's Conſent*, and Ex"communicated as well the Receivers as Payers of ſuch *Taxes*. This was the "*Bull* which thoſe Good Men ſtood upon; and this that *Pope* publiſh'd at the "Particular *Deſire* of *Robert Winchelſea*, Archbiſhop of *Canterbury*, and of "the Reſt of the *Clergy* of *England*. For this I again refer to [6] *Walſingham*, and by his Words I now deſire the Reader to acquit or condemn me, for my Relation. But indeed hitherto Dr. *A.* is pleas'd himſelf to agree with me, and that even to the Circumſtance of the *Pope's Bull*, which he ſays, [7] "the "Clergy by Archbiſhop *Winchelſea*'s Means procured; forbidding them to "give any farther *Aids*, without Conſent of the *Holy* See, and upon this Head "they Excuſed themſelves in the *Parliament* held the next *Year* at St. *Edmundsbury*.

[5] Authority, &c. p. 350, 351.

[6] *Walſ.* p. 68. *Poſt Vocem* Editam *ſupra — quæ prohibet ſub pœna Excommunicationis ne tallia vel exactiones à Clero per Sæculares Principes quocunq; modo Exigantur, vel Eis ſolvantur de Rebus Eccleſiæ.*— Pag. 69. *Nam idem* Archiepiſcopus, *de* Conſenſu Cleri, procuraverat *à* Papa Inhibitionem, *ne quis Clericorum Regem reſpiceret de bonis Eccleſiæ.*

[7] Rights, &c. p. 321.

[8] "The King, tho' he were ſufficiently ſenſible of their Jugling, and diſ"pleas'd at it, nevertheleſs gave them time till the next *Parliament* to conſi"der what they had to do, and how to make ſome better and more Satisfactory Anſwer to him. But in the mean time, he caus'd all their Stores to be "ſeal'd up. And the Archbiſhop to be even with him, at the ſame time Or"der'd this *Bull* of the *Pope* to be publiſh'd in all (I ſhould have added the "*Cathedral*) Churches of his Province. This I related from [9] *M. Weſtminſter*, I referr'd to his Authority; let his Words be conſidered, whether I reported his Senſe aright or no.

[8] Authority, &c. p. 351.

[9] *Clerus quippe nihil tunc temporis illi obtulit vel Conceſſit. Quo Commotus Rex indixit eis tempus Conſultandi ſuper meliori Reſponſo ſuæ Voluntati gratius acceptando. Interim fecit Rex ſigillari Omnia Eccleſiaſticorum oſtia Horreorum. Quæ dum fierent, mandavit Archiepiſcopus Bullam Apoſtolicam inhibentem ſub Pœna Excommunicationis aliquam Collectam ex Eccleſiaſticis proventibus Regi vel Cuivis alij principi concedi per Cathedrales baſilicas divulgari.* M. Weſtminſt, p. 428.

But [10] Dr. *A.* goes on, and adds, that the "Excuſe of the Clergy not being "accepted, They referr'd themſelves for their final Anſwer to a *Full Convocation* of *the Province* which ſhould be call'd by Eccleſiaſtical Authority; for "now they met only upon a *Lay Summons*. This indeed the [11] *Fragment* of the *Chronicle* of *Canterbury* does ſay, but with what Truth I cannot tell. Our other [12] Hiſtorians ſpeak generally after another Manner. They tell us that, this reſpite was granted

[10] Rights, &c. p. 321.

[11] *Anglia. S.* Vol. 1. p. 51.

[12] *Rex autem ut de meliori Reſponſo deliberarent negotium in* ALIUD PARLIAMENTUM *tenendum Londoniis in Craſtino, S.* Hilarij *diſtulit.* Walſ. p. 68.—*Unde advocati ſunt ad* ALIUD PARLIAMENTUM, Londonias *in Craſtino S.* Hilarij *ut interim cum deliberatione conſimili melius Reſpondeant.* Knyghton, Col. 2491. So *N. Trivet*, p. 681. See below. *Hemingford* Mſ.— Cited below.— *Everſden* ſpeaking of the King, ſays— *Clero præfigens diem ulteriorem in Octavis S.* Hilarij *apud* Lundoniam.

granted by the King to them; and that not for any Exception they took at the *Lay Call*; but, as I ſhall by and by ſhew, to meet again in another *Parliament*; tho' it is true withal, that the Archbiſhop of *Canterbury*, the better to carry on his own *Deſigns*, did Call (as Dr. *A.* ſtiles it) a *Full Convocation* of the *Province* with it. One [1] Mſ. indeed there is, which ſays that this delay was granted to them by the King at the *Archbiſhop*'s Requeſt, upon this Ground, that ſeveral of his *Suffragans*, and of the *Other Clergy*, were not preſent there; but of their Exception againſt the *Lay Summons*, I have yet met with no other Inſtance; and therefore muſt beg leave to think that this was not the Point which they Principally, if at all, inſiſted upon.

K. EDWARD *the Iſt.*

[1] *Archiepiſcopus vero pro ſe, & pro ſuis, petiit inducias uſq; ad* xx. *diem poſt Natale Domini eo quod Suffraganei ſui, & alii viri Eccleſiaſtici multi, non eſſent ibi Præſentes; quos fecit Citari ſtatim per totam Provinciam ſuam ut venirent ad diem præfixum apud Londen.* Chron. Anonym. Mſ. Laud. K. 84.

Of the King's ſealing up the Stores and Granaries of the Clergy in the mean time, Dr. *A.* takes particular Notice: [2] But why not a Word of the *Archbiſhop*'s ordering the *Pope's Bull*, in Requital, to be publiſh'd throughout the *Chief Churches* of his *Province*? This I think was a Circumſtance that deſerv'd to have been remembred: I mentioned both in my Account; and no more diſſembled what the King did, than I did the *Archbiſhop*'s Procedure upon it.

[2] Rights, *&c.* p. 321.

But ſince Dr. *A.* will not tell this part of the Story, 'tis neceſſary for me to do it. The *Archbiſhop* not only caus'd, in the mean time, the *Bull* of *Pope Boniface* to be publiſh'd, thereby to prevent any farther Supplies to be granted from the Clergy to the King; [3] but the more to provoke Him, the *Biſhops* at the ſame time, iſſued out their Orders to the *Collectors* of the *Half*, and *Tenth*, Granted the two Years before, on the Pretence of the ſame *Bull*, to forbear Collecting of thoſe *Subſidies*, and revok'd all the *Commiſſions*, or *Letters* before Granted, as Void, and of no Effect.

[3] *Regiſtr. Oliver. Sutton. Epiſc. Lincoln.* fol. 162. *Oliverus*, &c. *Abbati de* Oſeneye, *&c. Quia Commiſſiones per Nos dudum Vobis factæ ad Exigendum & Colligendum in certis locis noſtræ* Diœceſeos *primo* Medietatem, *& poſtea* Decimam, *Beneficiorum Eccleſiaſticorum a* Clero *noſtræ* Dioc. *ſicut alibi per* Provinciam Cantuarienſem *communiter erat Conſenſum Domino Regi pro* defenſione Regni *in* Subſidium *prius Conceſſas; Obſtante ſtatuto a SS. patre* Bonifacio *Divina Providentia* Summo Pontifice *contra hujuſmodi Subſidium abſq; licentia ſedis Apoſtolicæ de cætero Exigendum & Solvendum ſub Certa forma nuper Edito, non debent ullas Vires habere de jure, Vobis mandamus quod dictas* Commiſſiones *inanes & vacuas Reputantes, Eorum prætextu quo ad Exactionem & Collectionem* medietatis *& Decimæ prædict. Seu illas contingentia, nihil de cætero attemptetis. Valete.*

[4] "The next *Parliament* being met at *London* the Day after *Hillary*; the "King again demands a Supply of them. They perſiſt in their Denial. And "the King thereupon puts them out of his Protection: And holding his *Parli-* "*ament* with his *Barons*, without them, an Act is paſs'd by which all their "Goods are confiſcated to the *King*'s Uſe. For this I refer to [5] *William Thorn*'s *Chronicle*; and to his Words I appeal for the truth of my Relation. If the Hiſtorians, whom I follow'd were of the beſt Note; and if I have been Exact in following of them; neither Adding any Circumſtances of my Own to make the Caſe of the *Clergy* the more Invidious, nor yet diſguiſing any of the *King*'s Proceedings, to juſtify his Severity; then to the Conſcience of Mankind I appeal againſt the Calumny of this bold, and Uncharitable Writer, that [6] I "related this Tranſaction between the *King* and his *Clergy*, neither "like a Good *Hiſtorian*, a Good *Church-Man*, nor a Good *Engliſhman*.

[4] Authority, *&c.* p. 551.

[5] *Unde Archiepiſcopus cum Clero ſuper hiis Conſilium habuit; Et deliberatione habita propter* Novam Conſtitutionem *ſuper hoc editam, Viam neſcierunt invenire per quam ſana Conſcientia,* Romana *Curia Inconſulta, hoc facere poſſent; Negotio incompleto de ſubſidio præſtando, ſinguli ad Propria Redierunt. Et ecce mox Edictum exiit per totum Regnum ut Omnia Temporalia Archiepiſcoporum, Epiſcoporum, Abbatum & Religioſorum, vel quorumcunq; Clericorum ubiq; per Regnum* Angliæ *exiſtentia in Manus Regis caperentur. Et habito Rex* PARLIAMENTO *cum ſuis* BARONIBUS, CLERO EXCLUSO, STATUTUM *eſt ut* Bona Clericorum Sententialiter abjudicarentur tanquam forisfacta, *&c.* Thorn. Col. 1965.

[6] Rights, *&c.* p. 323.

It muſt indeed be confeſs'd that, in the Account of this laſt Meeting, One conſiderable Paſſage was Omitted by me, which I muſt therefore now take this Opportunity of mentioning; that the *Archbiſhop* of *Canterbury*, and his *Convocation*, did not only refuſe to comply with the *King*'s Demands, but paſs'd an Order for ſolemnly publiſhing a *Sentence* of *Excommunication* againſt all ſuch as ſhould lay hands on the *Goods* of the *Clergy*, or ſeize them without the Conſent of themſelves or their *Bayliffs*. This every *Biſhop* was commanded himſelf to publiſh in his *Cathedral Church*; And other proper Perſons in

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the Other *Churches* of their *Dioceſes*; which I think was not only to Refuſe the *King*'s Juſt *Demands*, but to bid Defiance to his *Authority*; to *dare* him to a *Tryal*; and to put it to an Iſſue, whether the *Spiritual*, or *Temporal Power*, ſhould have the better.

Sect. 12.

But let us ſee how this more Accurate *Hiſtorian*; this *Son* of the *Church*, and *True-born Engliſhman*, mends the Matter. "On the day prefix'd, (viz. *Hilary* "*Day*) the *Clergy* Aſſembled at *Pauls* by a Mandate from Archbiſhop *Winchel-* "*ſea*; and after Eight days fruitleſs Debate, Separated: Upon which they "were (as it ſhould ſeem) proſecuted in the KING'S BENCH, and *Judg'd* "out of the *King*'s *Protection*.

That the *Clergy* of the *Province* of *Canterbury* met at *Pauls* by the Archbiſhop's *Summons*, I do agree. But I affirm withal, that the *King* at the ſame time held his *Parliament* at *Weſtminſter*, and I hope Dr. *A.* will allow that thoſe two Aſſemblies are by no means Inconſiſtent with one another. [1] The *Chronicle* of *Dunſtable*, ſpeaking of the *Aſſemblies* at *Pauls*, tells us that they conſiſted of the *Archbiſhops* and *Clergy* of both *Provinces*. Let Dr. *A.* ſay how came the *Biſhops* and *Clergy* of *York* to meet there? Did they come thither by the *Archbiſhops*, or by the *King's Call?* For that the *Elect* of *York Summon'd* his *Clergy* to a *Convocation* at all; much leſs to St. *Pauls London*, does not yet appear; and it muſt be very well proved, before it will be received.

[1] *Chron Dunſt.* Mſ. *Feſto.* Epiphaniæ *Ds.* Cant. Archiepiſcopus, *cum ſuis* Suffraganeis *&* Clero; *&* *Electus* Ebor. *Confirmatus, cum* SUIS *ſimiliter, in Eccleſia*, S. Pauli London, *Concilium habuerunt*, &c.

That *Walſingham*, and *Knyghton*, ſpeak of a *Parliament* at *Hilary*, Dr. *A.* confeſſes; but [2] he "thinks there is Great Reaſon to ſuſpect their Exactneſs; "The *Eldeſt* of them *living* an *hundred Years* after the time they Write of; "whereas there is No CONTEMPORARY AUTHOR that mentions ſuch a Par- "liament, or ſpeaks of this Meeting at St. *Hilary* any otherwiſe than as a "*Provincial Council* of the *Clergy*. That this could not be a *Provincial Council* of the *Clergy* is certain, becauſe [3] the *Archbiſhops* and *Clergy* of both *Provinces* were there. That *Walſingham*, and *Knyghton*, wrote out of Antienter *Hiſtories*, the Deſign of the *Latter* in Compiling of a *Polychronicon*; and the Evidence of the others Tranſcribing, to ſay no more, the *Annals* of St. *Albans*, ſufficiently aſſure us. And Dr. *A.* who magnifies, and that juſtly, the *Exactneſs* of *Walſingham*, particularly in *Parliamentary Concerns*, elſewhere, ſhould methinks have been more ſparing of his Cenſures of him in ſuch a matter here.

[2] Rights, &c. p. 326.

[3] Ex Relat. Mſ. Dunſtap. in Bibl. Cotton.

But will Dr. *A.* give me leave to tell him of ſome Contemporary Authors, who have ſaid the ſame thing. Firſt, then, *Nich. Trivet*, who by [4] *Leland's* Account muſt have been at this time between *thirty* and *forty* Years Old, whoſe Father was one of King *Henry* the *third's* Judges, in the laſt of his Reign; ſpeaks expreſly of a *Parliament* at this time: And [5] *Walſingham* (to *juſtify* his Integrity by the way) tranſcribes his very Words as to this matter. [6] "The King "delay'd this Affair (at the Parliament of St. *Edmundsbury*) in ALIUD PAR- "LIAMENTUM, *&c.* to *another Parliament*, to be held at *London* the morrow af- "ter *Hilary*. [7] In which PARLIAMENT at *London* after *Hilary*, the Clergy per- "ſiſting in their Denial of a *Subſidy*, the *King put them out of his Protection*.

[4] Nic. Trivet *Vixit Regnantibus Edwardo* 1°. 2°. *&* 3tio. *Cujus Imperii Anno Secundo Obiit ferè Septuagenarius. Leland de Vir. Illuſt.* Mſ. fol. 243.

[5] *Walſ. Hyp. Neuſtr.* p. 486.

[6] *Chron Nic. Trivet.* p. 681. Ad Ann. 1296. *Rex autem ut de meliori Reſpon ſo deliberaret (Clerus) negotium in* ALIUD PARLIAMENTUM *tenendum Londoniis in Craſtino* S. Hilarij, *diſtulit.*

[7] Ibid. Anno 1297. In PARLIAMENTO Londonienſi *poſt feſtum* S. Hilarij, *&c.*

[8] *Walt. Hemingford* is another *Contemporary Author*. He lived ſays *Leland* in the time of King *Henry* the *Third*, and his Son King *Edward* the *Firſt*. And in the [9] Mſ. Hiſtory of this King, ſpeaking of their Refuſing the King a Subſidy at St. *Edmundsbury*, he adds "*Unde adjornati ſunt ad* Aliud Parliamentum, Lon- "don, *in Craſtino S.* Hilarij: That they were thereupon adjorned to ANOTHER "PARLIAMENT at *London*, the morrow after *Hilary*. From this Hiſtory of *Walt. Hemingford*, (to add that in defence of the other Hiſtorian ſo injuriouſly Reflected on by Dr. *Atterbury*) *Knyghton* took his Relation. Their Words agree; and, the difference is ſo very ſmall, that one may Confidently ſay, that *Knyghton* either followed *Hemingford*, or ſome other Chronicler who had tranſcribed this Paſſage from him.

[8] *Gualterus Hemingford Vixit Regnante* Henrico 3tio. *&* Edwardo *Ejus* filio *Leland.* Ibid. fol. 231.

[9] In Hiſtor. Mſ. *Edw.* I. ad Ann.

Would Dr. *A.* have yet more; I will then give him the Account of this matter from Another [10] *Author*, who appears to have ſeen the *Original Acts* of this Aſſembly. His account of this Meeting is this. That the *Archbiſhop* and his *Clergy*, conſulting apart at St. *Pauls*, according to his *Summons*, ſent their

[10] *Chr. Anonym.* Mſ. *in Bibl. Bodleian. Oxon. inter Mſs. Laud.* K. 84. Vid. Appen. ad An.

Refuſal

Refuſal to the King in a Letter which the Reader will find at Large in the *Appendix*. This Letter being brought to the King, and read before his *Lords*, and Council, he was greatly moved, and all the *Militia* with him. " Whereup- " on calling together the Chief of his Council, He demanded of them, how he " ſhould Revenge himſelf upon the *Eccleſiaſticks*. They anſwered that he " ſhould Summon his *Earls*, *Barons*, *Milites*, and other his Leige-men, to " his PARLIAMENT in ſome certain Place, *ſhutting* out the *Clergy* altogether " from it, and then proceed as they ſhould adviſe him. This the King " promiſed to do notwithſtanding any *Interdict*, or *Papal Mandate*, to the con- " trary. Hence the *Laity* only were called to *New Sarum* on the day of " St. *Matthias*. In the mean time an *Edict* went out from the *King* that all " their Chattles and Tenements, that were of *Lay-Fee*, ſhould be taken into " the King's Hands. The Officers employ'd upon this, did much worſe than " the King had Order'd. Yet no one durſt complain of their Extortions, " [1] becauſe the King had *put them out* of his *Protection*; *Ordering* that *no Brief* " ſhould go out of his *Court* at their *Motion*, ſaying that they were Perju- " red, and Faithleſs to Him and his Kingdom, who had *done Homage*, and " *ſworn Fealty* to him; and yet now in the very *Article* of his *Neceſſity*, and the " no ſmall Danger of the whole Land, had forſaken him. One only Re- " medy he offer'd, if before the Day of his *Parliament*, any of the *Clergy* would " ſecure him a *fifth* of their Goods, they ſhould have his Protection.

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[1] *Annal. Wigorn.* p. 520. After the Brief for ſeizing the Goods of the Clergy, it follows, '*Et in Aula Regis* Jo. *de* Metingham *publice* Proclamavit, *ne quis Cauſas in Curia Regis Religioſorum defenderet, vel Clericorum.*——*Et quod Religioſi & Clerici* fuerunt *extra pacem & defenſionem Regiam pronuntiavit: Et quod nullum Breve tranſgreſſionis de* Cancellaria *exiet pro Religioſo, vel Clerico qualicunq; quocunq; modo Gravati fuerint contra pacem.* All this, as *Judge* of the *Common-Pleas*, he had no Power judicially to do: But he was Order'd to Proclaim this; to Pronounce that they were put out of the King's Protection; that no Writ ſhould go out of the *Chancery* for them. He declared what was done; but gave no Sentence, as a Judge, upon the Cauſe in this matter.

From what has been offer'd, I will now venture to affirm againſt Dr. *A.* that a *Parliament* as well as a *Convocation* was held at *Hilary*: That this Procedure of the King againſt the Clergy, was then Order'd by the advice of his *Great Men*; who both Conſented to what was done, and Agreed how the King ſhould further Proceed with them. But I muſt beg leave to purſue this Hiſtory a little farther; and to beſeech Dr. *A.* to let us know how he was inform'd that the King upon the Refuſal of the *Clergy* to Grant him an Aid proſecuted them in the KING'S BENCH? Upon what he founded his *Action?* And by what *Law* they were adjudged, in that *Court* of *Law*, to have incurr'd an *Out-Lawry?* And ſince he falls ſo ſeverely upon me for miſtaking (as I did) the *Court* of Sir *Roger Brabazon*; who was, as he rightly Corrects me, *Chief Juſtice* at that time of the *King's Bench*; how *Jo. de Mettingham*, *Chief Juſtice* of the *Common-pleas*, came to paſs Sentence upon them out of his *own Court*, in the *King's Bench*; where Dr. *A.* (I ſuppoſe forgetting himſelf) ſays *they were Proſecuted*, and judged out of *the King's Protection?* Sect. 13.

Let me add, one thing more; It cannot be unobſerved by any one who has Read Dr. *A*'s Book, in what Danger all Men are of being either Fools, or Knaves, who oppoſe his Notions. I have done ſome Service to two Good *Authors* in this Caſe already, who fell under his Cenſure for no other Reaſon in the World but becauſe he had no mind to have it thought that there ſhould have been any *Parliament* ſitting at *Hillary* this Year; but that the *Clergy* ſhould have been Arbitrarily put out of the *King's Protection* without any Judgement at all; or at moſt by an Illegal Sentence in the *King's Bench*. He now Reſolves that the *Judge* who made this Declaration at *Weſtminſter* againſt (them, tho' in purſuance of a *Parliamentary Sentence* of the *Baronage* in that Particular,) ſhall, at a Venture, have been a very ill Man, and therein have done a very Wicked Thing. Let thoſe who gave this Sentence in *Parliament*, anſwer for the Juſtice of it: I neither Condemn nor Excuſe them in it. But for an *Inferiour Judge* to declare what that *Court* had made *Law*, I have before ſhewn is no Crime, nor was his Declaration any thing more than a *Publication* in *Court* of what had been elſewhere done, and of the Incapacity which it put the *Clergy* under. And for the Man, he has an Illuſtrious, ſtanding, Teſtimony given to his Worth in our Hiſtory. I will ſet it down in the Words of a late Eminent Writer of that *Robe*:

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[1] Lord Coke, 2d. Institute, fol. 508. In Stat. de Judaismo.

" [1] At this *Parliament* of this Noble King *Edward* the Ist. in the Eighteenth " Year of his Reign, another kind of *Jews* were severely punish'd, *viz.* the " *Judges* of the *King's Bench*, and of the *Common-Pleas*, the *Barons* of the *Exchequer*, and the *Justices Itinerant*, except Two, whom for their Honour we " will name (*in Memoria æterna erit Justus*) viz. Sir. *Jo.* of *Mettingham*, chief " *Justice* of the *Common-pleas*, and *Elias de Bekingham*, One of his Companions, *Qui positi fuerunt in fornace & prodierunt Aurum*. For they had dealt " Uprightly in their Places, and had never stain'd their Hands with sordid " *Bribery*. A Man who deserved this Testimony, and *bore* such a *Tryal*, but *Six Years* before, One would hope should not have Violated his Integrity on such an Occasion as this. Let Dr. *Atterbury* now shew how he proves him to have been that [2] Wicked, and Unjust *Judge*, that, without any Reason, but meerly in pursuit of his Own immoderate Resentments, He here (as much as in him lies) brands him to Posterity, to have been. If he cannot, let him fear least by his Rash Characters of Worthy, and Innocent Persons, he, in the End, gives Occasion to all Good and Charitable Men, to fear that they belong more truly to himself.

[2] *Rights*, &c. p. 327, 328, 330.

There was, indeed, a *Clergy-man* of that Time, who was at the head of most of these Transactions, and whom Dr. *A.* therefore, had he known it, might with more Colour of Reason have vented his Anger upon; *William de March*, Bishop of *Bath* and *Wells*, and Lord Treasurer of *England*. It was by his Order and Advice, that the Scrutiny was made which gave so much Offence two Years before, into all the *Treasures* of all the *Churches* of the *Realm*. This was the beginning of those Troubles which afterwards ensued, and seems to have given birth to that *Bull* of *Pope Boniface*, on which they were founded. *Winchelsea* was then at *Rome*, and in great Reputation with the *Pope*: He was Consecrated *Archbishop* of *Canterbury* there, but two Months after; and at that time seems to have setled this Matter with that *Court*. And this *Bishop* for his Zeal in these Matters to serve his Master, is with Bitterness reflected upon by [3] *Mat. Westminster*, an Historian of no small Reputation in our Affairs. Here therefore was a Person, and a *Bishop* too, upon whom Our Author might have let loose his Passions with some Appearance of *Justice*. He might have Quoted *Mat. Westminster* for his *Text*; and have *Commented* at Pleasure upon it, till He had even wearied himself with his Own *Rudeness*, and *Ill-Nature*. But for *Jo. de Mettingham*, he is One whom no Historian, that I know of, gives any Ill-Character of, besides himself; and better *Authors*, as I have now shewn, speak more *Justly* and *Honourably* of him.

[3] *M. West.* ad Ann. 1294.

Sect. 14.

But let us proceed with him in his Account of what Remains of this Great Transaction. [4] " While they were under this *Out-lawry*, the King called his " *Lay-Nobles* to *Sarum*, and there held a Council, *Excluso Clero*; at which High " Words arose, and Great Heats happened between him and his *Barons*. To let alone what pass'd, not between the *King* and his *Barons*, but between Him and a party of his *Discontented Lords*; What was there done at this *Parliament*, with Respect to the *Clergy*? My [5] Author says, that this *Law* either was, or was pretended to be made there, " *per ipsum Regem, Militia non Contradicente*; " that either the *Clergy* should make their Peace with the *King* within a certain time to be limited by the *Barons* and *Militia*; that is to say, before " *Easter*; or they should lose all that was now seized by the *King*; and that " it should not be Lawful for any one from thenceforth to have any Common " Dealings with them. Upon which a great many began to make their Peace " with Him.

[4] *Rights*, &c. p. 322.

[5] Mſ. Laud.

" The [6] Archbishop of *Canterbury* hearing of these severe Proceedings, " went Personally to the King to *Sarum*; having first Order'd another *Council of his Clergy* to meet at *London*, upon *Midlent-Sunday*: And in the mean " time publish'd a *Sentence* of *Excommunication* against all the *Violators* of the " *Ecclesiastical Liberty*, and against such as in Contempt of the *Pope's Constitution* should seek by unlawful means to preserve themselves; in Opposition " to which the King publish'd his *Prohibition*, dat. *Febr.* 27. Upon the 7th " of *March* the *Archbishop* came to *Salisbury*, and found the *King* at *Mass* in " the *Cathedral Church* there. The King Received him with great Respect, " and the next Day gave him a Private Audience, with leave to say what " he would to him. The *Archbishop* spake without Interruption, and the " King

[6] Ibid.

†

" King patiently heard him : After which he told him, that if the *Pope* him- " ſelf, like the *Archbiſhop*, had Temporal Poſſeſſions in *England*, he might " Lawfully take of them, for the Defence of his *Realm*, and the *Church of* " *England*: Adding that this was a *Cauſe* in which he could dare to die, and " that he thought he did nothing Unlawful in it; ſo great was the *Neceſſity* " that lay both upon himſelf and the Kingdom.

" The Archbiſhop Replied, that he did not ſee that the *Neceſſity* was ſo " Great, as to Excuſe them from the Danger of the *Pope's Conſtitution*, if they " ſhould give any thing to him. And then propoſed, that the Matter ſhould " be ſtated to the *Pope*, and his anſwer expected to it. The King told him " that that Way had not before been propoſed ; and thereupon agreed that " they would on both ſides Conſider what was ſafeſt to be done. But becauſe " the *Archbiſhop* would come to no Concluſion before the meeting of his *Synod*, " it was Reſolved, that the King ſhould ſend ſome of his *Council* to it, to de- " liberate about that, or any Other way, that God ſhould ſuggeſt to them, " with the *Prelates* and *Clergy* there. In the mean time, he deſired the King " to Suſpend his Rigor againſt the *Clergy*, which the *King* promiſed to do.

And now the Great Expectation was, what Reſolutions the *Clergy* would take in their *Convocation*, to make up this unhappy, and dangerous, Breach. The Project of Accommodation which the King ſet on Foot, the *Chronicle* of *Dunſtaple* tells Us was this ; that the *Clergy* ſhould not Grant him an *Aid* ; but pay a *Fine* to Him, for their Contumacy, and to Redeem their Liberty. In this *Convocation*, ſome undertook to defend the *Lawfulneſs* of the *Clergies* Aſſiſting the *King*, notwithſtanding the *Pope's Prohibition*. And a Motion was made (and a debate held upon it) that the *Biſhops* in their Reſpective *Biſhopricks* ſhould gather and lay by a *fifth* of their Revenues, and keep it in a ſafe Place, ſo that the King's Officers ſhould not meddle with it ; only for the Defence of the *Realm* of *England*. But the *Archbiſhop* ſtood to his Point, and ſo the *Aſſembly* brake up without doing of any thing for the King's Satisfaction.

Thus (ſays Dr. *A.*) the matter Reſted till the *Counts* and *Barons* came in Sect. 15. Openly to their Quarrel as they did in a [1] *Parliament that Year* at *Lincoln*. I ſhall not blame Dr. *A.* for alledging the Hiſtory of this *Parliament*, becauſe he has a Contemporary *Author* to juſtify him in it. But his Author was certainly out both in the *Place*, and in the *Time*, of this *Parliament*. [2] By Letters dated at *London* the 15*th*, and 24*th* of *May*, it appears that the King order'd All the Landed-Men of the *Realm*, who had Lands above a Certain Value, to be at *London*, the *Sunday* next after the *Octaves* of St. *John Baptiſt*; prepared to paſs over the Sea with him. The *firſt* of *Auguſt* following He held his [3] *Parliament* at *London*: In order whereunto, He the day [4] Preceding Received the *Clergy* into his Favour, as he had done the *Archbiſhop* a *fortnight* before. Here therefore was no room for *Everſden*'s Parliament at *Lincoln* on the *Octaves* of St. *John Baptiſt*, at which time the King was not only himſelf at *London*, but Summon'd all his *Military Tenants* to Attend him there. What Demands were made in this Parliament in *Auguſt*, I cannot tell ; but Dr. *A.* ſpeaks a little too largely, even for his Own Hiſtorian, when he ſays that the *Counts* and *Barons* in this *Parliament came in openly to the Quarrel* of the *Clergy*. [5] All that *Everſden* himſelf ſays is but this ; " That the King de- " manding a large Supply, a difference aroſe between Him, and Some of the " Lords and Barons: The Earl of *Hereford*, and *Earl Marſhal*, with their *Faction*, who had before begun to Oppoſe him, taking this Occaſion to Raiſe a new Diſturbance againſt Him.

But however theſe *Counts*, and *Barons*, might here Quarrel with the King themſelves, yet they could not come into the Quarrel with the *Clergy*: For the *King* was before this Reconciled to them ; and the *Archbiſhop* began to come into his Intereſts: So that Dr. *A.* and his *Author* muſt be either way miſtaken; For at *Lincoln* there was no ſuch *Parliament* in *July*, as *Everſden* talks of; and in *Auguſt*, when the *Parliament* did indeed ſit, the *King* and *Clergy* were Reconciled to One Another ; ſo that the *Counts* and *Barons* had no Opportunity of coming in to their Quarrel there.

But it is no wonder if *Everſden* (no where very Exact in his Accounts) who in the famous Meeting of 1294, Miſtook *Michaelmas* for *Matthew*: And in this very Year placed the *Convocation* which Aſſembled upon [6] St. *Laurence*

[1] *Everſden.* ad Ann. 1297. Rex indixit *Parliamentum* apud Lincoln in Octav. S. Jo. Baptiſt, *&c.*

[2] Dr. *Brady's* Hiſt. Vol. II. Append. Num. 27. 28. comp. *n.* 31. Regiſt. Gifford Wig. fol. 396.

[3] *Walſ.* p. 486.

[4] *Brady's* Hiſt. 2 Vol. Append. Num. 29. 30.

[5] In quo orta eſt diſſenſio inter ipſum (Sc. Regem) & QUOSDAM COMITES & BARONES Regni. *Everſden*, ad Ann. 1297.

[6] Regiſtr. *Winchelſ.* Arch. Cantf. fol. 218. *b*

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rence day, on the *Sunday* following it; Erred also in his Account of this *Parliament*. In that *Convocation* the *Archbishop* seemed inclined to favour the *King's Demands*: But the *Prelates* thought it not safe to do any thing without the *Pope's Consent*; nor to Grant by themselves, in a matter of such a *Publick Concern*, till they saw whether the Laity would join with them. Yet this they did after *Michaelmas*; and which is wonderful, [1] Solemnly justified their doing of that without the *Pope's Consent* then, for denying of which they had thrown themselves, and the whole *Church*, into so much Trouble and Confusion before: When meeting first in a *Great Council*, and then in a *Parliament*, the King Confirm'd their *Charters*, and made such Additions to them as they desired; and the People thereupon Granted a Supply to him, the *Laity* the *Ninth Penny*, the *Clergy* of *Canterbury*, [2] the *Tenth*; and those of *York* [3] the *Fifth*. For this the [4] *Parliament* met *October* the *7th*. [5] The *Convocation* of *Canterbury*, *November* the *26th*; and [6] that of *York*, *November* the *29th*. The *Mandate* for this last *Congregation* is very Remarkable: It shews where the Pretence of *Conscience* in the *Archbishop* of *Canterbury*, and the *Clergy* of his side lay, and that it was not their Regard to the *Pope's Bull*, but to their *Own Designs*, that made them refuse a *Subsidy* to the *King*, till they had forced him to Grant what they desired of him. And for this I refer to the Instrument its self, which I have therefore given a Copy of in the *Appendix*.

[1] Regist. Giffard. Wigfol. 419, 420. Append. Ann. 1297.

[2] Mandat. de Colligend. Xma. Regist. Winchel. *fol.* 230. b.

[3] Walsingh. *p.* 74. & 488. Knyghton Col. 2522. Hemingford, Ms. ad Ann.

[4] *See Dr.* Brady's Introduct. Append. *p.* 28. Walsingh. *p.* 73.

[5] Regist. Winchelsea, *fol.* 225. a.

[6] Regist. Hen. Newark *fol.* 2. *See the* Appendix. ad Ann 1297.

And now, let Dr. *A.* say; Wherein have I made any such Misrepresentation, as he pretends of this matter? Or in what Circumstance almost has he offer'd to Correct my Account, in which he has not been proved to have been Himself apparently mistaken? How the *Clergies Parliamentary Rights* should suffer by this Procedure I cannot tell. I am sure I was so far from having any Design in my Report of this Passage, against them, that I never thought it did at all Affect them. It was an Extraordinary Case; and I pretend no more to Justify all that the King did, than Dr. *A.* will, at last, undertake to Excuse some things that the *Clergy* did in it. In the mean time, that here was a plain Contrivance between the *Pope*, and *Them*, to delude the King, is Evident. Our Writers have freely Own'd it, and that without the Censure of any, but the *Papal Party*, that I know of. And the [7] *Clergy* of *France*, took Other Measures; and so managed Matters with the *Pope*, as not to give any just Cause of Offence to their Prince. And their Own Proceeding in the latter *Convocations* of this Year, sufficiently shews, that they might have complied with what the King desired, much sooner, had they been willing any sooner to do it.

[7] *See the* Appendix, ad Ann. 1297.

In the mean time, what the *King* did in this Case, was plainly with the Advice and Authority of his *Parliament*. This is clear against all Dr. *A*'s new Relations: And 'tis as plain that his Necessity forced him to it, as both Himself constantly profess'd, and his Circumstances sufficiently shew.

Sect. 16. But Dr. *A.* has one stroke more, and then we have done with this long Narrative: 'Tis a parting Remark, and is Worthy our Notice. "For (says he, "speaking of the *Parliament* at *Sarum*) it must be Remembred that this was "not only *Excluso Clero*, but *Excluso Populo* too. This is strange News. What did the King hold his *Parliament* without either *Clergy* or *Laity?* Neither *Clerus*, nor *Populus* there? But because this is not his meaning (tho' it be the true meaning of his Words) He will give me leave to tell him, in answer to what I guess was his Intention, that 'tis One thing not to *Call* the *Commons* (a part of the *People*, but newly brought to *Parliament*, and that for matters of *Aid*, not for *Sentences* of *Judgement*) and another to exclude, or *shut* out, the *Bishops* and *Prelates*; the *Antient*, *standing Members*, of our *Great Councils*; who had a Right of being present in all such *Judicial Proceedings*. *Parliaments* in those times, had often been held without either the *Lower Clergy* or *Commons*: They were not *Called*, but neither were they *Excluded*. But here the whole *Body* of the *Clergy*, *Bishops* and *Prelates*, as well as those of an *Inferiour Rank*, were purposely laid aside, whilst the *Lay Barons*, and the *King's Council* only were Summon'd to *Parliament*; how *justly* or *legally* I am not concerned to determine.

Sect. 17. 1298. Having thus consider'd, and I hope effectually Answer'd Dr. *A*'s Exceptions against my Account of this Transaction, I Return to the Series of my History from which I have been led. On the [8] *Octaves* of *Hilary* 1297 A *Parliament* Was

[8] *Hemingf.* Ms. *Comp. Knyghton, Col.* 2524.

was held by the King's Command at *York*, to which the *Scots*, now in Arms, were Summon'd. The beginning of the next Year, a *Great Council* was called to *Weſtminſter*, on [1] *Palm Sunday*, *March* the 30*th*. And Eleven Days after a *Parliament Summon'd*, which *Everſden* ſays met at *York*, *June* the 2*d*. the morrow after *Trinity*; [2] where the King promiſing to obſerve the *Charters*, all Parties were Reconciled to one Another.

How the *Convocations* of the other *Province* anſwer'd the *Civil Councils* of this Year, I cannot certainly tell. In Our *Province*, at the *King*'s Deſire, a [3] *Convocation* was held *June* the 25*th*, about three Weeks after the *Parliament* at *York*. Hither the King ſent the Prince his Son; with four Requeſts to the *Clergy*. What Anſwer the *Convocation* made to them, my [4] *Author* ſays not: but tells us that ſome of the *Court Clerks* mixing themſelves with the *Convocation Clergy*, the Archbiſhop drove them out; and then treated of ſome Secret Affairs, which before the time appointed were not to be known by any.

piſcopus tenuit Concilium Londoniis, ubi acceſſit filius Regis ſub Patris nomine à Clero Quatuor Petitiones Poſtulaturus —— Affuerunt interea quidam Aulici Clerici volentes elatâ fronte Arcanis Eorum ſe immiſcere tractatibus, quos Archiepiſcopus ſub Excommunicationis interminatione expulit de Synodo. Tractabantur autem ibi quædam Secretiora Negotia, quæ uſq; ad diem præfinitum ad Aures Communes pervenire non poterant. So *Everſden*: But Others Refer this to the Convocation after *All-Souls*, the next Year. Angl. S. Vol. I p. 524.

On *February* the 26*th*. New Writs went out to Call a *Parliament* at *Weſtminſter*, the [5] firſt *Sunday* in *Lent*: [6] Where adding of that Circumſtance to his Confirmation of the *Charters*, *Salvo jure Coronæ ſuæ*, the King again Renew'd the diſcontents of his *Barons*. This *Everſden* places in *Midlent*; (but Erroneouſly) and, by a like miſtake, ſays, that the King to avoid the *Confirmation* of the *Charters* withdrew from the *Parliament*; and that nevertheleſs it was there agreed, as it had before been Reſolved by the *Archbiſhop* in *Convocation*, that a *Sentence* of *Excommunication* ſhould be publiſhed againſt all the Infringers of them; and be Solemnly Repeated twice every Year.

With this *Parliament* no *Convocation*, as far as I can find, met in *Either Province*. The beginning of the next Year [7] the *Parliament* was Aſſembled Fifteen Days after *Eaſter*; *May* the 3*d*. [8] where the King coming heartily into the *Confirmation* of the *Charters*, Reconciled the Minds of his *Lords* to him. To ſay nothing of the [9] *Great Council* called to *London* on St. *Luke*'s Day the ſame Year: That another *Parliament* was held on St. *Martin*'s Day, *November* the 11*th*, at *York*; our [10] *Hiſtorians* tell us. After which on [11] the 29*th* of *December*, other Writs were iſſued out for a *Third Parliament* to aſſemble the *Second Sunday* in *Lent*, *March* the 14*th*, at *London*; as accordingly it did, and ſate three Weeks. [12] Here the King again Confirmed his Own Confirmation of the *Charters*, to the Great Satisfaction of his People.

Such were the *Parliaments* of this Year: As for the *Convocations*, I find only one, in the *Province* of *Canterbury*, and none in that of *York*. [13] The *Clergy* of our *Province* met at the *New Temple London*, the Second *Court-day* after *All-Souls*. To this *Convocation* the [14] *Annals* of *Worceſter* Refer that Secret Debate of the *Archbiſhop* and his *Clergy*, which *Everſden* applied to the Aſſembly of the foregoing Year; and add, that the Clergy were obliged under the Sentence of the *Greater Excommunication*, not to declare the Subject of it to any. There is this Preſumption that theſe *Annals* are in the Right; that the *Archbiſhop* having Order'd the Biſhop of *London* by his *Mandate* dated *September* the 25*th*. to Summon this *Convocation*, "*pro quibuſdam Negotiis arduis in ſede* Apoſtolica *promovendis*"; [15] by Second Letters dated a Month after, *October* the 28*th*, order'd this farther Intimation to be added, peculiar to this *Convocation*; "*pro* Relevandis Neceſſitatibus *Eccleſ. Prov. Cant. variis ſubjectæ periculis hiis diebus, & ipſius utili tatibus Promovendis.* A Clauſe of an Extraordinary Nature; and which ſhews that the Archbiſhop had ſome particular Deſign to carry on in that *Convocation*; which might cauſe the Secrecy of which the *Worceſter Annals* (a Hiſtory more to be rely'd upon by much than *Everſden*'s) ſpeak.

[15] Regiſt. Winchelſea, *fol.* 139. a.

We are told by *Everſden* that after *Whitſuntide*, in the Year next following, (*Anno* 1300.) the King held his *Parliament* at *York*, and that there his *Barons* for ſome time Oppoſed their Attendance upon him into *Scotland*; alledging that they owed him no Services there. But this I believe is a Miſtake, like

[1] Clauſ. 26. *E.* 1. d. 12. apud *Prynne* Regiſt. 2 Vol. p. 52.
[2] Vid. Angl. S. Vol. 1. p. 522. Walſ. p. 489. N. Trivet. p. 695.
[3] Regiſt. Winchelſea, *fol.* 242.
[4] Everſden, Mſ. *Archie-*

Sect. 18. 1299.

[5] Vid. Dugd. Summonit. *p.* 22.
[6] Hemingford. Hiſt. Mſ. *E.* 1. N. Trivet. *p.* 701. Walſ. *p.* 76. 490,
[7] Dugd. Summonit. Parl. *p.* 24.
[8] Everſden. ad Ann. 1299. Trivet. *p.* 701.
[9] Dugd. Summonit. Parl. *p.* 26.
[10] Walt. Hemingford. Mſ. In feſto S. Martini in Hyeme tenuit Rex Parliamentum ſuum apud Eboracum. Walſ. *p.* 77.
[11] Dugd. Summonit. Parl. *p.* 26.
[12] Walſ. *p.* 490. Angl. S. Vol. I. *p.* 524. N. Trivet. *p.* 702. Hemingford Mſ. ad Ann.
[13] Regiſt. Winchelſea, *fol.* 131. b.
[14] Angl. S. Vol. I. *p.* 524.

1300.

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like many others, of that Historian; and that the Truth of the Case was this. [1] The King by his Writs order'd three *Knights* to be chosen out of every County, to meet him at *York* the day after the *Ascension*; there to receive Instructions about putting in Execution what had been Ordain'd concerning the two *Charters*. This Meeting I suppose, *Eversden* calls a *Parliament*: and puts it a little *after*, instead of a little *before*, *Whitsuntide*.

[1] Dr. *Brady's* Hist. Vol. II. p. 68.

He is more in the Right in his next *Parliament*, which he says met at *Lincoln* upon *Hilary Day* after; tho' neither is he there Exact. For as *Mat. Westminster* tells us, and the [2] King's *Writ* shews, it met not on *Hilary Day*, but eight days after; and sate to the End of the Month. To this *Parliament* the *Lower Clergy* were not (generally) Summon'd: The *Præmunitory Clause* was Omitted; and only such of them Called by *Particular Writs*, as the King thought fit to send for to it.

[2] *Dugd. Summ. Parl.* p. 30. *Comp. Mat. Westminster ad Ann. N. Trivet.* p. 705.

[3] Here that Famous Letter was drawn up, which the *King* directed to the *Pope* in Vindication of his Right to the *Realm* of *Scotland*: The Charters were Confirmed; and a *Fifteenth* Granted to the King by the Laity for it. [4] But the *Archbishop* of *Canterbury* would not Grant any thing for the Clergy without the Consent of the *Pope*. This *Eversden* Refers to another *Parliament* which met at *Stamford* the *Midlent* before, contrary to the General Report of our Other Historians; who in this nevertheless agree with him, [5] that there was a *Parliament* held there, and that the *Barons* came Arm'd to it, and thereby obliged the King to a final Confirmation of the *Charter* of the *Forrests* to them. But [6] the time of that *Parliament*, if I mistake not, was after *Easter*, in the beginning of this Year; as by a *Writ* dated there *May* the 2*d*, may reasonably be supposed.

[3] Dr. *Brady's* Hist. Vol. II. p. 71. *Dugd. Summonit.* p. 31.

[4] *Mat. Westm. ad Ann.*

[5] *Hemingford*, Ms. *ad Ann.* 1300. *N. Trivet*, p. 703. *Walsingham*. p. 80.

[6] *Prynne's* Records, Vol. III. p. 350.

It is plain then that two *Parliaments*, at least, were held this Year; and to one of them the Clergy were not Summon'd; whether they were to the Other I cannot tell. Yet in all this Year I do not find any *Convocation* called to *Attend*, as the Modern Phrase is, upon either of these Great Assemblies. On the [7] thirteenth of *June* the *Archbishop*, with the *Bishops* of *Sarum*, *Rochester*, and *Lincoln*, who the day before had been Consecrated there, held a kind of *Provincial Synod*, at *Canterbury*, the other Bishops of the *Province* having sent their *Proctors* thither: And some Orders were made concerning the Admission of the *Preaching Fryars* to *make Sermons*, and *hear Confessions*; and about the *Clustering* of *Nuns*. But this was a proper *Ecclesiastical Assembly*; which being met for the Consecration of the Bishop of *Lincoln*, the Archbishop took the Occasion to hold a *Synod* with his *Suffragans* and their *Proctors*, and there to agree upon their Orders as to these Matters.

[7] *Lib. Memorand. Jo. Dalderby Linc.* fol. 9.

Sect. 19. 1301.

In the next Year 1301. [8] I can meet with but One *Parliament*; held at *London* about the *middle* of *Lent*. That any *Convocation* sate this Year, does not yet appear to me, and the King having now Running the half of a *Triennial Disme* Granted by the *Pope* to him, [9] besides the Fifteenth of the *Temporalties* of the *Clergy*, given with that of the *Laity* the Year before, I do believe there was none Called at all.

[8] *N. Trivet.* p. 716.

[9] *Prynne's* Records, Vol. III. p. 921. *Annal. Wigorn.* p. 527.

1302.

Anno 1302. The King held his [10] *Parliament* on the *Octaves* of St. *Jo. Bapt.* *July* the 1*st*. I call it a [11] *Parliament* by the Authority of the next *Writ* of Summons which was issued out in pursuance of this, tho' there be no *Præmunientes* in it for the *Lower Clergy*, nor does it appear that the *Commons* were called to it. This Second *Parliament* was Summon'd to meet on *Michaelmas* day: but by [12] a New *Writ*, dated *September* the 13*th*, was Prorogued to the Morrow after St. *Edward*, *October* the 14*th*. A little before the former of these a *Convocation* was held, [13] the *Morrow* after *Ascension*, *June* the 8*th*. But tho' another *Convocation* met after the latter, yet was it at a Great Distance from it, the [14] *Munday* after St. *Nicholas* day, *December* the 10*th*, before which time we may be Confident the Parliament was Risen.

[10] *Hemingf.* Ms. *M. Westm. ad Ann.* 1302.

[11] *Dugd. Summon.* p. 41. 42.

[12] *Dugd. Ibid.* p. 38. *Mat. Westminster*, p. 445.

[13] *Regist. Winchelsea.* fol. 147. *a.*

[14] *Reg. Winch.* fol. 148. *b.*

In this latter *Convocation* the *Clergy* seem willing to have Granted a *Subsidy* to the King, but would not do it without the *Pope's leave*. By [15] Letters therefore dated 12 *Kal. Januarij*, they sent a Proctor to obtain this Licence, for them, the Result of which I can give no certain Account of.

[15] *Ib.* fol. 335. *b.*

Sect. 20. 1304.

Having no Instance either of *Parliament* or *Convocation* the next Year, I go on to 1304. In which a *Parliament* was call'd to meet on [16] *Tuesday* the *Quindene* of the *Purification*; but by Prorogation before it Assembled was put off

[16] *Dugd. Summon. ad Parl.* p. 43. 46.

to

to the Sunday after *Matthias*, *March* the 2d. How Sir *William Dugdal* came to omit the *Præmunitory Clauſe* in theſe two *Writs*, I cannot tell. In the former of them it is expreſly entred upon the [1] *Clauſe Rolls*; but of that He has given us no *Copy* to a *Biſhop*. And we are ſure it muſt have been inſerted into, becauſe we find it to have been Executed by the Archbiſhops and Biſhops, in the latter: both the [2] Executions of it and the Returns upon it, remain upon Record; and put this matter out of doubt.

The Forms of theſe [3] *Procuratoria* are Obſervable: Thoſe of the Church of *Worceſter* were directed to the *King*, by whoſe Writ they were Summon'd. That of the Clergy of *Lincoln*, tho' not directed to him, yet expreſly take Notice of appearing in his *Parliament*, and Treating with the *Prelates*, *Lords*, and *Proctors* of the *Clergy*, about the *Affairs* of the *Realm* there. And the *Prior* and *Chapter* of *Worceſter* having each of them diſtinctly given a *Proxy* of the former kind, afterwards join'd together in One *Common Proxy* of the latter form; and by all theſe ſhew that as they were here Summon'd by a *Civil Call* to meet in the *Parliament* of the *Kingdom*, and to *Treat* with the *Laity* to be aſſembled there; ſo they did Obey, and meet accordingly.

The *Archbiſhop* of *Canterbury* indeed, in the [4] Execution of the *former* of theſe *Writs* acted after a Singular manner. He Recited not the Words (as the Biſhop of *Lincoln* did) but only the Subſtance of it; and then "Required his *Clergy* to appear before himſelf at *Lambeth* the *Sunday* before, to treat with him of ſuch things as Related to the State of the Church, and to do farther with Him in the ſaid *Parliament*, as the Orders of the Holy *Canons* permitted. [6] Dr. *A.* (an Author who never fails to improve a Good Hint) takes Notice of this, as a Method "made uſe of by the *Archbiſhop*, *of ſalving in ſome meaſure the (Pretended) Priviledges of the Clergy*, without diſobeying the King. But he is not content to take the matter as he found it; but, he will add much more from Conjecture, than he could Recover from Hiſtory; and therefore ſuppoſes that He not only Summon'd, after this manner, the *Clergy of his Own Dioceſe*, *but the Reſt of the Province*, by the *Biſhop* of *London*. Had any ſuch thing been done by him, we ſhould certainly have had ſome Account of it. The Regiſters of *Canterbury*, *Lincoln*, and *Worceſter*, which have preſerved the *Executions* and *Proxies* of this *Parliament*, would hardly have fail'd to have preſerved much more Carefully the Memory of ſuch a PROVINCIAL CONVOCATION as this, in that Caſe, would have been. But ſo far was the *Archbiſhop* from doing any ſuch thing, that the ſame *Parliament* being Prorogued, as I have ſaid, to the *Sunday* after St. *Matthias*, in his *Execution* of the *Præmunientes* for that day He Required no ſuch Previous meeting of thoſe of his *Own Dioceſe*; but left them to ſend their Proctors directly to *Parliament*, without taking *Lambeth* in their way to *Weſtminſter*; as the Form of their *Procurations*, in the very Regiſter to which he Refers would have ſhewn Him, had he been willing to be Inform'd.

But indeed Dr. *A.* ought to be Excuſed for this Conjecture. He could find no *Convocation* to attend upon this *Parliament*, unleſs he could thus form One out of the Execution of the *Præmunitory Summons*. And ſuch a One would have been of Singular Advantage to his Cauſe: He reſolved therefore to try how a Happy Conjecture would take; and ſo Called this *Convocation*, by meer dint of Fancy, four Hundred Years after, to Attend upon the *Parliament*, which the *Archbiſhop*, high as he was for the *Rights* of the *Church*, never thought of doing.

The next Year following a [8] *Parliament* (ſo the *Writs* call it) was Summon'd to meet at *Weſtminſter* upon the *Aſſumption* of the *Bleſſed Virgin*, *Auguſt* the 15*th*, and from thence Prorogued to the *Octaves* of the Nativity, *September* the 15*th*. There was at this time no *Archbiſhop* of *York*, and the [9] *Archbiſhop* of *Canterbury*, was under Suſpenſion, and abſent on his Way to *Rome*. And we may therefore ſecurely conclude, that as we have no Account of any *Convocation* called this Year, ſo neither was any held. The ſame was the Caſe of the Years following. The King call'd his *Parliament* to meet at *Carliſle* in the *Octaves* of *Hilary*, 1306. [10] He Summon'd the *Clergy* by the *Præmunitory Clauſe* thither: and they Attended upon him from both *Provinces* there.

[1] Clauſ. 32. Edw. I. m. 2. Dorſ.

[2] *Regiſt. Henr. Prior.* fol. 103. *Regiſt. Magnum Wigorn.* fol. 23.

[3] See the Appendix, ad Ann. 1304.

[4] *Regiſt. Henr. Prior. Cant.* fol. 103.

[5] *Lib. Memorand. Jo. Dalderby*, fol. 78.

[6] Rights, &c. p. 252.

Sect. 21. 1305.

[8] *Dugd. Summon. Parl.* p. 47. 49. *Comp. M. Weſtminſt.* p. 451.

1306.

[9] *Hoc Anno fuit* Rob. de Winchelſea *Arch. Cant. ad Curiam Procurante De-*

[10] *Romanam perſonaliter Evocatus, & à Temporalium & Spiritualium Adminiſtratione ſuſpenſus, Rege.* Adam. Murimuth. Mſ. *M. Weſtminſt.* p. 457.

K. EDWARD the II.

Much was done in that *Parliament* relating to the *Church*. [1] The *Pope* had Reserved to himself the *First-fruits* of all *Ecclesiastical Benefices*, within the *Realm*. Against this the King and his Lords Opposed themselves. Other Grievances were Committed by his Agent *W. de Testa*; and both the *Clergy* and *Laity*, solemnly Remonstrated in *Parliament* against them. Several other matters, of the like kind, were Establish'd: But that any *Convocation* was called for the Advising, or Establishing of them, in either *Province*, is yet to be proved; and will always, I believe, continue so to be.

[1] *Hemingford*, Ms. ad Ann. 1304.

If the [2] *Mss. Copies* of the Constitutions of *Archbishop Greenfield* be to be Relied upon, we must conclude, that he held an *Ecclesiastical Council* of his *Province*, *Anno* 1306. to publish them in. This is placed at *Rippon* 2 *Kal. Octobr. Sept.* the 30*th*; but besides that this was a *Provincial Council*, not a *State Convocation*, its distance from the time of the Parliament of *Carlisle* was too Great, to imagine it should have been design'd for an *Attendant* upon a *State Council* not yet Summon'd; nor to sit till almost four Months after this *Synod* was risen.

[2] *Spelman*: *Concil.* Vol. II. p. 438.

Thus stood this Matter during the last twelve Years of King *Edward* the 1st. The *Clergy* met often, in *Parliament*, and *Convocation*: But that the latter of these had any Dependance, by this *New-Constitution*, upon the former; that either in *Law* it was Obliged, or in *Fact* was wont, to meet with it, is so far from Appearing, that I think I have plainly proved the contrary. Let us see how these Assemblies were held under the next Reign, of his Son,

King EDWARD *the* IId.

Sect. 22. 1307.

Being come to the Crown *July* the 7*th*, he called his *Parliament* to [3] *Northampton* Fifteen Days after *Michaelmas*, *October* the 13*th*. In this *Parliament* the *Clergy* Granted a [4] *Fifteenth part* of their Goods to the King: [5] Dr. *A.* observes that the *Præmunientes* in this *Parliament* was duly Obey'd. This he concludes from one single Instance of the *Church* of *Canterbury* out of *Hen. Priors* Register; in which He will give me leave to correct a Mistake easily made, yet fit to be amended, in the date of *April*, for [6] *October* the 3*d*. 1307. But by the Execution of the [7] *Bishop* of *Lincoln* for this very *Parliament* it appears that this *Clause* was Obey'd not only in the Execution, but in the *Actual Attendance* of the *Lower Clergy* at *Parliament*. It takes notice of the Great Charges which the *Clergy* of the *Diocese* had been at, in their long stay at the last *Parliament* at *Carlisle* for twelve Weeks; and Requires the *Archdeacon* that if any of the Money Levy'd for that *Parliament* Remain'd in his Hands, it should be employ'd for the Expence of their *Proctors* at this; and the *Clergy* not be Grieved with any *New Impositions*.

[3] *Dugd. Summonit.* p. 56.

[4] *Clauss.* 1 *Edw.* II. *m.* 12.

[5] Rights, *&c.* p. 229. *Comp.* p. 483.

[6] *Regist.* Henr. Prior. Cant. *fol.* 108.

[7] *Lib. Memorand.* Jo. Dalderby '*Vobis* (Archidiaconis) '*quanto districtius possumus inhibemus, ut attendentes* 'quantum Clerus *nostræ* Diœceseos *contributionibus & præstationibus variis* 'gravatus fuerit — *impositione novâ pro dictorum Procuratorum sumptibus facienda* Clerum *ad præsens nm Gravetis, si ex residuo impositionis Ultimæ pro* Expensis Procuratorum *apud* Carliel. *missorum, quod penes Vos* 'quantitate magna *Residet, ut Referetur, prospici Valeat* Procuratoribus nunc mittendis. *fol.* 192.

[8] *Dugdal. Summonit*, pag. 58.

Sect. 23. 1308.

The next Year, *Anno* 1308. Three *Parliaments* were held: The [9] first Fifteen Days after *Easter*: The Second [10] Three Weeks after *Michaelmas*; and the Third, the [11] Second *Sunday* in *Lent*. The *Præmunitory Clause* was Omitted in them All. Yet neither this Year can I meet with any *Convocation* in either *Province*; tho' the *Registers* of this time are very Exact in their Entries of this Nature.

[9] *Dugd.* Ibid. p. 60.

[10] Ib. pag 62.

[11] Ib. p. 64.

1309.

Anno 1309. [12] A Parliament was called to meet at *Westminster*, a Month after *Easter*. To it the *Clergy* were Summon'd by the *Præmunitory Clause*, which, as Dr. *A.* Observes, was Obey'd by them. [13] The Bishop of *Lincoln* in this, as in the *Parliament* of the last Year immediately foregoing, constituted his *Proctor* by two different Instruments. One to be delivered to the King, and directed to Him; the other to be kept by the Proctor with a General Addres

[12] *Dugd. Summonit*, p. 66.

[13] *Lib. Memorand. Dalderby*, fol. 125. 127.

Addreſs to all Perſons. Theſe *Proxies* this Year were made to *Hugh de Normanton*, and *Tho. Bray*, Canons of *Lincoln*, and dated 16 *Kal. Maij*, 1309. Two Days after a *Third Proxy* was ſent to *Hugh de Normanton* with a General Power " of *Doing* and *Conſenting* to, ſuch things as by God's Aſſiſtance ſhould " be Ordained there, but with this Truſt, that if Neceſſity Required he " ſhould Uſe that *Proxy*, otherwiſe not. The ſame I have obſerved in ſome Other Caſes, and the Ground of it I conceive to have been this; that they were to manage themſelves as well with the King as they could. If a Pretence of Want of *Powers*, or *Inſtructions* would be taken in their Excuſe for Refuſing of Money, or the like, they ſhould then alledge it: But yet ſhould be provided to Comply with the King's Demands, rather than Expoſe Themſelves, or their Principals, to any Great Inconvenience by an Obſtinate and Peremptory Refuſal.

There is one thing more which I ſhall take the Occaſion of this *Parliament* to Obſerve. We find by the Forms of ſeveral Proxies, that the Clergy meeting *Nationally* in *Parliament*, on the *Præmunitory Summons*, did yet give their Commiſſions to treat *Provincially* only with their Reſpective *Metropolitans* there. Of this there are Inſtances enough in the *Province* of *Canterbury*. The [1] *Archbiſhop* of *York* being abſent from this *Parliament* gave his *Proxy* to the ſame purpoſe to his Repreſentatives there, to Treat with his *Clergy*, and to Conſent with them in *Parliament*, to what ſhould be Ordain'd there. So Jealous were they of their *Provincial Rights*, that they ſtood upon them, even in their *National Aſſemblies*: The *Archbiſhops*, with the *Prelates* and *Clergy*, of their *Provinces* debated aſunder of their *Parliamentary Affairs*; agreed ſeverally what to do; and (as I conceive) the *Archbiſhops* delivered their Reſolutions ſo taken in their Reſpective Meetings, when they came together before the *King*, and *Lords*, in *Parliament*.

On the [2] *Sunday* after St. *James*, *July* the 27*th*, another *Parliament* was held at *Stamford*: In this the *Præmunientes* being Omitted, the *Lower Clergy* were not troubled to come to it; as neither were they called to the *next*, which was Summon'd firſt to *York*, and then to *Weſtminſter*, to meet the [3] *Sunday* next after the *Purification*, *February* the 8*th*.

Theſe were the *Parliaments* of this Year: On the 24*th* of *November*, the *Archbiſhop* of *Canterbury* held a proper *Provincial Council*, by the *Pope*'s Order, about the Affair of the *Templars*. [4] To this he Cited, beſides the *Biſhops*, and *Regular Prelates*; " the *Deans*, *Provoſts*, *Arch-Prieſts*, *Archdeacons*, and All the " *Chapters*, and *Colleges*, with the *Clergy*, Exempt, and not Exempt, of every " Dioceſe. This matter had before been Concerted between the *Pope*, and the *King*, in [5] the firſt Year of his Reign; and was now begun to be put in Execution. Of this we ſhall hear more in the two following Years, as for the *Council* of the Preſent, what has been publiſhed of it in the Second Volume of our *Engliſh Councils*, may ſuffice to ſhew what kind of *Synod* it was, and how it was Aſſembled.

But where ſhall we find the *Concomitant Convocations* of the ſeveral *Parliaments* before-mentioned? I may venture to ſay, that not one was held. The *Pope* had Granted the King this very Year a [6] *Triennial Diſme*; and the fifteenth, before given at the Parliament of the firſt of this Reign, was not yet wholly paid in: Upon both theſe Accounts the King could not expect any farther Supply from the *Clergy*; and therefore he gave them not the Trouble of meeting in *Convocation*.

Anno 1310. [7] A *Parliament* was held at *Weſtminſter* on the *Octaves* of St. *Jo. Baptiſt*, *July* the 1*ſt*. Upon the 9*th* of *December* following a *Convocation* of the *Province* of *Canterbury*, was Aſſembled, to anticipate the Payment of the *Triennial Tenth* which the *Pope* had Granted to the King. In the *Mandate* for this *Convocation*, [8] the *Archdeacons*, I know not why, were Omitted. And the Biſhop of *Lincoln* therefore in his Execution of it directed that they ſhould not appear in Perſon, but only Cite the *Dioceſan Clergy* to chuſe their *Proctors*, as the *Archbiſhop* had Required: How this Affair was managed in the *Other Province*, it is not eaſy to ſay. The King by his [9] Writs dated at *Reynfreu*, in *Scotland*, *October* the 15*th*, Required it; and the *Archbiſhop* in his *Mandate* to the Biſhop of *Carliſle*, dated the 15*th* of *November*, told him that as the *Archbiſhop*, and *Biſhops* of the Other Province had Conſented to it, ſo had he as much

[1] *Regiſtr.* Greenfield, par. I. fol. 166. b. *Procuratorium* Waltero de Bedewynde, *Theſaurar. Eccleſ.* Ebor. & Wmo. *de* Pickering Archidiacono Nottingham: — ' *Ad tractand.* ' *pro nobis unà* ' *cum* CLERO ' NOSTRO ' *in eodem* Parliamento, ' *nec non Conſentiendum* ' *noſtro Nomine,* ' *unà cum* ' CLERO ' NOSTRO ' *prædicto, in* ' *dicto* Parliamento *hiis* ' *quæ de Communi Conſilio* ' *favente Deo* ' *Ordinari contigerit*, &c.

[2] *Dugd Summonit.* p. 68. 69.

[3] *Ibid* p. 71. 73.

[4] *Regiſt. Memorand.* Jo. Dalderby *Linc.* fol. 141. See *Spelm. Conc.* Vol. II. p. 466.

[5] *Clauſ.* 1 *Edw.* II. m. 13. d.

[6] *Clauſ.* 3 *Edw.* II. m. 14. & 23. dors. Sect. 24. 1310.

[7] *Memorand.* Jo. Dalderby, *Linc.* fol. 161.

[8] *Ibid.* fol. 170.

[9] *Regiſtr.* Greenfield. par. I. fol. 81. b.

K. EDWARD *the IId.*

much as in him lay; and therefore desired the *Bishop* of *Carliſle*, in like manner to Consent to it in his Dioceſe. This Consent of the *Archbiſhop*, and *Biſhops* of *Canterbury*, muſt I conceive have been given, at their *Provincial Meeting* in Council the *September* before. But yet, for all their Own Agreement, they held their *Convocation* in *December*, as we have ſeen, to take the Consent of their *Clergy* to it; whether they did the like in the *Province* of *York*, I am not able to ſay.

And theſe are all the *State-Meetings* of the *Clergy* that Occur in this Year; in which a *Parliament* was firſt held about *Midſummer*, without a *Convocation*; and then a *Convocation* of the *Province* of *Canterbury* in *December*, without a *Parliament*. But there was an [1] *Eccleſiaſtical Provincial Council*, different from both theſe, in either Province. That of *Canterbury* met the *Wedneſday* after St. *Matthew*, *September* the 23*d*. To it were Summon'd the [2] *Biſhops*, and their *Chapters* only: No *Deans*; No *Abbots*, *Priors*, *Archdeacons*, or *Dioceſan Clergy*. It proſecuted the Affairs of the *Templars*, and continued ſitting a very great while. For by Letters of *Proxy* dated the [3] *9th* of *November*, by the *Biſhop* of *Lincoln* who was gone off Sick from the Meeting, it was ſtill ſitting at that time, and not in any near Proſpect of Riſing, as from his Conſtitution of *Proctors* to Act in his Abſence may reaſonably be infer'd.

The *Provincial Synod* of *York* had met a long time before, [4] *May* the 20*th*. But little ſeems to have been done there, it being Diſſolved the next day. This only I ſhall Obſerve as to the *Members* of it, [5] that the *Dioceſan Clergy* were not Summon'd to it; nor had ſo much as any Invitation to be there, if they had any *Cauſe*, or *Buſineſs*, to bring them thither.

But to leave theſe Councils, and come to the Famous Parliament of the Fifth of *Edward* the II*d*. *Anno* 1311. where [6] Dr. *A.* fixes (and that rightly enough) the firſt Beginning of a *Provincial Summons* to *Parliament*, and of which I muſt beg leave to give a more full Account than He has thought fit to do. King *Edward* the II*d* being on the Borders of *Scotland*, by his [7] Writ dated at *Berwick* upon *Tweed*, *June* the 16*th*, Called his *Parliament* to meet at *London*, the *Sunday* before St. *Laurence* Day; *Auguſt* the 8*th*. This *Parliament* having Great Affairs in Hand, and much Buſineſs to do, ſate from thence till the 8*th* of *October*, above *Nine Weeks*; and was then, at the ſpecial Requeſt of ſuch of the *Prelates*, and *Lords* as continued there, Prorogued for about five Weeks; [8] "*Propter moram diutinam*; as the *King's Writ* of *Prorogation* tells Us.

To this *Parliament* the *Clergy* were called by the [9] *Præmunitory Clauſe*; and that *Clauſe* was [10] Executed after the Uſual manner by the *Biſhops*. Yet ſomething the *Archbiſhop* was then about, that produced the Meaſures which were afterwards taken. For on the Margin of the [11] Great Regiſter of the *Prior* and *Chapter* of *Worceſter*; there is this Note fix'd upon their *Procuratorial Letters*, which they gave upon that Writ; "That theſe *Proxies* were not de-"livered, becauſe the *Clergy* is not bound to *Obey* the *King's Call*, without "the *Command* of the *Archbiſhop*. And by a [12] *Proxy* of the Biſhop of *Lincoln* dated the Day before this *Parliament* was to meet, it appears that the *Suffragan Biſhops* had certain *Articles* then on foot, deliver'd to the *Archbiſhop*, for Reformation, and *for the Eaſe of the Flock Committed to them.*

Whether the Clergy hereupon did not appear at all, or not in any Great Numbers at this *Parliament*, I cannot tell: But upon the *Prorogation* of it before mentioned, dated the 8*th* of *October*, the [13] King Required the *Archbiſhop* of *Canterbury*, and the *Vicar General* of the *Archbiſhop* of *York*, (who was then Abroad at the *General Council*, as one of the King's Ambaſſadors to it) to Give Notice, or indeed, to *Præmoniſh* the *Lower Clergy* of their whole *Provinces*, as the *Biſhops* of *Each Dioceſe* had hitherto been wont to do. The time aſſign'd for their Coming was on the *Octaves* of St. *Martin*, *November* the 18*th*, about forty Days from the time that the *Writ* was Dated. The *Lords* were Summon'd to meet the *Fryday* after *All-Saints*, *November* the 5*th*, the *Commons* the Morrow after St. *Martin*, *November* the 12*th*, at which time they met, and ſate from thence thirty four Days.

The *Archbiſhop* either really took ſomewhat amiſs in this *New Writ*, or at leaſt Pretended that he did. It may be he had no mind to Execute ſuch a *Writ*, as he knew would deſtroy the Pretence which ſeems to have been ſet

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on

[1] *Memorand. Dalderb. Linc.* fol. 170.

[2] Ibid. "*Mandamus quatenus Venerabiles fratres noſtros* Epiſcopos Suffraganeos, *nec non &* Capitula Eccleſiarum Cathedralium, *&c. quod iidem* Epiſcopi *perſonaliter; dicta vero* Capitula *per* Procuratores *ſuos idoneos Compareant.* &c.

Sect. 25. 1311.

[3] Ibid. fol. 169.

[4] *Regiſt. Greenfield. Par.* I. fol. 180. *a.*

[5] Append. ad Ann. 1310.

[6] Rights, *&c.* p. 230.

[7] Dugd. Summonit. Parl. p. 75.

[8] Ibid. p. 77. 78.

[9] Dugd. Summonit. p. 75.

[10] *Memorand.* Dalderby *Linc.* fol. 192.

[11] *Regiſtr. Magn. Prior. & Capit. Wigorn*, fol. 50.

[12] *Memorand.* Dalderby, *fol.* 197. b. *In procuratorio.* "*Ad proſequendum* Articulos *ex parte* ſuffraganeorum Cantuariens. Provinciæ *traditos pro* Reformatione "*&* Sublevamine *Gregis eis ſubditi.*

[13] Append. ad Ann. 1311.

on Foot at the laſt *Parliament* by the *Clergy*, in order to their total withdrawing of themſelves from theſe Councils; namely, that they were not bound to Aſſemble by the *King's Summons*, unleſs they were Required ſo to do by the *Archbiſhop's Mandate*. However, it were, the King by a [1] *Second Writ*, dated at *Eltham*, *October* the 24*th*, gave the *Archbiſhop* a longer time to bring the *Clergy* thither; a fortnight, or three Weeks after St. *Martins*; and promiſed, that if there were any Expreſſions in this *New Form* prejudicial to his *Rights*, they ſhould be Amended in the *Next Parliament*.

K. EDWARD *the IId.*

[1] Dr. *Brady's* Hiſt. Vol. II. Append p. 50.

Upon this Second *Writ* the Archbiſhop [2] Obey'd, and ſent out a *Provincial Mandate* to Summon the *Parliament Clergy*, to the Place of *Parliament*; to meet and Conſent, as Uſual, to what ſhould be done there. This *Mandate* having not Occur'd to Dr. *A.* it may poſſiby be a Satisfaction to him to peruſe it, in the [3] *Appendix*. The *Parliament* coming thus late together (for the Temporal Lords, made no more haſte than the *Clergy*; as appears by the King's Writs iſſued out [4] *November* the 28*th*, to prohibit them from coming, as ſome of them had deſign'd, with *Horſe* and *Arms*) ſate but till the 18*th* of *December*, and was then Diſſolved: But more Buſineſs Remaining to be done, a [5] New One was Called the very next Day to meet the firſt *Sunday* in *Lent*, which on *January* the 20*th*, was put off, and never met at all.

[2] *Memorand.* Dalderby, *fol.* 204. *Regiſt. Epiſt.* Rob. Langley. *Prior. Norwic.* fol. 13. *a. Regiſt. Henr. Prior. Cant.* fol. 118. b. &c.

[3] Append. ad Ann. 1311.

[4] Dr. *Brady's* Hiſt. Vol. II. p. 112. *Prynne* on *Coke's Inſtit.* p. 42.

[5] *Dugd. Summonit.* p. 79. 81. *Memorand.* Dalderby, *fol.* 209. *Regiſtr.* Reynold's. *Epiſc. Wigorn.* fol. 43.

This is the whole of that Affair; let us now ſee what Uſe Dr. *A.* either by Miſtake, or by Deſign, has made of it: "And here (ſays He) for ought "I can find, the Foundation was laid for that Practiſe of a *Double Summons* of "the *Clergy*, (He ſhould have added, to *Parliament*) which grew afterwards "to be the ſetled Courſe (he ſhould have ſaid, for ſome time, till towards "the middle of *Edward* the *Third's* Reign) and does even to this Day, with "ſome ſmall Variety as to the *Form*, Obtain.

What does this Author mean by ſome *ſmall Variety*? Are the *Clergy* at this day *Summon'd* to *Parliament* by *double Writs*, as now they were? By their *Metropolitan's Mandate*, as well as by the *Biſhop's Præmonition*? Or have they been Once thus *Summon'd* for Three Hundred and Fifty Years paſt? That this *Provincial Summons* was only a *Provincial Execution* of the *Parliament Writ* is certain: Nor can Dr. *A.* himſelf deny it. It *Summon'd* the ſame *Perſons*, and to the ſame *Place*, *Buſineſs*, and *Purpoſe*, that the ſeveral *Writs* to the *Biſhops* were wont to do. But no ſuch *Provincial Writ* has been iſſued out for Three Hundred and Fifty Years paſt. The *Provincial Writs* now in Uſe, or that have been in Uſe all that time are of a quite different kind: As different, as a *Summons* to *Convocation* is from a *Summons* to *Parliament*, and how different that muſt be, I have too fully ſhewn already, to inſiſt upon it again here.

But Dr. *A.* is not Content with this Original Miſtake, he muſt improve his Conjectures, and thereby add *Error* to *Error*. Thus therefore he goes on. "That the *Archbiſhop* might be the more ready to comply with this *Summons* "of his *Clergy*, it was ſo framed, as not to take in the *Whole Body* of them: "For the *Priors* that preſided not over Cathedral Churches were purpoſely "Omitted. Let Dr. *A.* look again into the *Writs*; and ſee whether any beſides the *Parliamentary Clergy* were order'd to be *Summon'd* by the *Archbiſhop*; or whether he did not preciſely Summon the *Whole Body* of thoſe that were then wont to be *Called* to *Parliament*. Let us hear how he Enumerates the Perſons whom the King Commanded him to Summon: "The *Deans* and *Priors* of "the *Cathedral Churches*, and their *Chapters*; as alſo the *Abbots*, *Priors*, and "*Archdeacons*, and All the *Clergy* of our *Dioceſe*; and of our *Whole Province*; will Dr. *A.* pleaſe to tell Us what other *Clergy* beſides theſe were wont to be Summon'd to *Parliament*? Or what *Priors* he finds *Omitted* here, that had ever before been Called thither? But he goes on: "And it order'd him to Call "them, tho' to a *Parliament*, yet not till a fortnight after the *Temporal Mem*"*bers* were to meet. That was accidental; the Laity were only to return to *Parliament*; but as 'tis plain from the *New-Elections* upon theſe *Writs*, the *Clergy* were to be Choſen for it: And therefore a little farther time might be neceſſary to be allow'd for it. In the firſt *Writs* the *Lords* and *Prelates*, *November* the 5*th*, were Summon'd to the ſame Day, [6] the *Fryday* after *All-Saints*; The [7] *Commons*, at the ſame time, were Order'd to come the Morrow after St. *Martin*, *November* the 12*th*. a Week after; ſo that this coming at different

[6] *Dugd. Summonit.* p. 78.

[7] *Cl.* 5. *Edw.* II. *m* 26. *dorſ.*

K. EDWARD *the IId.*

rent times, signifies nothing at all in the present Case. But be the time of their coming what it will, this is plain, and that is enough for my purpose, that still they were to come to *Parliament*; *in Parliamento Prox. apud Westmonaster. Celebrando*, says the *Writ*; "*in prædicto Parliamento apud* Westmonasterium *ut prædicitur* "*Celebrando*: And therefore that this was, in truth, no more than a *Provincial Execution* of the *Parliamentary Præmunientes*; which from henceforth was often, I may say Commonly, (tho' not Constantly, for that is another of Dr. *A*'s Mistakes, to say it became the *setled Course*) Executed both ways; by the *Bishops* in their *Dioceses*; and, by the *Archbishops*, throughout their Respective *Provinces*.

The *Archbishop* however Check'd at this *Writ*, thus qualify'd, as derogatory to the *Priviledges* of his *Church*, and *Sea*: Or rather, I believe, as cutting off the Pretence which they had thought to have set up to Excuse their Coming to *Parliament* altogether; "that the *Clergy* were not to obey the *King's Sum*- "*mons*, without the *Archbishop's Mandate*; which no doubt he was very unwilling to issue out, if he could have told how to Refuse it. But tho' the King, as Dr. *A.* Observes made him a Complement in the Words of his *Second Writ*, yet he Insisted upon the *Execution* of it; and by so doing put an end to all the Shifts of that Troublesome, and Haughty *Archbishop*; and to the Design of the *Clergy*, Encouraged, no doubt, in their Attempts by him.

[1] *Dugd. Summonit. Parl.* p. 79.

I say nothing of the [1] *Parliament* which was designed to have met the first *Sunday* in *Lent*; but by [2] *Other Writs* dated *January* the 20*th*, was intirely put off, without coming to a *Session*. A Third *Meeting* there was, which seems to have been held the next Month on the *Munday* after the Feast of St. *Gregory*; but what to call it I cannot tell. [3] The King was in the *North*; and this Assembly was to be a *Tractatus* of the *Archbishop*, with his *Suffragan Bishops*, and *Lords* of the *Realm*, at St. *Pauls* Church *London*. It is probable that the Party who Caball'd against the King, might here meet together upon their own Designs; and to take some Measures how to Proceed in them. But be this as it will; thus much is plain, that here were two *Sessions* of one *Parliament* held, almost from *August* to *Christmas*; and a Second *Parliament* Called, and yet no *Convocation* of the *Province* of *Canterbury*, either Called, or held with them. Indeed in the *Province* of *York*, a *Convocation* there was, as well as a *Council*, of which therefore some Notice must be taken, before I proceed any farther. By a [4] *Mandate* dated *February* the 20*th*, a *Provincial Council* was Summon'd to appear at *York* the 24*th* of *May*. To this all Doctors of *Divinity*, and Professors of the *Canon-Law*, were Summon'd; but the *Procuratores Cleri* were not mention'd in the *Citation*. But the King desiring a Subsidy of Twelve Pence *per* Mark, to be Granted to him, a [5] *New Mandate* was issued out, *April* the 24*th*, to Summon *totum Clerum* to appear by their Proxies at the same place, *May* the 24*th*, the same Day. The Clergy refused to grant any *Subsidy*, as well upon the Account of the *Pope's Constitutions*, which forbad it, and involved both the Givers and Receivers of such Aids, under the *Sentence* of *Excommunication*; as because the *Triennial Disme* granted for the Use of the Holy Land, was not yet expired, and so they were in no Capacity of answering the King's Desire.

[2] *Regist. Reynolds. Wigorn.* fol. 43. *Dugd.* Ibid. p. 81.

[3] *Memorand.* Dalderby *Linc. Episc.* fol. 217.

[4] *Regist. Greenfield*, fol. 188. b.

[5] *Fol.* 201. b. *Ibid.*

This was the Result of that *Convocation*; as for the *Council* held at the same time with it, but without any *Proctors* of the *Clergy*; it agreed to adjourn to the 1*st* of *July*; and then to meet in the *Conventual Church* of *Blide*, according to the Form of the *Preceding Citation*, that is without any *Proctors* of the *Diocesan Clergy* in it. [6] But by a *New Mandate*, dated the last of *May* the *Archbishop* Changed the place from thence to *York*; and in that the third time Omitted the *Diocesan Clergy*, who neither now were Summon'd to come to it.

[6] Append. ad Ann. 1311.

Both these Councils were held about the *Affairs* of the *Templars*, the Determinations of which the *Archbishop* was to carry to the *General Council* with him. This latter continued to *July* the 30*th*: [7] The Result was, that the *Templars* who had Abjured their *Heresies* there, should be Absolved from their Sentance of *Excommunication*, and be sent to several *Monasteries* of the *Province*, there to Continue, and fulfill the Pennance to be enjoyn'd to them. Whether the *Constitutions* published the [8] Eighteenth of the same Month were here also pass'd, I cannot tell: It is not improbable but that here they may have been agreed to, tho' they were not promulged till some Days after, for Common Observation.

[7] *Regist. Greenfield, Par.* II. p. 180.

[8] *Spelm. Con.* Vol. II. p. 467.

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In

K. EDWARD *the* IId.

In the *Province* of *Canterbury* a [1] Council was held about the ſame Affairs of the *Templars*, on *Fryday* after the *Octaves* of *Eaſter*. To this the [2] *Clergy* were Called, and every *Biſhop* order'd to ſend, three Weeks before, a Doctor of *Canon* and *Civil Law*; to prepare matters, and to conſider how the Council, when met, ſhould proceed againſt them. This *Synod* ſate long, from the beginning of *May* to *June*, ſays *Adam de Murimuth*; but it ſhould have been *July*; for ſo long it appears by the *Acts*, which I have by me, of the *Proceſs* againſt theſe Perſons, to have laſted. The *Council* ſate in the Biſhop of *London's Hall*, the *whole Clergy* and *People* of *London* being allow'd to be preſent at it.

[1] *Regiſt. Henr. Prior. Cant.* fol. 117.

[2] *Memorand. Jo. Dalderby*, fol. 179. b.

The Reſult then of this Year is this: There was a *Convocation* Summon'd for Aid in the *Province* of *York*, almoſt *Two Months* before the *Parliament* met, but none (that appears) in the *Province* of *Canterbury*. This *Convocation* was Called only for Money, nor did it meddle with any thing beſide. In all the time of the *Parliament*, (tho' One of the longeſt that had ever yet been held) no *Convocation* was called in either *Province*, nor was any Summon'd to have Attended upon the next, which ſhould have met in *Lent* following; but was Adjourned without ſitting.

Anno 1312. The Parliament was called to meet at [3] *Lincoln*, the *Sunday* next after the Feaſt of St. *Mary Magdalene*, *July* the 23*d*, and the *Lower Clergy* were Premoniſhed to come to it. But by a ſecond Writ, dated *July* the 8th, it was Adjourned to *Weſtminſter* the *Sunday* after the *Aſſumption* of the *Bleſſed Virgin*, *Auguſt* the 20th. Here the *Præmunientes* were again inſerted, but no *Provincial Writ* iſſued out to the *Archbiſhops* to oblige their *Clergy* to come to it. However, that the *Clergy* did ſtill continue to come to theſe *Councils*, an ancient *Clauſe* in the *Procuratory Letters* of the *Prior* of *Durham* to this *Parliament*, ſhews: [4] Where having in due form conſtituted a *Proxy* to appear in *Parliament* on his behalf, "He humbly beſeeches the *King* favourably to excuſe his "*Perſonal Abſence*, and to admit of his *Proxy* to *Act* there in his Stead.

Sect. 26. 1312.

[3] *Dugdale* Summonit. pag 882, 84.

[4] Regiſt. ii. Decan. & Capit. Dunelm. fol. 2. b. "*Veſtræ celſi-*
"*tudini humi-*
"*liter ſupplicantes quatenus noſtram*
"perſonalem
"Abſentiam
"*in dicto* Parliamento
"*velitis habere favorabiliter excuſatam*, &c.

By new Writs dated *January* the 8th, a [5] ſecond *Parliament* was called to meet at *Weſtminſter* the 3d *Sunday* in *Lent*. The *Præmunientes* was here again inſerted, but no *Provincial Writ*, that I can find, ſent to the *Archbiſhops*, to ſtrengthen the Execution of it.

[5] *Dugd. Summ.* p. 86.

The *Archbiſhop* of *Canterbury* had, before either of theſe, Summon'd his [6] *Provincial Council* to meet the xivth of the *Kal.* of *May*; *April* the 18th. to proceed againſt certain of the *Templars*, upon ſome Matters which had riſen ſince the Meeting of his laſt *Provincial Council*. He had, beſides this, another Work to do, to Grant a *Subſidy* to the *King*; and for this the *Lower Clergy*, as well as the *Biſhops*, were to be called to it. By ſome Miſcarriage in the Execution of this Mandate, ſeveral of the *Biſhops*, and *Clergy* of the Province were not preſent, nor made any Returns at the time appointed. [7] This obliged the *Archbiſhops* to iſſue out new Mandates, and to direct them himſelf immediately to the ſeveral *Biſhops* to come to his *Council* at another Day now ſetled, the *Munday* after *Aſcenſion*, to which he continued his *Council* in Expectation of Them. Theſe Mandates were dated in *Council*, *April* the 20th. And like the Others before, ſummon'd the *Chapters* and *Convents* to appear by their *Deans*, *Abbots* and *Priors*, if they thought fit; or elſe by any other, One or More, ſitting *Proctors*; and the *Dioceſan Clergy* by *One* or *Two Proctors*, at their own Choice.

[6] Regiſt *Henr.* Prior *Cant.* fol. 119 b.

[7] See the *Appendix ad An.* 1312.

From this *Council* [8] Letters were ſent to the *Pope* on the behalf of the *Univerſity* of *Oxford*: But the moſt conſiderable Tranſaction to our Purpoſe of this *Eccleſiaſtical Council*, was the Giving of the *King* iv. Pence in the Mark, of all their *Eccleſiaſtical Goods*, and *Benefices* [9]. This was ſo Precipitated, that the *Archbiſhop's Mandate* for Collecting of it, was dated in *Council*, *May* the 27th. and the *King's* Writ for paying in what was Collected, *June* the 16th following. This was ordered to be laid up in ſafe Cuſtody [10] for the *Benefit* and *Honour* of *Holy Church*, the *King* and *Kingdom*, and to Repel their *Enemies*; and was Levied to carry on the *Scots* War, who were now preparing to Invade the Kingdom.

[8] Regiſtrum Eccl. *Cant.* H. fol. 179. b.

[9] Regiſtr. Magn. Wigorn. fol. 52.

[10] Rot. Clauſ. 6 *Edw.* II. m. 2.

But the *Archbiſhop* called another [11] *Provincial Council* this ſame Year, and that (which Dr. *A.* will be glad to hear of,) at the very time that the ſecond *Parliament* in *Lent* met. But two Circumſtances there were which quite ſpoil all the Uſe that he might otherwiſe have made of this *Aſſembly*: *Firſt*, That the

[11] *Memorand.* Jo. Dalderby *Linc.* fol. 238 b. Regiſtr. *Reynolds* Wigorn. fol. 77. 2. See the *Appendix ad An.*

K. EDWARD *the IId.*

the *Archbiſhop* held it as a ſtrict *Provincial Council*, according to the *Canons* of the *Church*; And accordingly, *ſecondly*, Called only his *Suffragan Biſhops* to it, which will by no means ſuit with the Deſign or Conſtitution of a *Parliament*-Attending *Convocation*. 'Tis true, in the Cloſe of the *Mandate*, there is a Proviſion for ſome of the *Lower Clergy*: "He order'd the *Biſhops* to ſignifie to their *Deans* "and *Chapters*, That if they came to the *Council*, and Petition'd to be Admitted "into it, as the Law Required, they ſhould be Admitted. This, I doubt, will look a little Hardly in ſome Mens Opinions: But ſuch was the Power of the *Metropolitan*, and the Canonical Practice, Then. The *Dignitaries* of the *Cathedrals* were as yet only Invited, not Summon'd (except when the *Archbiſhop* thought fit) and they muſt Petition too, before they were to be Admitted; to ſhew that it was a matter of *Grace*, not of *Right*, to Admit them to a Place in theſe *Aſſemblies*.

Beſides theſe *Conventions* of the *Biſhops* and *Clergy* in *Parliament*, and *Council*, another there was, which tho' not much to the preſent Purpoſe, yet I ſhall take thus much Notice of it, That it was *Summon'd* by the *Archbiſhop* of *Canterbury* by Order of the *Pope's Legate*, to meet at *London*, *September* the 28th, and from thence Prorogued to *November* the 9th. Theſe were all the *Aſſemblies* to which they were called this Year: The Reſult of which is therefore the ſame with that of the Preceding; two *Parliaments* were held, without any *Convocation*, either *Attending* upon them, or ſo much as Meeting at the ſame time with them.

[t] *Regiſtr.* Swinfield, Hereford, *Epiſc.* fol. clxxx.

Nor will the Caſe appear to be much different in the next following: *Ann.* 1313. In which the King [u] Summon'd his *Parliament* to ſit at *Weſtminſter* fifteen Days after St. *John Baptiſt*, *July* the 8*th*; and Re-ſummon'd it at the ſame diſtance after [w] the *Nativity* of the *Bleſſed Virgin*, *September* the 23*d*, the *Sunday* after St. *Matthews* day: Yet with neither of theſe *Parliaments* was any *Convocations* held in the *Province* of *Canterbury*; nor indeed within the whole Year. But tho' neither with theſe *Parliaments*, nor at any *Other time*, this Year, was any *Convocation* held within the *Province* of *Canterbury*, yet at the beginning of it a *Provincial Council* was *Aſſembled*; and continued to the *Fryday* after Aſcenſion day, *May* the 25*th*. To this, as I conceive by the Form of [x] the Biſhop of *Hereford's Proxy*, only the *Prelates* were called; and that not before the *Archbiſhop*, who, I ſuppoſe, was not able to Attend upon it, but before the *Commiſſioners* deputed by him.

Sect. 27. 1313.

[u] *Dugd. Summonit. Parl.* p. 89.

[w] Clauſ. 7 *Edw.* II. m. 28. dors. See alſo *Dugd.* Ibid. p. 91. 92.

[x] Vid. Append. ad Ann. 1313.

Such were the *Aſſemblies* of the *Clergy* of this Province: In the *Province* of *York* a [y] *Convocation* was called at the King's Deſire to meet at *York*, *September* the 3*d*; In his *Mandates* for which, the *Archbiſhop* fairly ſets out what they were to do when they came together. He tells them that the *Clergy* of the Other *Province* having granted to the King four Pence in the Mark, of their Eccleſiaſtical *Benefices* in their *Provincial Council*, the King had Required him with great Earneſtneſs to induce the *Prelates* and *Clergy* of his *Province* to Grant him the like *Subſidy*; and that the rather, in that they were nearer to the Danger, and ſo ought the more readily to Contribute to the Prevention of it. Thus the *Archbiſhop* declared the Cauſe of this *Convocation*; and thereby Warrants me, in deſpight of Dr. *A*'s Wrath, to ſay that this was the true Ground to the King's deſiring ſuch Aſſemblies firſt, and of his *Summoning* of them afterwards, as I have hitherto in ſome Meaſure ſhewn, and ſhall, as I go on, more fully obſerve. At preſent I ſhall only Remark this one thing, that here again were two *Parliaments* held, and no *Convocation* at all in *One Province*, nor any *Concomitant Convocation*, tho' at 150 Miles diſtance, in the Other.

[y] *Regiſtr. Greenfield. Par.* II. fol. 207. 208.

Sect. 28. 1214.

Hitherto, ſince the Year 1311, we have heard but little of the *Eccleſiaſtical Rights* of the *Church*, and the Zeal of the *Clergy* in Aſſerting of them. We muſt now proceed to a New Archbiſhop, and a Buſy Year; full of Clamours, yet all at laſt Ending in a meer Noiſe, without any Real Benefit obtain'd by it. A difficult piece of Hiſtory it is; of which my Poſitive Adverſary knew but very little; and has therefore given, not only an imperfect, but a wrong Account of it. I ſhall endeavour to ſet it in the beſt Light I can; and try what may be done, at leaſt to clear the method of their Proceedings.

The *Clergy* of the *Province* of *Canterbury* had about two Years before Granted to the King a *Subſidy* of four Pence in the Mark for the *Defence* of the *Realm*, and the King, the laſt Year, demanded the ſame of thoſe of the *Other Province*. This

K. EDWARD *the* IId.

This not ſufficing to anſwer his Needs; [1] the *Pope* laid a *Six Years Tenth* upon them, and Aſſign'd it over to the King for his Uſe. In this State were our Affairs, on the *Church Part*, when the [2] King Summon'd his *Parliament* to meet fifteen Days after *Eaſter*, the beginning of this Year, and by the *Præmunitory Clauſe* Called the *Lower Clergy*, as uſually, to it. Accordingly [3] Dr. *A.* tells us this Parliament met, and the *Præmunientes Clauſe* was Actually Obey'd by the *Inferior Clergy*, and there it was agreed, to *Summon* the *Clergy* after the Extraordinary Manner of which I ſhall give an Account by and by. But in this he is certainly miſtaken; for by [4] *New Writs* dated *April* the 1*ſt*, it appears, that the King was Obliged to go into *Scotland*, and therefore that inſtead of their Coming to that *Parliament*, he Required the Biſhops to meet in that Other Aſſembly, which he had Summon'd to *Weſtminſter* the Morrow after *Aſcenſion*; of which Dr. *A.* ſpeaks, and at which ſuch Offence was taken by the *Clergy*.

In farther Proof of which let it be Obſerved, that the *Parliament* at which he affirms this Reſolution was taken; ſhould have met fifteen Days after *Eaſter*, *April* the 21*ſt*: But the King's [5] Writ for the *Provincial Aſſembly* of the *Clergy* the Day after the *Aſcenſion*, was dated *March* the 25*th*, almoſt a Month before that *Parliament* ſhould have ſate.

It is certain then that the Reſolution of Holding this Aſſembly could not have been taken in the *Parliament* which ſhould have met a fortnight after *Eaſter*. As for the Aſſembly its ſelf; the King's Writ gives this Account of it: That the " *Scots* having invaded the *Realm*, and Committed great Outrages " upon the Borders of it; had Obliged him to be at *New-Caſtle* upon *Tyne*, " Three Weeks after *Eaſter* (but a Week after that Other *Parliament* ſhould " have met at *Weſtminſter*) and becauſe the *Clergy* in ſuch Caſes of Eminent " Danger and Neceſſity were Obliged, not only to adviſe; but to Aid him " too, he therefore Required the *Archbiſhop* of *Canterbury*, &c. to appear at " *Weſtminſter* upon the Morrow after *Aſcenſion*, before ſuch Perſons as he " ſhould appoint to treat with them about a Competent *Subſidy* from the " *Clergy* of the Province (for that ſtill appears to have been the Ground and Cauſe both of the King's Calling of theſe Aſſemblies and of their Unwillingneſs to be brought to them.)

To make this Meeting the more ſecure, the King not only iſſued out Particular *Writs* to the ſeveral *Biſhops* of the *Province*, in like manner, to come thither at the time appointed, and to *Premoniſh* their *Clergy*, as in the Calling of a *Parliament*, but Commanded the *Archbiſhop* to Cite them all *Provincially* in the ſame manner, that he had done to Parliament in the fifth of his Reign. The Perſons Called by both kind of *Writs*, were the *Parliamentary Clergy* only; *viz.* The *Suffragan Biſhops*, the *Deans*, and *Priors* of *Cathedral Churches*, the *Archdeacons*, and *Abbots*, of the *Province*, in *Perſon*; the *Chapters* by *One*, and the *Dioceſan Clergy* by *Two Proctors*. So that the Aſſembly was a *Convocation* of the *Parliament Clergy*, of each Province; (for the ſame was done in the [6] Other, that we have now been ſpeaking of, as to our Province;) *Called* both by the *Dioceſan*, and by *Provincial Writs*, only (like that 1294.) without the *Laity*, who were otherwiſe Engaged with the King in the Defence of the Kingdom.

The *Archbiſhop* Readily [7] Executed the King's *Writ*, both upon his Province, and upon his Dioceſe, as I conceive the *Suffragans* alſo did within their Reſpective Diſtricts. In Obedience to both, the *Clergy* came together, upon *Fryday*, *May* the 17*th*: Eleven Biſhops were there in Perſon, the Reſt by their Proxies. To theſe the *Clergy* upon the *Munday* following preſented thoſe Reaſons againſt the Method of their Aſſembling, which Dr. *A.* has Publiſhed (but imperfectly) in his *Appendix*; and which will be found from a more correct Copy, in mine. [8]

To deſcant upon the Reaſons alledg'd by the *Clergy* againſt this way of Summons is no Part of my Buſineſs; and might be ill Conſtrued by ſome Perſons, tho' I ſhould do it never ſo fairly. I will only obſerve, that nothing was done in this Meeting (unleſs the Recital of the *King's Writ* in *Terms* may be accounted a Greater Infringement of their *Rights*, than delivering the Senſe of it) but what had before been done in the Aſſemblies of 1294. and 1311. againſt which yet we find no ſuch terrible Outcry to have been made by them.

[1] Rot. Clauſ. 7. *Edw.* II. m. 6. & 3. dors. 8 *Edw.* II. m. 34.

[2] *Dugd. Summ.* p. 95.

[3] Rights, *&c.* p. 230.

[4] 7 *Edw.* II. m. 8. *Dorſo. Rex Ven. in Xto. Patri* H. Wynton *Epiſcopo. Licet* Parliamentum *apud* Weſtmonaſt. *die Domin. in* XVâ Paſch. *prox. futur. propoſuimus tenere. Quia tamen* Rob. de Brus *& ſui Complices*, &c. *Sitis in propriâ perſonâ veſtra apud* Weſtmonaſterium *in* Craſtino Aſcenſionis Domini *prox. futur: Præmunientes*, &c. T. R. *apud* S. Albanum 1°. *die* Aprilis.

[5] *Rot. Clauſ.* 7 *E.* 2. *m.* 8. *d.* See the Appendix.

[6] *Rot. Clauſ. Ibid.*

[7] *Regiſt. Reynolds.* fol. 36. b. See the Appendix. *Regiſt. Henr. Prior. Cant.* fol. 147.

[8] Append. ad Ann. 1314.

K. EDWARD the IId.

However the *Archbiſhop* was not unwilling to Comply with their Deſires, and therefore brake up that Aſſembly on *Wedneſday*, without doing any other Buſineſs than that of Reſolving upon a *Second*, which by a [1] *Mandate* iſſued out the very next day he order'd to meet the *Morrow* after the *Tranſlation* of St. *Thomas July* the 8*th*. This was a proper *Provincial Convocation* againſt which they had no Exception; and yet they ſeem to have done nothing at all in it, unleſs they agreed to that Twentieth there, which they afterwards changed into a Tenth, in the *Parliament* of *January* following.

[1] *Regiſt. Reynolds*, fol. 105. 106 See the Appendix.

By the like *Writs* by which the King Required the *Clergy* of our *Province* to meet at *Weſtminſter* the Morrow after *Aſcenſion*, he Commanded thoſe of *York* to Aſſemble at *York* the Morrow after [2] *Trinity Sunday*. Whether the *Clergy* of that *Province* entred into the ſame Meaſures with thoſe of *Canterbury*, I cannot tell: But the [3] Reſult of their Meeting was to the ſame Effect; That a proper *Convocation* ſhould be called by the *Archbiſhop*, to meet at *York* upon *Wedneſday* after the *Nativity* of St. *John Baptiſt*, *June* the 26*th*, to conſider of a Subſidy to be Granted there to the King. They met, and gave a [4] *Subſidy* of Twelve Pence in the Mark; and in that led the way to what the Other *Province* might reaſonably have done, tho' they did not think fit to follow their Example.

[2] Rot. Clauſ. 7 *Edw.* II. m. 8. d

[3] Regiſt. Secundum. Decan. & Capit. Dunel. fol. 26. 27. Comp. Regiſt. Greenfield, Par. II. fol. 210. 212.

[4] Regiſt. *Greenfield*, Par. II. fol. 79. b.

Upon the 29*th* of *July* the King being Return'd to *York* after his Unfortunate Engagement at *Strivelyn*, [5] called his *Parliament* thither, *September* the 9*th*. The *Præmunitory Clauſe* was inſerted, as uſually, into the *Biſhop's Writs*; and readily Obey'd and Executed by them. To prevent any New Miſunderſtandings here, about a Week before the *Parliament* was to meet, the King ſent a [6] *Writ* to the *Archbiſhop* of *York*, not to put any Affront upon the *Archbiſhop* of *Canterbury*, or do him any Injury upon the account of his Carrying his Croſs within the other *Province*; whereby to hinder the Buſineſs that was to be done there.

[5] Dugd. Summonit. Parl. pag 97.

[6] Rot. Clauſ. 8 *Edw.* II m. 34. d.

To ſecure the *Clergies* Attendance here, together with his *Writs* to the *Biſhops*, and the *Præmunitory Clauſe* inſerted into them; the King return'd to what he had done two Years before to Archbiſhop *Winchelſea*, and by a *Provincial Writ* to the *Archbiſhop*, Required him to Cauſe the *Parliament Clergy* of his *Province* to Attend upon the *Parliament* to which they were *Summon'd*. They met and ſate Eighteen Days: Yet in all that time it appears not that either the *Clergy* or *Laity* Granted any *Subſidy*, or came to any *Reſolution* in that Particular.

Enforced by this, the King called another [7] *Parliament* to meet at *Weſtminſter* on the *Octaves* of *Hilary*: And he called it after the very ſame manner he had done that before; by the *Præmunientes* in the *Biſhop's Writ*, and by a *Provincial Writ* to the two *Archbiſhops*, to bring all the *Clergy* of their Provinces, ſo Summon'd, to *Parliament*. Whether the *Archbiſhop* of *Canterbury* forbore to Execute the King's *Provincial Writ* for that *Parliament* at *York*; Or tho' Executed by him, yet the *Clergy* of his *Province* went not to the *Parliament* which was held out of it, I cannot tell. But tho' [8] Dr. *A.* again miſtaking the Meeting, tell us that the *Clergy* proteſted in that *Parliament* at *York* againſt the *Provincial Mandate* of their *Metropolitan*, 'tis Certain he is deceived: Their [9] Proteſtation was in this *Parliament* after *Hilary*; and the true Ground of their Concern was, that they were hereby endeavour'd to be brought to grant their Subſidies there, which they Reſolved not to do, but only in *Convocation*. This I think their Reaſons, tho' Colour'd with Other Matters, ſufficiently ſhew; and this I doubt not was at the Bottom of their Zeal for their *Eccleſiaſtical Privileges*.

[7] Dugd. Summonit. Parl. p. 99.

[8] Rights, &c. p. 231. Comp. the Appendix, p. 494. 495.

[9] See the Appendix ad Ann.

In the mean time the *Laity* here Granted the King an *Aid*, and the [10] *Clergy* of the *Province* of *Canterbury*, under certain Conditions, did the like. They encreas'd their Twentieth before Granted, now into a Tenth; the firſt Payment to begin the *third* of *May* following. As for thoſe of the Other *Province*, they had given a large *Supply* before; and even after [11] that the *Clergy* of *York* but a little before the *Parliament* met, had added Two Pence in the Mark, for a farther *Aid* to it.

[10] See the Appendix ad Ann. Rot. Clauſ. 9 *Edw.* II. m. 25. dorſ.

[11] Regiſt. *Greenfield*. Par. II. fol. 30. b.

To put together now the Buſineſs of this Troubleſome Year: A *Parliament* was called after *Eaſter*, but no *Convocation* was Summon'd to meet with it. Two *Convocations* were held, in *June*, and *July*, but no *Parliament* held near them. A *Second Parliament* was called at *York* in *September*; a *Third* at *Weſtminſter*

†

minſter in January following, but no *Convocation* in either *Province* was Called, or Held, that can be pretended to have had any manner of Relation to them.

The next Year no *Parliament* was Summon'd till the middle of *October*, when [1] *Writs* were iſſued out for One to meet at *Lincoln*, in the *Quindene* of *Hilary*, *January* the 27*th*. To this the *Clergy* of both *Provinces* were Cited after the uſual manner, by the *Præmunitory Clauſe*; which was accordingly Executed by the *Biſhops*. To ſecure their coming thither, the King again order'd two *Provincial Writs* to be directed to the *Archbiſhops*, as he had done the Year before. But the *Archbiſhop* of *Canterbury* to avoid any more Remonſtrances againſt his Proceedings, took another [2] Courſe in the Execution of it. He recited not the *Words*, but the *Subſtance* only of the *Writ*, in his *Mandatory* Letters to the *Biſhop* of *London*; yet ſo as to take Expreſs Notice of the *King's Command* to Call his *Clergy* to *Lincoln*, on the *Quindene* of *Hilary*, where the King then intended to hold his *Parliament*. Nor did he formally Summon them to *Parliament*, but to appear before himſelf, in the *Cathedral Church*, at *Lincoln*, the Morrow after St. *Paul*, *January* the 26*th*; a Day before the Parliament was to Meet. To ſuch hard Shifts was the *Archbiſhop* driven, and ſo difficult a thing was it for him both to Obey the King, and to keep himſelf free of the Clamours of his *Clergy*.

Sect. 29. 1315.

[1] Dugd. Summonit. Parl. p. 101.

[2] See the Appendix. ad Ann. 1315.

But notwithſtanding all this Care, the *Clergy* were reſolved not to ſuffer themſelves to be brought to make their *Grants* in *Parliament*, and therefore now a *New Contrivance* was ſet on Foot, that the *Biſhop* of *London* ſhould make no *Certificate* of his *Execution* of this *Mandate*; and ſo the *Archbiſhop's Summons* ſhould after all be defeated. [3] Of this the *Archbiſhop* makes a Juſt Complaint in his *Mandate* for the *Convocation* which met after *Eaſter* the next Year, and to that I refer, for a more full Satisfaction in this Particular.

[3] See the Append. ad Ann. 1316.

How the *Archbiſhop* of *York* proceeded in this Affair, I cannot tell: His [4] *Mandate* for Executing the *Præmunitory Clauſe* is dated *November* the 21*ſt*, and it was one of the laſt things that he did; for within a Fortnight after he died, *December* the 6*th*. Upon his Death the King order'd [5] *New-Writs* to be ſent to the *Keepers* of the *Spiritualities* of the *Archbiſhoprick*, and to the *Deans* and *Chapters* of the *Cathedral Church*, to put his *Writs* in *Execution*, and to come to the Parliament, as they ſhould have done if that Accident had not happened.

[4] Regiſt. *Greenfield*, Parl. II. fol. 32. *b*.

[5] *Prynne's* Regiſter, Vol. I. p. 152, 153.

In Obedience to this *double Summons*, tho' apparently deſign'd for the ſame End of bringing the *Lower Clergy* to Parliament; [6] double Letters of Procuration were Granted by the Biſhop of *Lincoln*, to the ſame Perſon; One directed to the King for his *Parliament*, the Other to the *Archbiſhop* for his *Convention*; and this Method continued when theſe Niceties were Overcome, and the *Provincial Summons* called them in as Expreſs Terms to Parliament, as the *Præmunitory Clauſe* did. But yet for all this, the Number was but ſmall which appeared there this Year. One *Archbiſhop* was dead, and the Other went not to *Parliament*, but only ſent his *Proxy*: And therefore tho' they Agreed to give the *King* an *Aid*, yet was it with this Condition, that a *Convocation* ſhould be Called in each *Province* to Conſent to it, as we ſhall ſee hereafter, it was accordingly done.

[6] Memorand. *Dalderby*, fol. 313. The ſame was done by the Biſhop of *Hereford*: Regiſtr. *Swinfield* fol. 196.

But I muſt firſt ſtop, and encounter with the Viſions and Errors of One, who ſeldom meddles with any of theſe Matters, without leaving a great deal of Room for Cenſure and Correction. In the Execution of the *Parliamentary Provincial Writ*, [7] he tells us, that the *Archbiſhop* called not only thoſe ſpecified in the *Præmunitory Clauſe*, but the *Whole Clergy* of his *Province*; and for this he Refers us to *Archbiſhop Reynold's Regiſter*, a large *Volume*, and fit to cover over a great Miſtake. But to Obſerve that firſt, I dare venture to ſay, that this *Mandate* is not to be found in All that *Regiſter*; at leaſt I am ſure, that after a Careful peruſual of it, I am in the Condition of another, more diligent [8] Perſon, who, in like manner Profeſſes his Inability to diſcover it there. This *Mandate* of the *Archbiſhop* he ſays was dated 15 *Kal. Jan.* or *December* the 18*th*. But indeed it was dated 10 *Kal. December*; or *November* the 22*d*. the Other was the date not of his *Provincial Letters*, but of his *Dioceſan Mandate*, to the *Prior*, and *Chapter* of his *Church*; the only *Record*, I doubt, that Dr. *A.* ſaw of this matter.

[7] Rights, &c. p. 232.

[8] Dr. *Hody*.

K. EDWARD *the* IId.

As for the *Perſons* who were Cited to this *Meeting*, he is miſtaken in them too: The *Archbiſhop Called* none of the *Clergy*, but ſuch only as by the King's *Provincial Writ* he was Expreſly Required to do. The *Clergy* of the *Province*, who were at the ſame time Summon'd by the *Biſhop's Writs* to Parliament; Them, and Them only, he called by his *Mandate* to *Lincoln*. But this Author's Miſtake was this: He ſaw the *Mandate*, or rather ſome Extracts from it, which was ſent by the *Archbiſhop* to thoſe of his *Own Cathedral*. In that He followed the Form not of his *Own Præmunientes* for his ſingle *Dioceſſe*, but the *Provincial Form* which he had ſent to the Biſhop of *Lincoln* for all the Dioceſſes of his *Province*; and in that, and that only, the Difference lay; which indeed had he Underſtood it, was no difference at all. For it was Neceſſary for the *Archbiſhop*, if he would iſſue out any *Provincial Mandate* at all, to Summon'd the WHOLE CLERGY of his *Province*; but that WHOLE CLERGY was the PARLIAMENTARY, not the CONVOCATION CLERGY: Thoſe who had been wont to be *Summon'd* by the *Præmunientes* in the *Biſhop's Writs* to Parliament; not thoſe who were wont to be Called by the *Provincial Mandates* to *Convocation*.

But his next Miſtake is more inexcuſable, becauſe it carries an Air of Aſſurance, to deceive firſt, before 'tis Own'd to be All but Conjecture, and that, as I ſhall ſhew, an utterly falſe One too. "The *Clergy* thus Convened, "ſtood by him (the *Archbiſhop*) in what he had done, and made their Excuſe "for not appearing at the Place the King directed; praying the *Archbiſhop*, "and his *Suffragans*, to be Inſtant with the King that he would not inſiſt on "his *Summons*, but give them the Liberty of declining it. So I gather "from a Petition of theirs, ſaid to be made *Tempore Edw.* II. but without "any Date. Whether they carried their Point at this time, I know not. As for the Petition on which this Author builds his New-Diſcovery, certain it is, that it could not be preſented to the *Archbiſhop* in this *Aſſembly*: [1] For by the King's next *Writ* it appears that he was not at that time at *Lincoln*; and his Abſence was one Great Reaſon why the *Clergy* could not abſolutely agree upon the *Subſidy* which was Required of them.

[1] Rot. Clauſ. 9 *Edw.* II. m. 17. d. *Regiſt. Henr. Prior. Cant.* fol. 168.

As for the matter of *Fact* he is miſtaken in that too: The *Clergy* were there at the Place of *Parliament*, as much as ever (I believe) they uſed to be. They were at *Lincoln* the Place where it was held. There they met with their *Biſhops*, and *Treated* with them about the Affairs of the Parliament. This was all, as far as I can Obſerve, that ever they did do; Let Dr. *A.* ſhew if he can, that they were wont at any other time to come Perſonally to either Houſe, and *Act* together with the *Lords*, or *Commons* in Parliament.

In the mean time thus much the King's *Writ*, for their next *Convocation* teſtifies, that being met at *Lincoln*, and Required to *Grant* a *Subſidy* to the *King*, they did Conſent to it; *Ita tamen*, upon Condition nevertheleſs that as well they, as Others of the *Clergy*, *qui in dicto* PARLIAMENTO *præſentes non fuerunt*, ſhould be Aſſembled to agree to it. The *Clergy* then who met at *Lincoln* were PRESENT IN the PARLIAMENT there, and therefore it muſt be a vain Conjecture in this *Author* to talk of their ſtanding by the *Archbiſhop*, or *making Excuſes to the King*, or *praying for the future*, in a Caſe wherein the *King* was Obey'd as far as he either *deſired*, or *uſed* to be; and had the full *End* of his *Writs* anſwer'd by them. They came to *Lincoln* where the Parliament was held; They came at the *Time* that it was held; They came from both Provinces thither; There they debated with their *Biſhops* concerning the Buſineſs for which they were Summon'd; They gave their Anſwer to the *King's Demand* in Parliament; Whether they did it in Perſon, before the *Lords and Commons*, or by their *Biſhops*; Whether they ſate in the very Place of the Parliament (the *Chapter-Houſe*, not far from the *Cathedral Church*) Or by themſelves in One of the *Chappels* belonging to it, it matters not; Nor would the King, I believe, have ever inſiſted upon theſe Points with them.

To Conclude the Affairs of this Year: Here was a Parliament held at *Lincoln*; To it the *Clergy* of both *Provinces* were Called, and Some, at leaſt, of *Both Provinces* came to it: For the *King's Mandate* ſpeaks of their being in *Parliament*; in the ſame Words, with Relation to the *Clergy* of *York*, that it does with Reſpect to thoſe of the *Other Province*. Yet for all this, no *Convocation* was Summon'd with this *Parliament*. Of this we have a Demonſtrative Proof in the *Allegation* of the *Clergy*, and their Deſire that not only the

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Parliamentary Clergy, but the *Convocational*, might be Aſſembled in their Reſpective Provinces (as we ſhall preſently ſee they were) to agree to the Aid with the *King* had *Demanded* of them. K. EDWARD *the* IId.

And indeed thus far [1] Dr. *A.* if he will ſtand to his Own Conceſſion, ſeems to Act fairly with us. For tho' by his mentioning theſe *Provincial (Parliamentary) Writs*, one would think oftentimes that he meant thereby *Writs* for a *Convocation*, as we now Underſtand that Word; yet Pag. 254. he gives us Once for all the *true key* by which to interpret all his other doubtful Repreſentations of this matter: [2] "Hitherto (*Viz. 14th. Edw.* III. *Anno* 1340 "ſays he) the *Writs* for a *Convocatian* (or as for Diſtinction ſake I would rather chuſe to Call the *Parliament-Meetings* of the *Clergy*, a *Convention*) "went not out only together with thoſe for a *Parliament*, but were DESIGN'D "PURELY TO SECOND and INFORCE them, and to be a DOUBLE TIE upon the "CLERGY TO COME TO PARLIAMENT, being called THITHER both by the Bi-"SHOP'S WRIT, and by a PROVINCIAL CITATION from their *Metropolitan*. This, I ſay, is the true Account of theſe *Provincial Writs*; They were deſigned to SECOND and INFORCE the *Parliament-Writs*; and to be a DOUBLE TIE upon the *Clergy* to come to PARLIAMENT; by adding the *Summons* of their *Metropolitans* to their *Biſhops Citation*

[1] Rights, p. 234, 235, 252, 253, &c.

[2] Ibid. p. 254.

Tho' the *Parliament* at *Lincoln* were call'd to meet *January* the 27*th*, yet they entred not upon Buſineſs till [3] *Thurſday*, *February* the 12*th*. On *Fryday*, *February* the 20*th*, the *Laity* Agreed upon a *Subſidy* to the King. The *Clergy* had given their Anſwer before; for on *Munday*, *February* the 16*th*, the *King's Writs* for the *Convocations* to meet, were *Dated* at *Lincoln*, during the *Sitting* of the *Parliament* there: The Inſcription of theſe *Writs*, upon the [4] *Roll* is this; *De Convocatione Cleri fac. pro* SUBSIDIO *Regis*, &c. So that I hope I may without Offence of any preſume to ſay that theſe *Convocations* were Expreſly Called to *give Money* to the King.

[3] Rot. Parl. 9 *Edw.* II. m. 17. dors.

[4] Rot. Clauſ.

The *Archbiſhop* of *Canterbury* took the ſame Courſe in Executing this [5] *Convocation Writ*, that he had uſed in the Execution of the *Parliament Writ* before. He inſerted not the Words of it into his *Mandate*, but [6] Propoſed it after his Own manner, and called it by his Own Authority: But he called it at the very *Time*, and to the ſame *Place*, which the King by his *Writ* had preſcribed to him. And ſo did the [7] *Guardians* of the *Spiritualities* of the *Archbiſhoprick* of *York* in like manner; to whom the King ſent the very ſame *Writs*, only with this difference, that the *Clergy* of *Canterbury* were to meet at *London* the *Wedneſday* fortnight after *Eaſter*; Thoſe of the *Other Province* at *York*, a *Month* after *Eaſter* Day.

Sect. 30. 1316.

[5] Clauſ. ut ſupr. See the Appendix ad Ann. 1316.

[6] See the Appendix. Ibid.

[7] Regiſt. Decan. & Capit. Ebor. Cuſtod. Spir. ſed. Vacant. fol. 135.

In the [8] *Province* of *York*, the *Clergy* either met not at the Time appointed, or they comply'd not with the King's Deſires. For which Reaſon they were Summon'd to meet again ſoon after, *viz.* the *morrow* after *Trinity*; but what they did, I am not able certainly to ſay. The *Archbiſhop* of *Canterbury* having Order'd a *Provincial Council* to meet at *London* the *Sunday* next after the *Octaves* of *Michaelmas*, the *King* by his [9] Letters dated at *York* the 1*ſt* of *October*, earneſtly Preſſed the *Archbiſhop* to move his *Clergy* to give ſome Effectual Supply to him. Theſe he followed with [10] New Letters, not only to the *Archbiſhop* himſelf, but to all the *Biſhops* of the *Province*, and to the chief of the *Abbots* and *Priors*; three days after. By this Conduct he Obtain'd his Deſires of them: [11] They Granted him a *Tenth* to be paid One half at the *Purification*, this Year, and the Remainder on the ſame Day the Year following.

[8] Ibid.

[9] Clauſ. 10 *E.* II. m. 25 dors.

[10] Ibid. See Regiſt. *Winchelſea*, fol. lxxiv. b.

[11] Regiſtr. *Winchelſea*. fol. lxxv. a. Clauſ. 10 *Edw.* 2. m. 19.

Having had this Succeſs in One *Province*, he immediately iſſued out his [12] *Writ* for a *Convocation* to be held within fifteen Days after the date of it, in the Other. This Writ was in *French*, and given under the King's *Privy Seal*: It was dated the 11*th* of *October*, and the *Convocation* was *Summon'd*, in Obedience to it, to be held the *Morrow* after the *Tranſlation* of St. *Jo. Beverly*, *October* the 26*th*. But tho' it was called then, yet either the *Clergy* came not ſo ſoon, or they did not preſently agree on a *Subſidy*; for they Granted not their *Tenth* till [13] St. *Clement*'s Day, *November* the 23*d*, as by the Commiſſion for Collecting of it, dated, *December* the 15*th* following does appear.

[12] Regiſt. *Jo.* de *Halton*. Epiſc. Carleol. fol. 189. Et Regiſt. Decan. & Capit. Ebor. Sed. Vac. fol. 136, 137.

[13] Ibid. Regiſt. Dec, &c. Ebor. fol. 86.

The King having received this Bounty from his *Clergy*, the very next Day, [14] *November* the 24*th*, paſſed the *Articuli Cleri*, to which the *Anſwers* had been given in the *Parliament* at *Lincoln*, and were now confirm'd in the way of a Charter by him.

[14] Regiſtr. *Winchelſea*. fol. lxxvii. lxxviii. See them in Spelm. Counc. Vol II p. 483.

But

K. EDWARD *the IId.*

But tho' ſo many *Convocations* met this Year, yet was there no *Parliament* to Accompany them: That was held without them the *Year* before, as theſe now without any Parliament, on which to *Attend*, this Year. [1] Mr. *Prynne* does indeed make mention of a *Parliament*, or *Great Council*, which met this Year at *Lincoln*, *July* the 29*th*, and continued to *Auguſt* the 10*th*. Which ever it were, it makes nothing to the Advantage of thoſe who ſet up for *Concommitam-Convocations*; that a Parliament met, and roſe, Eight Weeks before the *Synod* of One Province began, and Eleven before the *Convocation* of the Other was Aſſembled.

[1] Regiſt. Vol. IV. p. 50, 51, 52.

Sect. 31. 1317.

Anno 1317. The *Pope's Legates* being come into *England*, the King was deſirous to hold a [2] *Great Council* at *Nottingham*, to deliberate with his *Lords* concerning the Buſineſs which they were ſent about, and ſome other Difficult Affairs of the Realm. This was order'd to meet *July* the 18*th*, by *Writs* dated the *firſt* of the ſame *Month*.

[2] *Brev. direct. Archi. Cant. Epiſc. Winton. Eli. Norwic. Et* xviii *Magnatibus.*

The *Pope* had Aſſign'd to the King a part of the *Tenth* impoſed upon the *Clergy* by the Council of *Vienne* for the Uſe of the *Holy Land*, and ſent his [3] *Bull* to the *Archbiſhop* of *Canterbury* for that Purpoſe. He alſo took part with Him againſt the *Scots*, againſt whom they brought their *Bulls* with them, if they Refuſed to accept of ſuch Reaſonable Offers as ſhould be made to them. For theſe, and ſome other Affairs his *Legates* were now ſent over hither; but the King had a farther Deſign in hand to Pleaſure the *Clergy* by obtaining a Moderation of the Decree againſt *Pluralities*, for which He [4] wrote this Year to the *Pope* and *Cardinals*.

[3] See it Mſ. *Lambeth*, fol. n. clxxi. *Et Rot. Cl.* 11. *E.* 2. *m. ſeed. dors Et m.* 34. *d.*

[4] *Literæ Regis*, &c. Mſ. *Lambeth. Supr. Cit.*

In the *Quindene* of *Hilary*, *January* the 27*th*, another *Parliament* was call'd to meet at [5] *Lincoln*; but by Other *Writs* dated the 4*th* of the ſame Month, was Prorogued to the 1*ſt Sunday* in *Lent*. Then it was farther put off to the *Morrow* after *Trinity*, when the *Scots* invading *England*, the King utterly Revoked it, without ever Aſſembling of it at all.

[5] *Dugd. Summ. Parl.* p. 103, 106, 108. *Comp.* Dr. *Brady's* Hiſt. Vol. II. p. 123. 124.

About a fortnight before the Second of theſe *Seſſions*, [6] *February* the 23*d*, the *Archbiſhop* of *Canterbury* called his *Provincial Convocation* to meet in *London*; and this perhaps Dr. *A.* will tell us was deſign'd for an *Attendant* upon the *Parliament* which ſhould have met at *Lincoln*, *March* the 8*th*, but then it muſt be conſider'd that had that *Parliament* ſate; the *Convocation* muſt neceſſarily have Riſen before it met, that ſo both the *Biſhops*, and *Prelates*, and *Clergy*, might have been at liberty to go to it. That any *Convocation* met about the ſame time at *York* I cannot find: nor, indeed, do I believe that any was held there till the latter End of the Year following.

[6] *Regiſt. Henr. Prior. Cant.* fol. 190.

The Prorogation of one of thoſe Seſſions to the *Morrow* after *Trinity* being made *ad Requiſitionem Prælatorum, & Cleri Regni noſtri*, [7] Dr. *A.* infers, that the *Parliament* was then Sitting, and the *Clergy* ſitting in it, and he brings it as a Proof of their coming to *Parliament* at that time. The thing I diſpute not, on the contrary I agree with Him that the *Clergy* did come in thoſe Days, to *Parliament*. But his Argument is not Good: The former *Prorogation* was made from four Days after *Hilary*, *January* the 27*th*, to this 1*ſt Sunday* in *Lent*, *ad Requiſitionem Prælatorum dicti Regni*: The *Writ*, by which it was done, is dated *January* the 4*th*. Will Dr. *A.* conclude that the *Prelates* were therefore ſitting at that time in *Parliament*, twenty three Days before the *Parliament* was to *Sit?* This latter was made in like manner *ad Requiſitionem Prælatorum & Cleri*: But the *Writ* bears date *March* the 3*d*, and the 1*ſt Sunday* in *Lent* was not that Year till *March* the 8*th*. Let Dr. *A.* tells us how they came to be *Sitting* in *Parliament*, five Days before the *Parliament* was Open'd. To defend a *Truth* by ſuch Proofs as theſe, is to *Weaken*, not *Confirm* the Point which is deſign'd to be proved or ſtrengthned by them: And for the Truths ſake, it was therefore Neceſſary to make this ſhort Reflection upon his preſent Erroneous Allegation.

[7] Rights, *&c.* p. 333.

Sect. 32. 1318.

But I go on to the next Year, in which the *Parliament* met at [8] *York* Three Weeks after *Michaelmas*: In this *Parliament* the *Archbiſhop* of *York* promiſed the King that he would call a [9] *Convocation* at *York* on the *Octaves* of *Hilary*, in Order to the getting an Aid of the *Clergy* of his *Province* for Him. The *Archbiſhop* of *Canterbury* not being at that *Parliament*, and the *Prelates* who were preſent Excuſing themſelves from Granting any Subſidy to the King in the Abſence of their *Metropolitan*, the King Required the *Archbiſhop* to call a *Convocation*

[8] *Dugd. Summ. Parl.* p. 111.

[9] *Rot. Clauſ.* 12 *Edw.* II. m. 22. dors. Appendix ad Ann.

†

vocation of his *Province* the Day after the *Purification*, at *London*, to Treat of, and Consent to, a *Subsidy* on his behalf. This is the *Sense*, if not the very *Words* of the *King's Writ*, and it plainly Confirms these two Material Points in this Debate; 1*st*. That there was no *Convocation* of either *Province* held with the *Parliament* at *York*; and 2*dly*. That the *Convocations* afterwards to be held, were called purely upon a *Money* Account, to *Grant* the *King* a *Subsidy against* the *Scots*.

K. EDWARD the IIa. *Rot. Claus.* 12 Edw. II. *m.* 23.

The *Archbishop* of *York* kept his Word with the King: [1] He called his *Clergy* to *Convocation*, on the *Octaves* of *Hilary*, and freely own'd the Supply of the *King's Wants* to have been the Occasion, and End of it. The Appearance of the *Clergy* being but small at that time, nothing was Resolved upon by them; but a [2] *Second Convocation* was Summon'd for the same Business to meet at *York* the *Munday* next after *Sunday* in *Midlent*. What the Result of that Meeting was I have not found; but either there, or in the *Parliament* which was held after *Easter*, the beginning of the next Year, a *Tenth* was Granted to the King by them. This is plain, that tho' the *Parliament* met at *York*, and Two *Convocations* were held at the same place, this Year, yet they met at different *Times*, and so put the *Doctrine* of ATTENDANCE quite out of Doors.

[1] *Regist. W. Melton*, fol. 459. b. *Et Regist. Jo. de Halton Episc. Carleol.* fol. 213. Append.

[2] *Registrum Melton*, fol. 460.

Sect. 33. 1319.

Whether the King dropt his Order for the *Convocation* in the Other *Province*; or whether being met it did nothing, I cannot tell; but this we know, that they met for that purpose at *London* the beginning of the next Year; on the [3] *Fryday* after the *Octaves* of *Easter*, *April* the 20*th*. In this *Convocation* the King demanded a *Subsidy* of the *Clergy* against the *Scots*, who were come into *England*, and in Rebellion against the *Roman* Sea; but the *Prelates* would not grant any thing till they had asked the *Pope*'s leave. [4] To Obtain this they sent *Adam de Murimuth*, at the King's Charge, to his Holiness; who thereupon Consented to their Granting of a Years *Tenth* to him. This Account I take from the Person himself who went on this Errand, and the Instruments relating to it are still extant in the Register of [5] *Stephen Gravesend*, who was then *Bishop* of *London*.

[3] *Memorand. Dalderby*, fol. 393. *Regist. Steph. Gravesend, London*, fol. xlii. b.

[4] *Hoc Anno Cito post* Pascha, *in quodam* Parliamento Londoniis, *petiit Rex subsidium à Clero contra* Scotos *qui fuerunt Regno* Angliæ *&* Ecclesiæ Romanæ *Rebelles; quod noluerunt concedere prælati irrequisita Licentia sedis Apostolicæ. Pro qua Licentia obtinenda miserunt ad Curiam dicti Prælati M.* Adam Murimuth, *Sumptibus tamen Regis: Quibus Papa dedit Licentiam concedendi Regi Unam Decimam Annualem circa festum S.* Johannis. *Ex Hist. Ms.* Adæ de Murimuth.

About a fortnight after this *Convocation*, [6] a *Parliament* was held at *York*, about *May* the 6*th*. To this the *Clergy* were called by the *Præmunitory Clause* in the *Bishop's Writ*; which the *Archbishop*, and *Bishops*, not only Executed, but [7] *Proxies* were Granted by the *Clergy of this Province* thereupon, to appear in their Names there. The *Archbishop* of *York* had a [8] *Provincial Writ* to the same purpose, which he Executed: Whether the *Archbishop* of *Canterbury* proceeded in like manner in his *Province*, I am not able to say; but no such *Writ* to him appears either in the *Clause Rolls*, or in any *Registers* of the *Province* which I have yet Examined. In this *Parliament* the King had a Subsidy of the *Laity*; and either [9] here, or in *Convocation* at *Midlent* before, a *Tenth* from the *Clergy* of the *Province* of *York*.

[5] *Registrum Steph. Gravesena*, fol. 43.

[6] *Dugd. Summ. Parl.* p. 113.

The Messenger sent by the *Clergy* of *Canterbury* to the *Pope* made such quick dispatch, and had such good Success in his Business, that a [10] *Bull* was dated at *Avignon* for the Granting of their *Tenth*, *May* the 29*th*. But the King's Necessities called for an Advance of Money before the times on which he was to Receive it: This therefore he desired by particular [11] Letters, and the more to Oblige the *Clergy*, who complained that they were Taxed, not only to their *Own Tenth*, but to the *Twelfth*, and *Eighteenth* Granted in *Parliament*, issued out his Letters to forbid the *Collectors* to Assess, or Receive, any thing to those Aids, out of such Profits of which they paid the *Tenth* which the *Pope* had imposed upon them.

[7] *Regist. Henr. Prior. Cant.* fol. 203. [8] *Registrum*, Melton, fol. 554. [9] *Ex Brevi Reg. ad Arch. Cant. Regist. Henr. Prior. Cant.* fol. 210. [10] *Regist. Eccl. Can.* H. fol. 228. b. *Vid. Append. ad Ann.* 1319. [11] *Regist. Henr. Prior. Cant.* fol. 210.

To clear this Matter, I must observe that when the *Twelfth*, and *Eighteenth* were Granted in the *Parliament* at *York*, at which both the [12] *Prelates* and *Clergy* of *Canterbury* were present; they caused this *Condition* to be inserted into the Grant, as far as they were concern'd in it, that if the *Pope* imposed a *Tenth* upon them, for which they had sent (as we have seen) to him, then they should not be obliged to pay to those *Aids*, out of such Goods of which they

[12] *Clauss.* 13 Edw. II. m. 17. Appendix. Besides the Returns of the *Lower Clergy* to this *Parliament*, were filed; and are still to be seen among the *Rolls* of the *Tower*: So that no doubt can be made of their being present at it.

they

K. EDWARD *the IId.*

they were wont to give their *Tenths* to the King. The *Pope* therefore having done this, they were to be Excuſed the Other, by Vertue of that *Proviſo*; and accordingly they had the *King's Writ* to defend them againſt that double *Payment* to which they would otherwiſe have been Expoſed.

Hitherto then the *Clergy* not only *Came to Parliament*, but *Conſented* to the *Subſidies* which paſſed with *Relation* to themſelves there. On the *Octaves* of *Hilary*, another *Parliament* met at *York*; but without any *Præmunitory Summons* of the *Clergy* to it. So that here now we have again a full Diſtinction of all theſe Meetings, and a new Evidence of their Independence upon One another. The *Convocation* of *York* met in *Midlent*; the *Convocation* of *Canterbury* about a fortnight after *Eaſter*; and the *Parliament* at *York*, a fortnight after that; when neither of theſe *Convocations* were ſitting. The *Clergy* both *met*, and *acted*, as we have ſeen, diſtinctly in Each of theſe Aſſemblies. The *Parliament* after *Hilary*, had no *Convocation* near it, in *Either Province*. The *Clergy* of *York*, gave their *Tenth* firſt, and freely: Thoſe of *Canterbury* followed, at the *Pope*'s Direction. And in all this, ſo contrary is the matter of Fact to Dr. *A*'s Scheme, that 'tis impoſſible to Reconcile the One with the Other.

Sect. 34. 1326.

As for the next Year a [1] *Parliament* was held at *Weſtminſter* upon *Munday*, in the *Octaves* of *Michaelmas*. The *Pope* gave the King another [2] *Tenth* upon the *Clergy*, but of any *Convocation* that ſate this Year, I have met with no Account.

[1] *Dugd. Summ. Parl.* p. 117.

[2] *Adam de Murimuth*, Mſ. See the *Bull* dated 2*Id. Julij.* in *Regiſt. Eccl. Cant.* H. fol. 232. b.

1321.

Anno 1321. A *Parliament* was *Summon'd* to meet at *London*, [3] Three Weeks after *Midſummer*, *July* the 15*th*. To this the *Clergy* were called by the *Præmunitory Clauſe*, and a [4] *Provincial Writ* was iſſued out to the *Archbiſhop* of *Canterbury*, Requiring him to Summon the *Clergy* of his Province to it. This *Parliament* being held in the Province of *Canterbury*, no *Provincial Writ*, that I can find, was ſent to the *Archbiſhop* of *York*, to Cite his *Clergy* to it. As two Years before 1319. none was ſent to the *Archbiſhop* of *Canterbury*, when the *Parliament* was to meet at *York*. The *Archbiſhop*, being thus Required by the King, Obey'd, and Summon'd the *Clergy* by his *Provincial Mandate* to *Parliament*; and the *Biſhops* of the Province Executed both the *King's Writ*, and the *Archbiſhop*'s Precept, to that Purpoſe. Thus *Henry Burgherſh*, Biſhop of *Lincoln*, by his [5] Orders dated *May* the 30*th*, Called his *Clergy* to this Parliament, in purſuance of the *Præmunientes*; and by [6] Second Orders of *June* the 11*th* following, Executed the *Archbiſhop's Provincial Citation* of them to the ſame Parliament.

[3] *Dugd. Summ. Parl.* p. 119. Where by miſtake theſe Words are Omitted, *à die Nativit. S. Jo. Bapt.* [*in tres Septimanas*] and muſt be Supplied from the Roll.

[4] *Regiſt. Reynolds*, fol. 299. Clauſ. 14 *Edw.* II. m. 5. d.

[5] *Regiſt. Henr. Burgherſh*, fol. 26.

[6] Ibid. fol. 29.

With this Parliament no *Convocation* of either Province met: In *December* [7] following the *Archbiſhop* of *Canterbury* Summon'd a Provincial *Council*; and in the [8] Second Volume of our *Councils*, we meet with ſeveral *Conſtitutions* pretended to have been made in it, which yet it is plain were drawn up, at leaſt in the Form in which they there ſtand, many Years after, in the time of *Archbiſhop Stratford*. But the main thing to be Conſider'd in this *Council* is the Reſolution of the Biſhops and Prelates, who declar'd the Act of the Parliament Preceding, in the Baniſhment of the *Spencers*, [9] Null, and Void in Law, becauſe it was done without their Conſent, who as Peers of Parliament ought to have Concurr'd in it; and the next Parliment, both Recited, and Allow'd, of what they had done. In the *Writ* of *Summons* for this *Council*, there are ſome things very particular, which do not Occur in any *Other Forms*. I ſhall therefore inſtead of Obſerving them here, take the ſhorter Courſe of inſerting the *Mandate* its ſelf into the [10] *Appendix*, and there leave it to ſuch are minded to reflect upon them.

[7] Dr. *Brady's* Hiſt. Vol. II. p. 134, 142.

[8] *Spelm. Concil.* Vol. II. p. 488.

[9] Dr. *Brady's* Hiſt. Vol. II. p. 134, 142.

[10] Appendix ad Ann. 1321.

Thus paſſed this Year; but I muſt not go on to the next without taking Notice of a Remark which Dr. *A.* ſeems to have been fond of, and in which he is, nevertheleſs, more than one Way, utterly Miſtaken. I will ſet it down in his own Words. [11] "Now then, tho' the *Præmunientes* was obey'd *Nationally*, yet the *Clergy* that met with the Parliament, acted Provincially; "that is, the *Clergy* of that Province where the Parliament was held, acted "as a *Synod* Convened by their *Metropolitan*; and the *Clergy* of the other "Province ſent their *Deputies* to the *Lay-Aſſembly* to conſent for them; but "*taxed*

[11] Rights, &c. p. 233, 234.

†

K. EDWARD the IId.

" *taxed* themſelves, and did all manner of *Eccleſiaſtical* Buſineſs at home in " their *Own Province*. For Proof of this, he alledges this Inſtance, and the only One it is on which he founds this Material Obſervation: " Thus in the " Inſtance before given, *Anno* 1321. The Clergy of *York* Province (where " the *Parliament* was held) are only ſaid to have made their *Grant* in *Parli-* " *ament*. [1] But the *Clergy* of *Canterbury Province* are not ſaid to have *Granted* " in *Parliament*, tho' they met AT THE SAME TIME *Provincially*, and Conſen- " ted to the *Grant* of a *Tenth* which the *Pope* had impoſed upon them. This is an Inſtance, which he no leſs then four ſeveral Times inſiſts upon; and twice for the Proof of this very thing; and yet in the whole he betrays an Utter Ignorance of the Truth of that Matter.

[1] Ibid. p. 233, 253, 336.

In the Year 1319. (for in that Year it was, not in the Year 1321.) the *Convocation* of *Canterbury* met upon the *Fryday* after the *Octaves* of *Eaſter*; but would not Grant the King a *Tenth*, unleſs the *Pope* Conſented to it. The *Convocation* being Riſen, and a Meſſenger ſent to *Avignon*, at the King's Charge, for the *Pope*'s Allowance of their Subſidy; the *Parliament* met at *York* about a fortnight after: There the *Knights*, *Citizens*, and *Burgeſſes* Agreed to a Subſidy of an xviiith; of all the *Lay-Lands*, and *Poſſeſſions* of the *Realm*. The *Clergy* had at this time a double ſort of Rents, and were taxed after a double manner for them. Their *Lay-Fees*, but eſpecially thoſe of a latter Title, were Aſſeſs'd in Common with thoſe of the *Laity* in *Parliament*, and there they Agreed with the *Laity* to the Impoſition that was laid upon them. Their Antient *Demeans*, but eſpecially their *Spiritualities*, the *States* in *Parliament* medled not withal: Thoſe the *Clergy* themſelves Aſſeſs'd; and that commonly in their Own Separate *Convocations*.

This was the Caſe in the Inſtance before us: The *Clergy* of the *Province* of *Canterbury* now Aſſembled in *Parliament* at *York*, had in their *Convocation* a fortnight before at *London*, agreed to give the King a *Tenth*, if the *Pope* Impoſed it, and ſent a Meſſenger to him for that Purpoſe. In *Parliament* they Conſented to the *Lay-Tax*; but having Reaſon to believe that the *Pope* would grant the King the *Tenth*, which he deſired, upon them; they Guarded this *Grant* in *Parliament* with this *Proviſo*, that if he did Charge them with ſuch a *Tenth*, then they ſhould not be Obliged to pay the xiith and xviiith out of ſuch Lands and Tenements for which they ſhould be Rated to that *Tenth*, and out of which they were wont to pay to it. This is the truth of the Caſe as far as the *Province* of *Canterbury* was Concern'd in it.

As for the *Clergy* of *York*, Two *Convocations* had been held for the like Subſidy in that *Province*: One after *Hilary*; the Other about *Midlent*. In this latter I take their *Tenth* to have been granted to the King; not in the *Parliament*, as Dr. *A.* without any Good Warrant from the *Writ* which he refers to, Reports. That *Writ* was dated *July* the 19th, after all theſe Meetings were over. [2] It recites to the *Archbiſhop* of *Canterbury*, how that by his Advice (who therefore was it ſeems at *Parliament*) " and by the Ad- " vice of his whole *Parliament*, it was concluded that he ſhould advance with " an Army againſt the *Scots*. That this being not to be done without a great " Expence, a *Tenth* of the *Clergy* of *York*, an *Eighteenth* of the *Goods* of the " *Community*, and a *Twelfth* of the *Cities* and *Burroughs* had been *Granted* to " him; and that the *Pope* had more-over given him a *Tenth* upon the *Clergy* " of *Canterbury*. The reſt of the *Writ* is to get a preſent Advance of Money hereupon, and is not material to our preſent purpoſe.

[2] *Vid. Regiſt. Henr. Prior. Cant.* fol. 210.

This is the Recital; and it takes in the ſeveral Grants in Order as they were made; but determines not either, when, or where, they were made. Firſt the Clergy of *York* gave a *Tenth* (as I ſuppoſe in their *Convocation* of *Midlent*:) Next the *Laity*, their *Subſidy*; in the *Parliament* of *York*: And laſtly, the *Pope* his *Tenth*; according to the deſire of the *Clergy* of *Canterbury*, in their Convocation after *Eaſter*. And all this according to the Uſage of thoſe times; which was for the Clergy to tax their Own *Spiritualities*, not in *Parliament*, but in *Convocation*; by themſelves, and in a full Meeting of the *Province*. But what is there in all this to favour Dr. *A*'s *Principles*? * " That " the *Parliament Clergy* of the *Province* where that *Great Council* met, acted as a " *Synod*? A thing utterly falſe; and never to be made out by any One Inſtance to be true. * That the Clergy of the *Other Province*, came not to it them-

1.

2.

K. EDWARD the IId. selves, but sent their *Proctors* to Act for them: Which sometimes they did, and sometimes they did not; as it fell out for their Convenience, or not, to do it. * "That the Clergy of the *Province* of *Canterbury* (in this Instance) 3. "*granted* not in *Parliament*: Whereas with Reference to their *Lay-Fees*, 'tis evident they did grant there; and for their Others, neither did the Other *Province* Grant in *Parliament* any more then they; at least it does not yet appear that they did. * "That the Clergy of *Canterbury* met at the same time 4. "*Provincially*. Whereas 'tis plain that they met twelve Days before; and 5. the same Persons, (as the *Archbishop* particularly) sate in both. * "That "there they consented to a *Tenth* which the *Pope* had imposed upon them; When, on the Contrary, they would not Grant a *Tenth* without the *Pope*'s Consent, but Agreed to One upon that Supposition, and delegated One of their Body to go to him, for his Allowance and Confirmation. All these Errors has this Author committed in this One Instance; which at last amounts to nothing more than this, which directly overthrows his Pretences; * That the Clergy of each *Province*, met separately, by themselves, in *Convocation*; * Whereas they came All together, *Nationally*, to *Parliament*. * That the *Parliament* and *Convocation*, sate *Severally* from One another, without any Dependance of the One upon the Other: * That they Taxed their *Lay-Estates* all together, in Common, with the *Laity* in *Parliament*; but severally, and by themselves, Assess'd their Own *Spiritualities*, *Provincially*, in *Convocation*. In short, * That the *Province* of *York* had no Dependance on that of *Canterbury*, but freely Granted a *Tenth* by their *Own Authority*, at the same time that the Other *Province* would not do it without the *Pope's Imposition*.

Sect. 35. 1322. But I proceed to the next Year, where we shall farther see the Falseness of Dr. *A*'s *Principles*, as we have now done the Weakness of the Proofs by which he endeavours to support them. The beginning of this Year the War of *Scotland* continuing, and the King's Necessities being encreased thereby, another [1] *Parliament* was called to meet at *York*, three Weeks after *Easter*. To this the *Clergy* were again Summon'd both by the *Præmunientes* in the *Bishop's Writ*, and by a *Provincial* [2] *Writ* to the *Archbishop*, as before. This the *Archbishop* Executed on his *Suffragans*; they on their *Inferiour Clergy*. Before the *Session* of this *Parliament* began, the King by Another [3] Letter to the Archbishop of *Canterbury* prepared the minds of the *Clergy* to comply with his Necessities; the Effect of which was such as he desired it might be.

[1] *Dugd. Summ.* p. 122.

[2] *Regist. Reynolds*, fol. 304.

[3] *Claus.* 15 E. II. m. 17. d.

Being thus Summon'd to *Parliament*, the [4] *Archbishop* of *Canterbury* the *Bishops* of *Norwich*, *Exeter*, *Chichester*, *Bath and Wells*, *Bangor*, St. *Asaph*, *Ely*, *Worcester*, *Rochester*, and *Lincoln*, went all in Person out of our *Province* to it. The Clergy of most of their Dioceses were there also; and (to the utter Ruine of Dr. *A*'s *Hypothesis*) they there agreed to a *Subsidy* of five Pence per Mark, out of their *Spiritualities*, with this Condition; that a *Convocation* should be Called, as soon as Conveniently it could be done, within the *Province*, to confirm the Grant which those who were at the *Parliament* had, as much as in them lay, made of it. This, I hope, will fully satisfy this Author, that the Clergy not only went to the *Parliament* out of their *Province*, but sometimes gave *Subsidies* there too; and only Reserved the Confirmation of them to the fuller Body of the *Provincial Convocation*; in which it was now become the Usual, as it was indeed the most Reasonable method, to determine of such Matters. In pursuance of this Agreement, the *Convocation* was [5] Assembled soon after, on the *Wednesday* after *Trinity Sunday*: It met intirely about this Affair; insomuch that the [6] *Non-Exempt* Clergy of *Lincoln* giving their Consent at Home, to the *Subsidy* which had been before Granted, were thereby Excused from the Trouble of coming at all to it.

[4] Mandat. Arch. pro Congreg. Cleri. Vid. Append.

[5] See the Mandate above Quoted.

[6] Regist. Memorand. *Henr. Burgh*ersh, fol. 55. Append. ad Ann. 1322.

The [7] Clergy of *York* were before-hand with our Province in this matter. They met in *Convocation* there the *Munday* seven-night after the *Parliament* began, *May* the 10*th*; and that expresly for this End, to grant a *Subsidy* to the King; as the Mandate for their Assembling shews.

[7] Regist. *Melton*, fol. 461.

Upon the *Sunday* after St. *Martin*, *November* the 14*th*, another [8] *Parliament* was called, to meet at *Rippon*, but held at *York*. To this the Clergy were not called, either by the *Diocesan* or *Provincial Writs*; tho' the *Commons* were, as their Writs for their Expences shew. In this *Parliament* the Laity Granted a large Aid to the King; a *Tenth* of the Community, and a *Sixth* of the

[8] Dugd. Summonit. Parl. p. 124.

Cities

Cities aod *Burroughs*. The very laſt day of this *Parliament* (to convince Dr. *A.* that no Convocation of either Province met with it) the King iſſued out his [1] *Writs*, for both the *Convocations* to meet; the One at *Lincoln*, the Other at *York*, with all convenient ſpeed. In theſe the King Avows his End in Calling them, to be to get a Supply from them; which he therefore preſſes them with all Earneſtneſs to grant to him. But having given an Aid but juſt before, and the Two Years *Tenth* Granted by the *Pope* being ſtill Running on, they deſired to be Excuſed from obliging themſelves to any more at that time.

K. EDWARD *the* IId.

[1] Rot. Clauſ. 16 *Edw.* II. m. 20. dors. Append. ad Ann. 1322.

This was the Reſolution of our Clergy in their Convocation at [2] *Lincoln* the Morrow after *Hilary*, *January* the 14*th*. And the ſame was the Anſwer of the Other [3] *Province* in theirs at *York*, *January* the 26*th*. In the mean while, here we ſee plainly two *Parliaments* held, and three *Convocations*; all at different times from One Another; and without any Dependance in their Meeting upon Each Other. The Deſign of theſe *Convocations*, is declar'd to be for Aid to the King; which I hope may ſerve to juſtify my Aſſertion, that this was the great End for which our Kings Called theſe Meetings; and the main Uſe which they made of them, being Aſſembled.

[2] Vid. Append. ad Ann.

[3] *Regiſtrum. Melton.* fol. 462.

I cannot conclude this Year without Obſerving [4] that *Walſingham* ſpeaks of a Third *Parliament* which met this Year in *Lent*; and in which he tells us many things were done. If this were ſo, here is another *Parliament* without any *Convocation*, that I know of, in Either Province to Attend upon it.

[4] *Walſ.* p. 119.

Sect. 36. 1323.

The Year following, 1323. the King Summon'd A Council of his *Lay-Lords* at *Weſtminſter* on the *Octaves* of *Hilary*. He had held a [5] *Great Council* at *Nottingham*, in *November*, where it was Reſolved to call, not a *Parliament*, but a ſeparate Meeting of the *Barons*, and a *Convocation* of the *Clergy* of *Either Province*: The *Lay-Convention* to meet at *Weſtminſter*; [6] the *Convocation* of One *Province* at *York*; of the Other at St. *Pauls London*; and All upon the ſame Day, the *Octaves* of *Hilary*. What the Deſign of theſe ſeveral Aſſemblies was, the *Writs* ſpeak not: They only mention in General, *quædam pro decore S. Eccleſiæ Statuq; & Honore Regni*; Concerning which the King wanted their *Help* and *Aſſent*, and that they ſhould ſhew themſelves Ready and Willing to help him.

[5] Mſ. *Lambeth.* Num. cclxxxv. fol. 57. b. Vid. Append. ad Ann.

[6] Rot. Clauſ. 17 *Edw.* II. m. 31. dors. Appendix.

But be the Deſign what it will, it was ſoon laid aſide, and a new [7] Reſolution taken. For by Writs dated *December* the 26*th*, both the *Lay-Convention*, and the Two *Convocations* of the *Clergy* were intirely Suſpended, and a *Parliament* Summon'd in their ſtead to meet Three Weeks after the *Purification*. The *Archbiſhops* who had Called theſe *Convocations* at the King's Command, [8] the One to meet at *London*, on the *Octaves* of *Hilary*, the Day which the King had preſcribed, the Other at [9] *York* the *Tueſday* after the *Purification*; again Obey'd in the [10] Suſpenſion of them.

[7] Rot. Clauſ. 17 *Edw.* II. m. 27. dors.

[8] *Regiſt. Henr. Prior. Cant.* fol. 234. Vid. Append.

[9] *Regiſt.* Melton. fol. 464.

[10] *Regiſt. Burgherſh. Lincoln.* fol. 117. *Regiſt.* Melton. fol. 464. Vid. Append.

It was now grown the Cuſtom to Call the Clergy to Parliament by two [11] *Provincial Writs*, as well as by the ſeveral *Dioceſan Summons*. And the Clergy were ſo well uſed to it, that the King's Writ gave them no Offence, tho' it were intirely inſerted into the *Archbiſhop's Mandate*. What was done in this *Parliament*, which ſate about Three Weeks, [12] Our Hiſtorians particularly inform us: To them I refer the Reader. It is enough that here again we have a full *Parliament* Called, and no *Convocation* with it; but on the contrary, the *Convocations* called by the King's Order were prohibited to meet, becauſe that the *Parliament* was about the ſame time to be Aſſembled.

[11] *Prynne's Regiſt.* Vol. I. p. 98. *Regiſtrum. Reynoldi*, fol. 235, 236. Appendix. ad Ann. 1323.

From this true Account of the Affairs of this Year, it will now be eaſy to Rectify the multitude of Errors, which for want of attending to the Truth of theſe Matters, Dr. *A.* has fallen into, and built ſome very Extravagant Notions upon them.

[12] *Angl. S.* Vol. I. 364. *Walſingham*, p. 121, 506. *Adam Murimuth.* Mſ.

[13] He tells us, "that when the Archbiſhop Summon'd (the Clergy) in "Obedience to the King's *Provincial Parliament Writ*; He did not only do "always juſt what that *Writ Exacted*, and no more, but took Occaſion ſome-"times from thence, to Cite *All* thoſe *Abbots* and *Priors*, who had no Place "in Parliament, in Order to Compleat the Numbers of the *Clergy*, and "*form* a *Provincial Aſſembly*. Upon this Fundamental *Error*, he Runs into a great many more Conſequential Miſtakes, to the End of this *Paragraph*, which is a piece of *Entire Fancy*, without either *Truth*, or *Ground* on which to

[13] *Rights*, &c. p. 255.

K. EDWARD *the IId.*

build them. For indeed the *Archbiſhop* did no ſuch thing: When He *Executed* the *King's Writs*, he did it according to the *Letter* of them, and Summon'd no Other *Perſons* but what the King *Called* to *Parliament*. If he thought fit to hold a *Council*, at the ſame time, it was by *Other Mandates* that he held it; not in the *Execution* of the *King's Writs*.

But we will Examine his Proof of this *New Aſſertion*. "Thus *Anno* 1323, [1] *Dugd.* p. 126, 127. "when the *Parliament* met in [1] *Octab. Hilarij*, and the *Præmunientes* went out "(for the *Writ* has it whereby that *Parliament* was *Prorogued*) the *Arch-biſhop* at the King's Inſtance, Expreſſed in his *Second Writ* with the Clauſe "*Nos Nolentes* (a Copy of which for the Prorogation of this *Parliament*, is in [2] *Regiſt. Henr. Prior.* fol. 234. "*Prynn.* Vol. I. pag. 98.) Summon'd not the [2] *Parliament Clergy* alone, but "All ſuch as Compoſed a *Provincial Council*.

1. What a heap of Miſtakes are hear Crowded together into a very few Lines? "When the *Parliament* met in *Octab. Hilarij*. Will this *Author* give me leave to tell him in the firſt place, that that *Convocation* never met at all; but was by *Writs* dated *December* the 26*th*, above three Weeks before the time it ſhould have met, intirely put off.

2. Again, The *Convention* called to meet at *Hilary*, was no *Parliament*. Let [3] *Dugd. Summ. Parl.* p. 126. Dr. *A.* look again into the [3] *Writ* of *Summons* to which he Refers: He will ſee it was only an Aſſembly of the *Lay-Barons*, who were deſigned to have been then Convened.

3. By Conſequence, 3*dly*. There was no *Præmunientes* went forth with thoſe *Writs*: The *Writs* to the *Temporality*, to be ſure had it not. Thoſe to the *Spirituality*, were meerly for a *Convocation*; and to let him ſee that there was no *Præmunientes* in them, He may pleaſe in the *Appendix* to take a View of the very *Writ* by which they were Called.

4*thly*. This *Parliament*, never *Summon'd* but in this *Authors Fancy*, was by Conſequence not *Prorogued* neither, to *Three Weeks* after the *Purification*: But the King, who deſigned to have had three diſtinct *Aſſemblies* of the *Temporalty*, the *Clergy* of *Canterbury*, and the *Clergy* of *York*; at *Weſtminſter*, *London*, and *York*; thought it better to Unite them all together into One *Parliament*, at the time before-mentioned; and therefore Suſpended altogether their *Separate Meetings*, and Required them to Aſſemble in One *Common Council*.

For the ſame Reaſon, 5*thly*. There was no Clauſe of *Nos Nolentes*; iſſued out for that *Firſt Meeting* after *Hilary*: It was called by another ſort of *Writ*; in which that Clauſe neither had, nor could have had any Room.

In ſhort, 6*thly*. The King Order'd the Two *Archbiſhops* to call their *Provincial Clergy* together. They did ſo, and therein Literally Obey'd the very Words of the *King's Writ*; which was not, as He imagines, for a *Parliamentary Convention*, but for a Separate *Provincial Convocation*.

Dr. *A.* having upon Occaſion obſerv'd a great many Miſtakes (as he thinks) of mine, in a few Lines, which ſhall hereafter be Conſider'd, concludes with this Generous *Challenge* on my behalf: "[4] I defy any Man to make More [4] *Rights*, &c. p. 434. "*Miſtakes*, in So few Words, As Dr. *W.* has done. A *Critick* in *Words*, would have ſaid, THAN Dr. *W.* has done. But that is not material. I ought in Juſtice to give him the Precedency in this, who is ſo Ambitious of it in all other Reſpects; and ſhall therefore ſubmit it to the *Reader*, to judge whether there be not a Man in the World, whom he ought to know (tho' I fear He never will know Him) that can Commit as many Miſtakes, in as few Words, as 'tis poſſible for Dr. *W.* with all his *Ignorance*, and *Ill-luck* too, to do.

Sect. 37. 1324.

The next Year affords but little to Our preſent Purpoſe: [5] Three Weeks after *Michaelmas* a *Parliament* was called to *Sarum*; Whether held there, I can-[5] *Dugd. Summ. Parl.* p. 129. not tell. If Mr. *Prynne* has been exact, the *Writs* of *Expences* for the *Knights* who came to it, mention *Weſtminſter* as the Place of its Aſſembly. None of the *Leſſer Clergy* were called to it, nor does it appear that any beſides the *Bi-*[6] *Ibid.* p. 130, 132. *ſhops* were at it. Two Other *Great Councils* were held this ſame Year: [6] One to meet at *Wincheſter* the *Second Sunday* in *Lent*; the other at *Weſtminſter*, on the *Octaves* of *Eaſter*. The *former* met not, but was Adjourn'd to the *Latter*; Whether that aſſembled, I cannot tell. As for *Eccleſiaſtical Synods*, I meet with none this Year of any kind, and ſhall therefore paſs on, without more delay to the next.

In

In this, a *Parliament* occurs on the [1] *Morrow* after St. *John Baptiſt*: The *Biſhops* with the *Parliamentary Abbots* and *Priors*, were Summon'd to it, but no *Clauſe* for the *Lower Clergy* to come with them. But that was Supplied in the Other *Parliament* of this Year; which was held at *Weſtminſter* in the [2] *Octaves* of St. *Martin*, *November* the 18*th*, and ſate about a fortnight. To this the Church of [3] *Lincoln* ſent its Proctors, with three ſeveral kinds of *Procuratorial Letters*; the Entry of which is thus made, That of theſe One was more Reſtrain'd, *et Si ····· Utendum:* To be inſiſted upon, and only Uſed if it might be. The Other was *Aliquantulum Reſtrictum*, but not like the former, and to be Uſed, *Si de alio non Poſſit Evadi.* The *third* was more General, but by no means to be Uſed, *niſi in Cauſa valde neceſſaria.* The Difference conſiſted in theſe Words, after the Empowring Clauſe, which enabled them to Conſent in their Names, to what ſhould be ordained in Parliament; "*Quatenus ad Ea facienda de jure artari poterimus, & debemus. Proviſo quod ijdem Procuratores, vel Eorum Alter, nulli contributioni faciendæ, Nobis conſentiant, vel conſentiat, Inconſultis.* The *firſt* Proxy had both theſe Limitations: The *Second* only the latter of them: The *third* had neither.

K. EDWARD *the* IId.

1325.

[1] *Dugd. Summ. Parl.* p. 133, 134.

[2] *Ibid.* p. 134.

[3] *Lib. Act. Capit. Lincoln*, I. fol. 5. 2 *Non. Nov.* 1325.

This may be of Uſe to ſhew, what it was that made the *Clergy* ſo uneaſy in their going to Parliament; and withal prove, that hitherto, they did not only Return their *Proctors* thither, but that their *Proctors* alſo went and Acted on their behalf there.

I obſerve only this One thing more, in this Year; That tho' here was an unqueſtionable *Parliament* Aſſembled, yet no *Convocation* in either *Province* met with it; or, in Dr. *A*'s New Phraſe, ATTENDED UPON it.

Sect. 38. 1326.

We are now come to the laſt Year of that Unfortunate Prince King *Edward* the *Second*, in which much Buſineſs was done, but of little Concernment to Our preſent Debate. The *Archbiſhop* had for ſome Affairs Relating to the Church, and in Obedience to the *Pope*'s Command, called a *Council* of his Province to meet fifteen Days after *Michaelmas*. The King deſigning at the ſame time to hold a *Great Council* at *Stamford*, [4] Commanded the *Archbiſhop* to put off his *Synod*, that it might not interfere with that intended *Meeting*. The *Archbiſhop* accordingly Prorogued his *Council*, to the next day after *All-Souls*, *November* the 3*d*. Whether it met then, I cannot tell: In the *Margen* of the Archbiſhop's *Regiſter* there is ſet an *Alia Prorogatio*; but the *Inſtrument* to which it refers has nothing to that Purpoſe. About the latter End of *December*, [5] the *Archbiſhop* called his Provincial Council to meet at *London* the *Fryday* next after *Hilary*, *January* the 17*th*. This was held purely upon an *Eccleſiaſtical* Account; The Summons has ſomewhat very particular in it, and may for that Reaſon deſerve the place which I ſhall give it, accordingly, in my *Appendix*.

[4] *Regiſtrum Reynolds.* fol. 312. See the Appendix ad Ann. 1326.

[5] See Append. ad Ann. 1326.

In this Interval a *Parliament* was called to meet fifteen Days after [6] St. *Andrew* the middle of *December*; and from thence was *Prorogued*, to the Morrow after *Epiphany*, *January* the 7*th*. All was now in Confuſion: Nothing done after a Regular or Orderly manner. Yet amidſt all this Confuſion, this may be Obſerved, that with neither of theſe *Parliaments* was any *Convocation* Summon'd; nor did any meet in either *Province*.

[6] *Dugd. Summ. Parl.* p. 136. *Brady*'s Hiſt. Vol. II. Append. n. lxxi.

That the *Lower Clergy* were not only ſtill *Summon'd*, but continued upon that *Summons* to go to *Parliament*, we have ſuch clear Proofs from the *Authentick Inſtruments* relating to this preſent *Parliament*, that it may not be amiſs to take ſome notice of them. The Archbiſhop of *Canterbury* (as we have ſeen) gave but a very ſhort notice to his *Suffragans* for the calling of the *Provincial Council*, which I have ſaid was held at *London* the *Fryday* after *Hilary*. [7] The *Proctors* for the *Dioceſſe* of *Lincoln* were already choſen, and deputed to *Parliament*; and the *Biſhop* thought it a Grievance to his *Clergy* to Aſſemble again upon ſuch ſhort Warning. But yet conſidering that their *Labour* and *Charge* might much be eaſed if inſtead of chuſing *New Proctors*, they ſent *Powers* and *Inſtructions* to the *Proctors* already order'd to *Parliament*, to act for them in the *Council*, He proceeded to the Execution of it. Now as this ſhews that the *Lower Clergy* of that *Dioceſſe* appear'd ſtill in *Parliament*; ſo have we another Authentick *Record* to prove, that thoſe of *Lichfield* did likewiſe. In one of whoſe [8] *Regiſters* belonging to the *Cathedral*, I find this Minute entred; iii *Kal. January* 1326. "It was Agreed by the *Chapter* of *Lichfield* that Mr. "*John*

[7] *Memoraud. Henr. Burgherſh*, fol. 152.

[8] *Acta Capitularia Eccl. Cath. Lichfield in Muſ. Aſhmol.* 794.

K. EDWARD *the IId.*

" *John Clarel* Proctor of the *Chapter* in the *Parliament* at *London*, ſhall have " allowance of the Days from the *Beginning* of the *Parliament*, till the *Clergy* " ſhall be *Licenſed* to *depart*; — And the Parliament began the Morrow after " *Epiphany*; 1326. What was done in theſe two large *Dioceſes*, we may juſtly conclude was done in All the Others: And the *Procuratorial Letters* filed in *Parliament*, and lately diſcover'd in ſeveral Bundles in the Tower, ſufficiently ſhew, that they did continue many Years after this to Aſſemble, not in two imaginary *Convocations* (as Dr. *A.* pretends) but in *One National Body* with the Other Eſtates, in *Parliament*.

And now to ſum up the whole of this Reign: From what has been ſaid, it appears; * That the *Clergy* hitherto continued not only to be *Summon'd* to *Parliament*, but actually to come to it, and do Buſineſs in it. * That to this they were called ſometimes by the *Præmunientes* only, ſometimes by that *Clauſe*, enforced by *Provincial Parliamentary Writs*, to the *Archbiſhop* of each *Province*. * That by theſe *Writs*, the ſame *Perſons* were *Summon'd*, and that to the *ſame Aſſembly*, and for the *ſame Purpoſe*, that they were by the *Præmunitory Clauſe* to the *Biſhops*; * Nor did the *Archbiſhop* in the *Execution* of them, ever Call any *Other Perſons*, but the *Parliamentary Clergy* only, to meet in Obedience to the *King*'s Command. * That however the *Clergy*, at firſt, Remonſtrated againſt their being Summon'd, after this manner, by the *Archbiſhops* to *Parliament*, yet before the *End* of this Reign, they freely ſubmitted to it, and made no more Exceptions againſt it. * That during this whole Period, it does not appear that the *Provincial Convocations* of the *Clergy* were either wont to be *held* at the *ſame time* with the *Parliament*, or otherwiſe looked upon as any ATTENDANTS upon it. * That ſometimes there were *Convocations* in the ſame Year, and often none; in which nevertheleſs One, or More *Parliaments*, were held. * When there were *Aſſemblies* of *Both Kinds* in the ſame Year, ſometimes they met near to, but oftner at a Greater *Diſtance* from the *Parliament*; but NOT ONCE *hitherto* CONCURRENTLY WITH IT. In a Word, * That the avow'd *Deſign*, and *End* of the King, in Deſiring, or Ordering the *Aſſembling* of theſe *Convocations*, was to *Obtain Supplies* of the *Clergy*: For this they met, and little more than this was done by them, when they came together. Let us ſee how theſe things ſtood in the long Reign of his *Son*.

King EDWARD *the* IIId.

Sect. 39. 1327.

This young King was ſcarce well ſetled in his Government, before the *Scots* began to give him a Diſturbance upon the Borders. Having ſpent the Summer in his Engagements againſt them, and waſted his Treaſure, he was [1] forced to Aſſemble a *Parliament* at [1] *Lincoln* for New Supplies: This he Order'd to meet there *September* the 15*th*: And to bring the *Clergy* the better to it, He not only Cited them by the *Præmunientes* in the *Biſhop's Writs*, but purſued the Cuſtom which his Father had begun, of Calling them by two *Provincial Parliament Writs*, directed to the *Archbiſhops*, for their ſeveral *Provinces*.

[1] *Dudg. Summ. Parl.* p. 140.

Tho' theſe Writs were Executed by both the [2] *Archbiſhops*; yet the *Clergy* came but in a ſmall Number to the Parliament. Thoſe [3] of *York* alledged that their *Metropolitan* could not Compel them to go out of their Own *Province*. And tho' thoſe of *Canterbury* had not the ſame Excuſe, yet [4] the Greater part of the *Biſhops* and *Clergy* went not to it. The Smallneſs of the Number which appear'd there, furniſh'd them with the *Excuſe* which they deſired of not Granting the King any thing out of their *Spiritualities* in *Parliament*. This was what the *King* would willingly have brought them to; and they as Induſtriouſly declined. All that was done therefore at that *Parliament*, as to this Matter, was to agree that the Clergy of each *Province* ſhould meet in a Convenient time within their Reſpective *Provinces* in *Convocation*, and there deliberate of the Supply that was demanded of them.

[2] *Regiſt. Reynolds*, fol. 207. *Regiſt.* Stratford. *Wint. Epiſc.* fol. 29. *Regiſt.* Melton *Arch. Ebor.* fol. 468.

[3] *Regiſt.* Melton, *lb. Mandat. Archiepiſ. Epiſcopo Dunelm.* " *Per* " *quoſdam Excuſatores ipſius Cleri* " *noſtri extitit* " *Reſponſum* " *quod idem Clerus apud* Lincoln *extra Provinciam noſtram non tenebatur Comparere*, &c.

To haſten this, the King iſſued out his [5] *Letters* to the *Archbiſhop* of *Canterbury* whilſt the *Parliament* was yet ſitting at *Lincoln*, to Aſſemble his *Convocation*,

[4] See the *Archbiſhop's* Mandate for the Convocation at *Leiceſter*: Regiſt. *Reynolds*, fol. 207.

[5] See the Appendix ad Ann. 1327.

K. EDWARD the IIId.

vocation, as ſoon as poſſible at *Leiceſter*; and Required him to be Himſelf in Perſon there, and to Uſe all poſſible Diligence to get a ſuitable Aid of his *Clergy*. [1] He wrote in like manner to the *Archbiſhop* of *York* for his *Province*, which he Order'd to Aſſemble for the ſame End.

[1] Regiſt. *Melton*, fol. 468.

And now the *Convocations*, which had not been called either to meet with, or *Attend upon the Parliament*, were both Aſſembled by this Order of the King to that Purpoſe. That of our *Province* met at *Leiceſter*, the Place which the Royal *Writ* had aſſign'd on the *Wedneſday* after *All-Souls*, *November* the 4*th*, about *Six Weeks* after the *Parliament* was Riſen. That of *York* met ſooner, upon *Munday*, *October* the 12*th*. And firſt the *Clergy* there agreed to *Grant* a *Tenth* to the *King*. Afterwards our *Province* did the ſame at *Leiceſter*; at this time following, not Guiding, much leſs Over-ruling, the Acts of the Other. Not long after this the *Archbiſhop* of *Canterbury* died; *November* the 16*th*; and was in a few Days ſucceeded by *Simon Mepham*, who was Choſen into his place the 8*th* of *December* following.

Upon the *Sunday* after the *Purification*, a [2] Second *Parliament* met at *York*. The *Clergy* were doubly Summon'd, as before, to it. But having ſo lately been ſupplied, neither did the King deſire any *Convocation* to meet with this *Parliament*, nor did any, in either Province, Attend upon it.

[2] *Dugd. Summ. Parl.* p. 143.

The next Year a great many *Parliaments* were Aſſembled: One at [3] *Northampton*, three Weeks after *Eaſter*: A [4] Second at *York*, the *Sunday* after St. *James*: A third at [5] *Salisbury*, on the *Sunday* after the *Quindene* of *Michaelmas*: And a [6] fourth, by Adjournment from *Salisbury*, at *London*, on the *Octaves* of the *Purification*: And the *Clergy* were Summon'd to every one of them. Yet not one *Convocation* appears to have ſate in either Province, or to have Attended on any of theſe four Parliaments.

Sect. 40. 1328.

[3] Ibid. p. 145.
[4] Ibid. p. 147.
[5] Ibid. p. 149.
[6] *Pryn.* Regiſt. Parl. IV. p. 101. 102.

On *Fryday*, *January* the 29*th*, the Archbiſhop of *Canterbury* held his [7] Provincial Council at *London*; in Purſuance of the Determination of the *Church Canons*, and at the inſtant Admonition of the *Pope* to that Effect. In the Execution of the *Archbiſhop*'s Mandate a little difference aroſe between the *Chapter* of *Lichfield*, and the *Archdeacon* of *Stafford*, of which ſome Notice muſt be taken. [8] The Biſhop of *Litchfield* had Commanded the *Archdeacon* by his Letters Mandatory to Cite and Premoniſh the *Chapters* of the *Archdeaconry* of *Stafford* to appear at this *Council*. The *Chapter* of *Litchfield* was of Opinion that this Command Extended not to them, becauſe that neither the *Chapter*, nor *Chapter-Houſe*, were within the *Archdeaconry* of *Stafford*. And beſides, by Immemorial Cuſtom, the *Chapter* was to be Cited only by the *Dean*, or his *Delegate*; and the *Mandates* for ſuch *Citations*, to be directed immediately to them, for that End: Upon which they Proteſted in Preſence of a Publick Notary, that they would not Obey the *Archdeacon's Premonition*, unleſs, or any father than, they were bound of Right to do it, and ſo as not Prejudice the Cuſtom before-mention'd. The Council being thus Summon'd, met; and made ſome Eccleſiaſtical Conſtitutions of no great Importance, which may be ſeen in the Second Volume of our *Engliſh* Councils.

[7] *Memorand. Henr. Burgherſh, Lincoln*, fol. 199. b.

[8] *Acta Capitula Eccl. Cath. Lich.* MS. *Aſhmol.* fol. 24.

Anno 1329. A *Great Council* was held at [9] *Windſor* the *Sunday* after the Feaſt of St. *Mary Magdalen*, *July* the 23*d*. To it were Summon'd the *Biſhops*, *Abbots*, and *Priors*, as Uſual: But the *Lower Clergy* were not called. Upon the *Sunday* before the Feaſt of *Pope Gregory*, *March* the 11*th* following, a [10] full *Parliament* was held, and the *Clergy* by *double Writs*, were called to it. The *Archbiſhop* Summon'd them to Appear before himſelf, in the *Cathedral Church* of *Wincheſter*, on the Day that the Parliament was to meet. And ſo far departed from the latter Methods of Execution; and Return'd to the manner which had firſt been uſed, while the Clergy were not yet ſatisfied with the Lawfulneſs of ſuch a Citation. But they were Summon'd to appear before him for the [11] *Buſineſs* of the *Parliament*; In Obedience to the King's Parliament *Writs*, Recited in the Mandate; "To treat with him, "and the reſt of the *Prælates*, concerning the Urgent Affairs of the *Church* "and *Realm*, which were more at large to be Treated of in Parliament. This I take to have been All that the *Lower Clergy* were wont to do at thoſe

Sect. 41. 1329.

[9] *Dugd. Summ. Parl.* p. 151.
[10] Ibid. p. 153.
[11] Regiſt. *Henr. Burgherſh. Linsoln.* fol. 169. ' *Ad* ' *tractand. una* ' *Nobiſcum &* *prædicto diffu-*

' *Cæteris Prælatis, ſuper urgentibus Eccleſiæ Anglicanæ &* REGNI *negotiis in* PARLIAMENTO ' *ſuis pertractandis.*

Meetings

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Meetings: They *treated* with the *Prælates*, of what concern'd them; and having ſo done, the Biſhops acted both in their *Own*, and their *Clergies* Names, with the Other *Eſtates* in *Parliament*.

1330. But tho' here again was a full Parliament Aſſembled, yet did no *Convocation* ſit this Year in either Province; nor by Conſequence was the *Doctrine* of ATTENDANCE (that New-found Priviledge of the *Engliſh Clergy*) yet known, at leaſt we are ſure it was not yet Practiſed by Them. For Proof of which, I muſt obſerve, that about *Three Days* before that Parliament roſe, [1] the King iſſued out his *Writs* dated *March* the 18*th*, to both the *Archbiſhops*, to call their *Clergy* together in *Convocation* on the *Munday* next after the Feaſt of *Tyburtius* and *Valerianus*, *April* the 16*th*, about a Month after that Parliament was Diſſolved. The Occaſion of Calling theſe *Convocations*, was to Repreſent to the *Clergy* the Dangers of the *French* War, then ready to break out, and to induce them to Grant the King a proportionable Supply for the Prevention of them.

[1] See the King's Writ, Cl. 4 *Edw.* III. m. 38. dors. apud *Pryn.* Regiſt. 1 Vol. p. 234.

This Reaſon the [2] *Archbiſhop* of *Canterbury* doubted not to inſert at large out of the *King's Writ* into his *Own Mandate*. It ſeems neither our Princes nor our *Metropolitans* were aſhamed to own the *Supply* of the *King's Neceſſities* to be the Cauſe of their *Aſſembling* of theſe *Convocations*; how much ſoever the bare Report of this Matter, moves ſome Mens Indignation now; who indeed have no Reaſon to be Content that the Truth ſhould be diſcover'd, for fear leaſt in time it ſhould prevail too. A Misfortune that, ſhould it happen, would utterly overthrow their Deſigns, and leave their Cauſe as Defenceleſs, as it is falſe.

[2] Regiſtr. *Burgherſh*, *Lincoln.* fol. 214.

Whether this *Convocation* granted any *Supply*, I much doubt: Our Regiſters are ſilent in that Caſe; and the *Pope* this Year granted the King a [3] *Tenth* upon all the *Eccleſiaſtical Benefices* of *England*, *Wales*, and *Ireland*, to continue for four Years; and be Equally divided between them both. From this Payment the King Exempted ſuch ſmall [4] Benefices as exceeded not the Value of ſix Marks *per Annum*, which he Order'd ſhould not be aſſeſs'd for any *Tenth* to his Uſe.

[3] Walſingham p. 511. So Contin. Polychron. Mſ.

[4] Clauſ. 4 *E.* III. m. 22. Mſ. Cott. Cleopatr. *E.* II.

In *July* following a *Great Council* was held at [5] *Oſeney*; and another (by our Hiſtorians called a *Parliament*) at [6] *Nottingham*, *October* the 15*th*. After both (a formal *Parliament* was Aſſembled the [7] *Munday* after St. *Catharine*, *November* the 26*th*, yet no *Convocation* met with any of All theſe.

[5] Dugd. Summonit. Parl. p. 155.

[6] Ibid. p. 157.

[7] Ibid. p. 158, 159.

Sect. 42.

1331. The Beginning of the next Year, 1331. A [8] *Parliament* was call'd to meet the *Morrow* after the *Quindene* of *Eaſter*: But by *Writs* dated *March* the 23*d*, was intirely put off. Another was called to meet at [9] *Weſtminſter* the morrow after *Michaelmas*. In the *Writ* of *Summons* an Extraordinary *Clauſe* was added, requiring the Biſhops to be Exact to their Day, and to *Premoniſh* their *Clergy* to be there at the ſame time, that ſo the *Parliament* might be ended as ſoon as poſſible, and the People be put to the leſs Trouble and Expence. The Words run thus [10] "Becauſe that heretofore, the Common Affairs of our Kingdom "have frequently been Retarded thro' the Abſence of ſome of the *Prelates* "and *Great Men*, who have not come to THESE KIND of *Convocations*, and "*Parliaments* at the days appointed, but a long time after; We will and Enjoyn. — From this Expreſſion of this Brief, [11] Dr. *A.* raiſes this double Inference; "that theſe (Two) Aſſemblies the *Convocation* and *Parliament*, were "uſed long before this time to *Aſſemble Concurrently*: And Secondly, That "the *Premoniſh'd Clergy*, ſo Aſſembling in *Convocation*, were yet Reckon'd to be "of the *Parliament*.

[8] Ibid. p. 161, 162.

[9] Ibid. p. 163.

[10] *Et quia ante hæc tempora, Communia* REGNI *noſtri* Negotia, *propter aliquerum* PRÆLATORUM *&* MAGNATUM *abſentiam, qui ad* CONVOCATIONES *&* PARLIAMENTA HUJUSMODI *non ad dies Statutos, ſed diu poſtmodum Venerunt, frequenter retardata fuerunt, ad Commune Damnum Populi Regni noſtri.*

[11] Rights, &c. p. 332, 333.

Now in this he either plays with *Words*, and means nothing at all, or if he does, his Inference is as far from a juſt *Reaſoning*, as it is contrary to *Hiſtory* and to the *Truth*.

If by CONVOCATIONS and PARLIAMENTS he means, the Aſſemblies of the *Clergy*, and *Laity*, called by the *Parliamentary Writs*; (as 'tis plain they are here to be underſtood, and in theſe kind of *Inſtruments* are often called;) *ad Convocationes & Parliamenta* HUJUSMODI; No body doubts but that from the time that the *Præmunientes* was inſerted into the *Biſhop's Writs*, the *Clergy* thereby Summon'd, were wont to *Aſſemble Concurrently* with the *Parliament*; for indeed they were a Conſiderable part of the *Parliament*. Nor is it queſtioned by any, but that the *Clergy* ſo *Aſſembling* by the *King's Premonition* in *Convocation*, if he will needs call it ſo, were reckon'd to be of the *Parliament*; A *proper Member* and *Eſtate* of it.

But

But if by *Convocation*, he means the *Provincial Aſſemblies* of the *Clergy*, called by the *Archbiſhops* of *Each Province*; and conſiſting not of the *Parliamentary Clergy* only, but of the *Whole Body* of the *Regular* and *Collegiate Clergy* uſually *Summon'd* to thoſe kind of *Aſſemblies*, (as we now underſtand the Word) I think no Conſequence can be more Rambling than this; that becauſe in the *King's Writ*, the *Parliament* is called by the Double Name of *Convocation*, and *Parliament*; by the One with particular Regard to the *Eccleſiaſtical*, by the Other with Reſpect to the Secular *Parts*, of it; and both the *Clergy* and *Laity* are mentioned, as *Summon'd*, and *Coming* to it: Therefore it had been the *Cuſtom*, time out of mind, for the *Provincial Aſſemblies* of the *Clergy* (of which not one Word is ſaid) to meet at the ſame time with the *National Parliament*; and the *Clergy* meeting in One, are to be accounted as *Members* of the other.

On the *Octaves* of *Hilary* another [1] *Parliament*, or *Great Council*, was held at *Weſtminſter*. And on the *Munday* next after the Feaſt of *Pope Gregory*, a [2] fourth. In the Writ of *Summons* to that, another Extraordinary *Clauſe* was inſerted, with Relation to the *Prelates*; "that without ſome evident Ne- "ceſſity, the King would not Excuſe their Perſonal Attendance, nor accept "of any *Proctors* in their ſtead. But where amidſt all theſe *Parliaments*, and *State Councils*, are Dr. *A*'s *Co-attending*, *Provincial Convocations?* Thoſe I muſt leave to him to Nominate; for indeed my *Collections* furniſh me not with One in Either *Province* all this Year.

[1] Dugd. Summonit. Parl. p. 165.
[2] Ibid. p. 167.

Among other things propoſed to the Conſideration of this laſt *Parliament*, One was that of the King's Voyage to the *Holy Land*; and of preſerving the *Peace* of the *Realm* in order thereunto. [3] Of this the King Charged the *Prelates*, *Earls*, *Barons*, and other *Great Men* to Conſult. But being adviſed that it did not properly belong to them to give their Counſel for keeping of the Peace, and puniſhing the Breaches of it; the *Prelates*, and *Proctors* of the *Clergy*, went apart by themſelves to deliberate of the things propoſed to them. "After which it was ordained by the *King*; the *Prelates*, *Earls*, *Barons*, and "other *Great Men*, the *Knights* of *Counties*, and the *Commonalty*, that a Sen- "tence ordain'd by the *Prelates* and *Clergy* ſhould be Pronounced againſt the "Breakers of the Peace, *&c.*

[3] Jura Cleri. p. 34.

Now as this ſhews that the *Clergy* were not only *Summon'd*, but came to the *Parliament*, and voted in it; So does it ſeem to intimate after what manner they proceeded there. They *debated* with the *Prelates*; and therefore in matters of *Treating*, we find Notice taken particularly of them. But when the *States* came together, the *Prelates* alone ſeem to have *Voted* for them, and therefore in thoſe Caſes we meet with no mention of any Other.

This Parliament *Aſſembled* the *Munday* after the Feaſt of St. *Gregory*, *March* the 16*th*. Upon the [4] *Saturday* following, the King gave leave to the *Knights* of the "*Shires*, the *Citizens* and *Burgeſſes*, Summon'd to the ſaid *Parliament*; "and alſo to the *Clergy*, to go home; but Order'd that the *Prelates*, *Earls*, "*Barons*, and *Counſellors* ſhould tarry longer. I mention this, to ſhew that the *Lower Clergy*, as Oppoſed to the *Prelates*, were preſent at this *Parliament*; and that therefore the *Proctors* of the *Clergy* before mention'd, muſt be properly underſtood, of their *Delegates*, and *Repreſentatives*, there.

[4] Rot. Parl. 6 E. III. n. 11.

On the [5] 4*th* of *September* the next Year, the Archbiſhop of *Canterbury* held a *Provincial Council* at St. *Pauls London*. It preſently brake up without doing of any Buſineſs, as a [6] Learned Author informs us. The *Provoſts* and *Archprieſts* as well as *Archdeacons*, were called to it: Nothing elſe Remarkable in it. [7] Five days after this the *Parliament* began at *Weſtminſter*, *September* the 9*th*. That alſo had ſoon done its Buſineſs, for it roſe in four days time.

Sect. 43. 1332.
[5] Lib. Act. Capitul. Linc. II. fol. xxv, xxvi.
[6] Antiqu. Britann. p. 220.
[7] Dugd. Summonit. Parl. p. 169.

On *Fryday* before the Feaſt [8] of St. *Nicholas*, *December* the 4*th*, a New Parliament ſate at *York*. It was adjourn'd from thence [9] to *Munday*, and ſo to *Tueſday*; before it entred upon Buſineſs, and yet broke up the *Fryday* following. The Cauſe of this ſuddain Receſs was the Abſence of ſeveral of the *Biſhops* and *Prelates*, and of the Other *Great Men*. For which Reaſon this *Parliament* was not *Diſſolved*, but *Prorogued* to the *Octaves* of *Hilary* at the ſame place. [10] And then again it ſate but Seven Days, and ſo was Diſmiſſed. With all theſe *Parliaments* we find no *Convocation* held in Either Province; ſo little was the *Doctrine* of ATTENDANCE yet grown into Requeſt. But the Truth was,

[8] Dugd. Ibid. p. 171.
[9] Rot. Parl. 6 E. III. n. 1. *&c.*
[10] Rot. Ibid.

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the four Years *Tenth* Granted by the *Pope* upon the *Clergy*, was not yet Expired. The King therefore had no Reason to think that He should get any Money of them, and for this Reason he did not Require the *Archbishops* to Convene them.

In all these Writs, as they are Copied by Sir *William Dugdale*, we see no *Præmunientes*; nor can I find that any *Provincial Writs* were issued out to the *Bishops* to Call the *Lower Clergy* to *Parliament*. How the Omission came, I know not; but from the *Procuratory Letters* still remaining among Our *Records*, deliver'd in by the *Clergy* at *Parliament*; it appears that they were present at them. In the [1] first of these Parliaments a *Fifteenth* and *Tenth* were Granted to the King, and therefore we may be sure they had a *Summons* to come to it.

[1] Rot. Parl. 6 E. III. n. 3.

In the next at [2] *York*, the *Prelates* and *Clergy* are said to have treated together; and *Fryday* after in full *Parliament* when the Result of the Debates of the several Estates apart was to be laid before the King, the *Prelates*, by themselves, gave in an Account of their Treating. The Subject was about the *Archbishop* of *Canterbury*'s carrying his *Cross* in the Province of *York*, which the King by his *Writs* had forbidden the *Archbishop* of *York* to hinder him in; (as at the [3] *Parliaments* before, he had in like manner Prohibited the *Archbishop* of *Canterbury*, to hinder the *Archbishop* of *York* in his Province.) And the *Parliament* agreed that the King's Business should not be delay'd, or hindred, upon any such Account.

[2] Rot. Parl. 6 E. III. n. 1.

[3] See *Prynne*'s Regist. Vol. I. p. 436.

Sect. 44. 1333.

It was towards the latter End of the Year 1333, before the next [4] *Parliament* was held; *viz. February* the 21*st*, being the *Munday* before the *Feast* of St. *Peter* in *Cathedra*. To this the *Lower Clergy* were Summon'd both by the *Diocesan*, and *Provincial Writs*: The *Archbishops* Summons, in the Vacancy of that See, being directed to the *Prior* of *Canterbury* for this time.

[4] Dugd. Summonit. Parl. p. 175.

The last part of the Four Years *Tenth* being now Running on, the King began to think it time to Call the *Clergy* together in *Convocation*, for the Continuance of their *Subsidy*. And accordingly by his [5] Writs to the *Archbishops* dated *October* the 6*th*, He commanded the *Archbishop* of *Canterbury* to Assemble his Province at *London* upon *Munday* after the *Octaves* of St. *Martin*; the *Archbishop* of *York* his, at *York*, *Munday* after the Feast of St. *Katharine*.

[5] Rot. Claus. 7 E. III. p. 2. m. 15. Dors. Append. ad Ann. 1333.

Had these Convocations met at the time which the King appointed, they had both sate, and might probably both have been dismissed too, in *November* this Year: Whereas the *Parliament* was not called till the beginning of *January*, and met not till almost the End of *February* following. But the *Archbishop* of *Canterbury* dying within a Week after these *Writs* were issued out, the King was obliged to follow his first Precept with a [6] New One dated *November* the 18*th* following. Having been forced by this Accident to change the time for the Meeting of One of the *Convocations*, He thought fit to Enlarge Proportionably that of the Other too; and by a *Writ* of the same Date, called both to meet at the same time, the One at *Northampton*, the other at *York*; upon the *Munday* after *Epiphany*, *January* the 19*th*, six Weeks, at least before the Parliament was to sit.

[6] Claus. 7 E. III. Par. II. m. 8. dors.

The End of these *Convocations* was *Consilium & Auxilium*: But *Money* was the main, indeed the only true Reason, that prompted the King to call the *Clergy* together. For this I refer to the *King's* [7] *Writs*, which plainly intimate as much. Whether the *Clergy* of *Canterbury* met hereupon, I cannot tell: The Province of *York* did, upon the [8] *Munday* after the *Octaves* of *Epiphany*; but what they did, or whether they came to any Resolutions there, I am not able to say.

[7] *Nos attendentes* NECESSITATEM *Nobis & Regno nostro ex Causis Prædictis imminentem, Considerantesq; Adjutrices, quod Omnes Fideles nostri pro supportand. Oneribus Defensionis Regni nostri manus tenentur apponere Vobis mandamus*, &c. [8] *Regist. Jo. de Kirkby Episc. Carleol.* fol. 284.

Sect. 45. 1334.

And now, after Forty Years Fruitless Search, we are at last come very near to the thing that we have been looking for; a *Parliament* held with a *Convocation* almost *Attendant* upon it: And because this is a matter of a more than Ordinary Concern to our present Argument, it will become me to give a full, and exact account of it.

The King being in great want of Money to carry on his War against the *Scots*, by his [9] Writ dated at *New-Castle* upon *Tyne*, *June* the 12*th*, commanded the *Archbishop* of *York* to Summon a *Convocation* of his Clergy, to *Treat of*,

[9] Rot. Claus. 8 E. III. m. 25. dors.

of, and *Conſent to*, a Competent *Aid*, to be laid upon them for His Uſe. By other [1] *Writs* dated at *Northampton*, *July* the 23*d*, He gave the ſame Command to the *Archbiſhop* of *Canterbury* with Relation to our Province, that He had before done to the *Archbiſhop* of *York* with Reſpect to the Other. K. EDWARD *the* III*d*.

[1] Rot. Clauſ. 8 E. III. m. 23. Dors. Append. ad Ann. 1334.

Between theſe two *Summons*, the *King* had held a [2] Great Council at *Nottingham*, and there Reſolved to Aſſemble his *Parliament* at *London* with all convenient ſpeed. In purſuance hereof the next Day after the *Convocation-Writ* went out for the *Province* of *Canterbury*, the [3] *Parliamentary Writs* were dated at *Reading*, for the Parliament to meet at *Weſtminſter* on the *Munday* next before the *Exaltation* of the *Holy Croſs*, *September* the 19*th*. To this the *Clergy* were Summon'd, both by the *Præmunientes Clauſe* in the *Biſhop's Writs*, and by two *Provincial Writs* dated the ſame Day to the *Archbiſhops*.

[2] Circa xiii. Julij. See *Walſingham*, p. 134.

[3] Dugd. Summonit. Parl. p. 177.

The Caſe now with Relation to the *Parliament*, and *Convocation*, ſtood thus: The *Archbiſhop* had Three *Writs* from the *King*; One for a *Convocation*, which left both *Place*, and *Time*, to his Own Choice and Direction. Two for the Parliament, in which both were Limited, to meet at *Weſtminſter*, *September* the 19*th*. By the firſt, He was to Aſſemble the whole Body of his *Provincial Clergy*: By the two *Laſt*, thoſe only who had been wont to come to *Parliament*. Let us ſee how he proceeded in Obedience to All theſe.

By a [4] *Mandate* directed to the Biſhop of *London*, He took notice, "how "much it had been his Wiſh ever ſince he came to the Archbiſhoprick to free "his Clergy from theſe Laborious, and chargeable Vexations; and to keep "them in Eaſe, that ſo they might the better Attend upon the Service of "the Great *King* of *Kings*. But that now the Urgent Affairs which concern'd "the *Church*, the *King* and *Kingdom*, and the *King's Writs*, Obliged him to "Call them together. Theſe *Writs* he Recites, and then goes on; and de-"clares, how that having hereupon adviſed and treated Diligently with "certain of his *Brethren* and Others, and being Unwilling, as far as he could "help it, to put the *Clergy* to a Double Trouble and Expence, He had Re-"ſolved to make his *Convocation* as eaſy as poſſible to them. To that End, he firſt Summons them to *Parliament*, as the King Required, *September* the 19*th*. And then, in Obedince to the *Other Writ*, He Cites them to *Convocation*, the *Munday* Seven-night after, *September* the 26*th*: In the One to treat of *ſuch things as ſhould come to be handled in Parliament* by them: In the Other, "to "*treat of thoſe things which were mentioned in the King's Convocation Writ*, and "to *Conſent* to what ſhould thereupon be Unanimouſly Agreed.

[4] Regiſt. *Burgherſh* Epiſc. Linc. fol. 275. Et Montacute Epiſc. Wigorn. fol. 3.

Here now we ſee how this Parliament, and Convocation, came to meet ſo near to one Another. It was not that the *Parliament* had any *Right to be Attended* on by the Clergy, or the Clergy any Obligation to *Attend* upon the Parliament: Theſe are New-Lights, lately ſtruck out by the Happy Invention of One who profeſſes to trace out New-ways, and not ſervilely to follow *Old Notions*. No, but the Good *Archbiſhop* was deſirous to ſpare the *Trouble* and *Charge* of his *Clergy*, as much as He could, and therefore he freely held his *Convocation* at St. *Pauls London* within a Week of the Parliament; when it was in his Choice, to have called it to a Place a Hundred Miles off *London*, and Three or Four Months Afterwards, had he thought fit ſo to do.

But to ſee how unluckily all things here happen'd at this Juncture. The Parliament met *September* the 19*th*: The *Convocation September* the 26*th*. Who would not have thought, that, be the Occaſion of it what it would, here ſhould have been however an Inſtance of a *Parliament* with a *Contemporary Convocation?* Yet as near as they met, that ſate not a Minute together. The *Parliament* held but Four Days; and ſo there was an End of the *Clergies Parliamentary Seſſion*. And it was Three Days after, before the *Convocation* Began: So that here were two as Diſtinct Meetings IN FACT (the thing which Dr. *A.* ſo much Ridicules) as if Three Years, inſtead of Three Days had paſs'd between them.

Thus went Matters in the *Province* of *Canterbury*: In that of *York* the Diſtance was ſtill Greater; for there the *Convocation* met not till the [5] 24*th* of *October*; above a Month after the *Parliament* was riſen, and not much leſs after the Other *Convocation* was broken up.

[5] Regiſt. *Melton.* Ebor. Arch. fol. 476. Convoc. die Merc. Prox. poſt. Feſt. S. *Lucæ* Evang.

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The *Convocation* being thus Aſſembled at St. *Pauls London*, granted the King a [1] *Tenth*. This, our [2] *Hiſtorians*, who are not nice in their Diſtinctions in theſe Caſes, ſpeak of as done in *Parliament*; And with them the Author of the *Antiquitates Britannicæ*; from whoſe Expreſſions therefore on theſe Occaſions no Argument can be drawn to prove either the *Parliamentary Right* of the *Clergy*; or the *Convocations* to be a part of the *Parliament*; as [3] Dr. *A.* ſometimes very weakly endeavours to do. But where a Cauſe is in Diſtreſs, all Arts muſt be Uſed: And as the Politick [4] *Italian* once obſerved to his Friend, who charged him a little Severely for uſing now and then ſuch wretched Sophiſtical Arguments as he had done in Defence of the *Romiſh Church*; "He was to be read "by Men of All ſorts, and therefore it was Neceſſary to have *Arguments* of "All *Sizes*, that might be ſuitable to all *Capacities*.

[1] Regiſt. Montacute Wigorn. Epiſc. fol. 8. Et Regiſt. *Orleton* Epiſc. Winton. fol. xiii.
[2] Walſingham p. 134.
[3] Rights, *&c.* p. 342.
[4] Card. Bellarmine.

I add but one thing more; That the whole Buſineſs of theſe *Convocations* was for *Money*: A Truth that will all along ſtare Dr. *A.* in the Face, and ſhew either his Ignorance, or Diſingenuity, in his Intemperate Railing upon me for that, which the whole Courſe of our *Hiſtory* ſpeaks Openly, and Loudly, and Plainly, to Us.

1335. Upon the very firſt Day of the next Year, being *Sunday* in *Midlent*, *March* the 26*th*, A [5] *Great Council* was held at *Nottingham*. There a *Parliament* ſeems to have been Agreed upon; for by *Writs* dated [6] *April* the 1*ſt* following, the King Summon'd it to meet at *York* on the Morrow after the *Aſcenſion*, and by double *Parliamentary Writs*, Required the *Lower Clergy* to come to it.

[5] Dugd. Summonit. Parl. p. 179.
[6] Ibid. p. 181.
[7] Dugd. Ibid. p. 183.

Upon *Munday* next after *Midlent Sunday*, He held [7] another *Parliament* at *Weſtminſter*, *March* the 11*th*. And again by *Double Writs* called the *Clergy* to it. In the Execution of the *Provincial Parliament Writ*, the *Archbiſhop* cited the *Clergy* to appear before himſelf at [8] St. *Pauls*, to treat of the *Parliament Affairs*. This was now the Method which was [9] commonly taken: And there, I conceive, the *Lower Clergy* met, treated of the Affairs of the Parliament with their *Biſhops*; and ſo by them ſent their Reſolutions to *Weſtminſter*, without Ordinarily appearing themſelves in Perſon there. In the *Archbiſhop's Writ* of this Year, the [10] *Abbots* were inſerted; and thoſe alſo Summon'd to Parliament by Him. This Aſſembly of the *Parliament Clergy* before the *Archbiſhop* at *Pauls*, the *Mandates* call by the Name of a *Convocation*. And ſuch a *Convocation* as this, from the time that the *Clergy* were called to Parliament, as often as the *Præmunientes* was inſerted into the *Biſhop's Writ*, always was, and is, and ought to be, Summon'd with the Parliament: Becauſe indeed, this *Convocation* is no Other but the *Eſtate* of the *Clergy* in Parliament; One of the firſt, and chiefeſt *Eſtates* of it. But to Confound this Aſſembly of the Clergy, with the particular *Convocations* of each *Province*; and from an Identity of Name, infer an Indentity of *Nature*; *Rights*, *Powers*, and *Priviledges*, in utterly *diſtinct Congregations*, muſt be the Effect either of Great Ignorance, or of Errant Sophiſtry; as from the Acts of the laſt Year, in which theſe *Two Convocations* were held by *different Writs* and *Mandates*, at *different Times*, and with *different Members*, from One Another, does plainly, and demonſtratively appear. And Dr. *A.* may as well ſay that the *Biſhops* ſit in the ſame Capacity in the *Houſe of Lords*, and in the *Jeruſalem Chamber*, at this Day; as pretend that the *Clergy* Summon'd by the *Parliament*, and *Provincial* (not *Parliamentary Provincial*, which have long been out of uſe; but *Convocational-Provincial*) *Writs*, were the ſame Aſſembly, or ever had, or ought to have had, the ſame *Rights*, and *Priviledges*, and *Powers*, as ſuch.

[8] Memorand. Henr. Burgherſh. Epiſc. Linc. fol. 316. Regiſt. Eccleſ. Cant. K. fol. xxxii. &c.
[9] See the Archbiſhop's Mandate the Year before.
[10] Regiſt. Orleton Wint. Lib. I. fol. 33.

But I Return from this Remark, which yet ought to be often made, and duly Conſider'd, as being in truth the only thing that can raiſe any Difficulty in this Caſe. Two Parliaments were held this Year, and the *Clergy* called, as *Members*, to both of them. But no *Convocation* met in either Province, to pay their *Homage* to, and *Attendance*, upon them.

Sect. 47. 1336. The Clergy of the Province of *Canterbury* there agreed to give the *King* a *Tenth*: So there was no need of any farther Aſſembling of Them; and for thoſe of *York*, who, according to Dr. *A*'s Scheme, ought to have been at Work at home upon the ſame Buſineſs; we ſhall preſently ſee how the King proceeded with them.

Whether the Archbiſhop of *York* came not to this Parliament, or that his *Clergy* were not preſent in any ſuitable Numbers there; but certain it is, that tho'

tho' the Province of *Canterbury* gave the King a [1] *Tenth* there, those of the other Province did not agree to it. To make up this defect, the King issued out his [2] Writ to the Archbishop of *York* the 26*th* of the same Month, about a Week after the *Parliament* was risen, to call a *Convocation* of his *Province* before *Whitsuntide*, therein to obtain a suitable Supply of his Needs. The *Archbishop* [3] Obey'd, and order'd his *Convocation* to meet on *Munday* the 6*th* of *May*; at a sufficient Distance from the Parliament in *March* before.

[1] Rot. Claus. 10 *Edw.* III. m. 36. dors.
[2] Ibid. See the Appendix. 1336.
[3] Regist. Jo. de Kirkby Episc. Carleol. fol. 327.

But against this Dr. *A.* will except: † He tells us the *Clergy* of *Canterbury* who made this *Grant* to the *King*, were not (as I affirm) the *Parliamentary*, but *Convocation Clergy*; and from thence maintains this *Paradox*; that Our *Records* mention the *Convocation Clergy*, as of the Parliament and in it. In answer to this *Account*, shall I appeal to the Words of the King's Writ; or shall I rather desire Dr. *A.* to tell us when the Convocation to which He ascribes this, was called? By what Writ from the *King*? By what *Mandate* from the *Archbishop*? And in what *Rolls*, or *Registers* we may find some account of either? Till this can be shewn, it may suffice Us to take the King's Words as they lie in his *Summons* to the Other Province; "That the PRELATES and "CLERGY of the Province of *Canterbury* had already granted him *One Tenth* "of their *Ecclesiastical Goods*, (not in their *Convocation* at St. *Pauls London*; but) *in* PARLIAMENTO NOSTRO *apud* WESTMONASTERIUM; the only Meeting to which they had been called for a Year before; or to which they were called for *Six Months* after.

† Rights, &c. p. 60.

About *Whitsuntide* the King held a [4] *Great Council* at *Northampton*: There it was agreed to send Ambassadors into *France* to treat about Other Matters, and Particularly about their going to the *Holy Land*. The King of *France* instead of making up his differences with our King in Order thereunto, openly declar'd his Resolution to Oppose him, and to affist the *Scots* against him. To prepare against these Dangers the King called his *Parliament* to meet at [5] *Nottingham* the *Munday* after St. *Matthew*, *September* the 23*d*. And by his *Parliamentary Provincial Writ*, as well as by the *Præmunitory Clause* in the *Bishop's Writs*, Summon'd the [6] *Lower Clergy* of the Province of *York* to come to it. The *Archbishop* Executed this *Writ*, and Summon'd the *Clergy* of his *Province* to come to the Parliament at *Nottingham* at the time appointed, according to the Tenour of it.

[4] Walsingham p. 136.
[5] Dugd. Summonit. Parl. p. 185, 186.
[6] Regist. *Melton.* Arch. Ebor. fol. 544.

The same day that the King thus Commanded the *Archbishop* of *York* to call his *Clergy* to *Parliament* at *Nottingham*; another [7] Writ was issued forth to the *Archbishop* of *Canterbury*, to call a *Convocation* of his Province to meet at *Leicester*, within the Province of *Canterbury*; the *Munday* after *Michaelmas* Day, *September* the 30*th*, a Week after the *Parliament* was to meet at *Nottingham*. In this Writ he took Notice of his *Parliamentary Summons*, and Commanded the *Archbishop* to Obey both the *One*, and the *Other*.

[7] Claus. 10 E. III. m. 16. Dorso. See the Execution of it, &c. Appendix ad Ann. 1336.

These two Assemblies of the *Clergy*, Convened by such different Writs, the *Parliamentary*, and *Provincial*; to meet not only in *different Places*, but in *different Provinces*; consisting of *different Members*, the *Convocational*, and *Parliamentary Clergy*; to come together at *different Times*; Every Reasonable Person must allow to have been both in *Law*, and *Fact*, *different Conventions*, or *Convocations* of the *Clergy*. The One was evidently a part of the *Parliament*, and consisted of the *Parliament Clergy* of *Both Provinces*. The Other was only a *Provincial State-Assembly*, of the *Clergy* of the *Province* of *Canterbury*. But was this Convocation at *Leicester* called to Attend upon this *Parliament* at *Nottingham*? So it might have been thought by those who are willing to turn all things to their own *Hypothesis*. But then this unlucky *Parliament* at *Nottingham* should have sate a little longer: Whereas rising upon the [8] 27*th* of *September*, it was Dissolved Three Days before that *Convocation* met, or by Consequence had any Legal Being, in which to pay its ATTENDANCE upon it.

[8] *Prynne's* Regist. Parl. Wr. Vol. IV. p. 146.

The End of this *Convocation* was *Money*: 'Tis a Note that will come often into Dr. *A*'s Ears, in the Prosecution of our History; if it grates upon them, he must blame the King's Writs, not my *Report* of them. And accordingly a [9] *Tenth* was there given to the King, to supply his Needs, and to prevent the Danger with which both the *Nation* and *Church* were threatened.

[9] Regist. Henr. Burghersh. Episc. Linc. fol. 357.

In

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In *November* following another [1] *Parliament* was called to meet at *York* upon *Hilary* day, and the *Clergy* again were both by the *Provincial* and *Diocesan Parliament-Writs* Summon'd to come to it. But by New Writs dated [2] *December* the 10*th*, it was Prorogued to the *Octaves* of the *Purification*, and from thence to [3] *Munday* after St. *Matthias*, when it sate about Eleven days.

[1] Dugd. Summonit Parl. p. 188.
[2] Regist. Orleton, Episc. Winton, fol. xi°.
[3] Dugd. Summonit. Parl. p. 190.

Such were the great *Assemblies* of this Year, and from the Account thus truly given of them, it appears that tho' there were two *Sessions* of *Parliament*, and two *Prorogations*; yet not One *Convocation* met Concurrently with either, or in the New *Phrase* ATTENDED upon the *Lay Assembly*. But here then Dr. *A.* interposes, on the behalf of his *Concurrent*, and *Parliament-Attending Convocations*: And I must stop so long, as to consider the Mistakes, which he still goes on to fall into, as to these Matters. He is enquiring when the King's Writ to the *Archbishop* for a *Provincial Convocation* (as we properly understand that Word;) began? [4] "At what time precisely, those "Writs to the *Archbishop* for a full *Convocation* (so he calls it, because consisting of a great many more *Members* than the *Parliament Convocation* of "the same *Province* did) to be held CONCURRENTLY WITH a PARLIAMENT, "began to be practised, I have not found. The Eldest that has yet come to "my hand is of the 10*th Edward* 3*d*, when the Parliament was called to "meet at *Nottingham*, and the same day another Writ issued to the *Archbishop* "of *Canterbury* to call the Clergy of his Province to *Leicester*; seven days "afterwards. That this was not the first Instance, that of the Eighth of this King, before mentioned, shews. But in that I blame him not; he pretended to no more but to offer this, as the first he had met with; and it is not far from the first that ever was. That which I Condemn is, his calling this a CONVOCATION that met CONCURRENTLY with the PARLIAMENT, which sate neither at the *same* PLACE, nor at the *same* TIME; nor in the same Province, but met at *Leicester*, some days after the other had been held and Dissolved at *Nottingham*.

[4] *Rights*, &c. p. 256.

Sect. 48. 1337.

The next Year is full of extraordinary Proceedings, and Affords the first Instance that ever was, of a *Convocation* Assembling by the Authority of the *King's Writ*, during the *Session* of a *Parliament*. It is true, there is one great Defect in it; that the *Convocation* of the Other Province met not till after the Parliament was risen. But I will fairly Represent the matter of Fact, and shall then leave it to Dr. *A.* himself to judge whether his Cause gets, or loses by the Transactions of this Year.

[5] Dugd. Summonit. Parl. p. 192, 194.
[6] Ibid. p. 195.

Two [5] *Great Councils* the King had held towards the beginning of the Year, one at *Stamford* the morrow after *Ascension* day; the other at *Westminster* the *Munday* after St. *Margaret*, *July* the 21*st*. But these I shall not need to insist upon. Upon the 18*th* of *August* the King issued out his [6] *Writs* for the holding of a Parliament at *Westminster* the *Fryday* before *Michaelmas*, *September* the 26*th*. He was now engaged in a double War with *France*, and *Scotland*, and in order to the better carrying on of his Affairs, was ready to pass over the Sea in Person. But before that, he desired to hold his Parliament, and to make the best Provision of *Money* that he could for his extraordinary Occasions. The [7] same day He issued out other *Writs* to the *Archbishops* for the Assembling of the *Convocations* of the two Provinces. That of *Canterbury* he order'd to meet the day after *Michaelmas*; the fifth day after the *Parliament*; the other of *York*, the *Thursday* after the *Octaves* of *Michaelmas*, *October* the 9*th*.

[7] *Pryn. Regist. Parl. Writs.* Vol. I. p. 40.

That these Great Assemblies might come together with the better Disposition to Aid him in his present Urgent Necessities; He issued out other *Letters*, three days after, to the Two *Archbishops*, and to all the other *Bishops* of *England*, to call the *Clergy* of their several *Dioceses* together, on a day named by him, and to declare the Justice, and Danger of his *Cause* to them, as set forth in a *Schedule* sent to them for that Purpose. What he thus did by the *Bishop* of every *Diocesse*, with respect to the *Clergy*, he at the same time did, by Select *Commissioners* to the *Laity* of every County, and with their Commissions to this Purpose, he sent *Letters* of *Credence* to the *People*, to hearken to them, in what they should deliver on the *King*'s behalf.

[8] *Pryn. Regist.* Vol. IV. p. 157.
[9] *Walsingham*, p. 513.

The *Clergy*, and *People*, being thus prepared, seem to have met with the better Disposition to Answer the King's Expectation. The *Parliament* [8] sate but seven, or nine Days; yet in that time it granted a [9] *Tenth*, and *Fifteenth*, the

the One upon the *Burroughs*, the Other upon the Community of *England*. Upon the [1] 30*th* of *September*, the day appointed by the King, the *Convocation* of *Canterbury* met at St. *Pauls London*: Thence it Adjourned to St. *Brides* by *Fleetbridge*, and there agreed upon a (*Triennial*) [2] *Tenth* to be raised on their *Spiritualities* to the King's Use. In this they made such dispatch that they seem to have passed it the [3] second day of their Meeting; while the *Parliament* was yet sitting.

In the *Province* of *York* the *Archbishop* first *Summon'd* his own *Diocesan* [4] *Synod* to meet on the *Wednesday* next after the *Nativity* of the *Blessed Virgin*, *September* the 10*th*: [5] Then he order'd his *Convocation* to Assemble the next *Court-day* after the Feast of St. *Martin*, about the 12*th* of *November*, almost Six Weeks after the *Parliament*, which met at *Westminster*, was risen. In this *Convocation* that Clergy likewise Granted a *Three Years Tenth* to the King; and so far followed the Pattern which those of the *Other Province* had set to them. On the [6] Morrow after the *Purification* another *Parliament* was called, but I cannot find that any *Convocation* was Assembled in Either *Province* with it; and considering what they had before Granted, we may be confident that none was. So that all then that can at last be said of this Year is this; That the *King* freely Assembled the *Convocation* of *Canterbury* a few days before his first *Parliament* rose; The *Convocation* of *York*, as many after it was *Dissolved*: And with his *Next Parliament* which met in *February*, and sate Eleven Days, he Assembled neither the One, nor the Other at all. This was the matter of Fact; let Dr. *A.* [7] make the best He can of it.

[1] Regist. Montacute, Episc. Eli. fol. 38.

[2] Regist. *Hemenshall*, *Episc. Wigorn.* fol. 40.

[3] *Registrum Hamon. Episc. Roffens.* fol. 168.

[4] *Registrum Melton*, fol 547.

[5] *Regist.* Jo. de Kirkby, *Episc.* Carleol. fol. 365.

[6] *Dugd. Summonit. Parl.* p. 197. *Parliamentum in Crastino Purificationis ad*

dendum Responsum Cardinalibus qui Româ missi sunt, pro pace Reformandâ inter Reges Franciæ *&* Angliæ. *Contin. Polychron.* Mf.

[7] *Rights*, &c. p. 257.

The Year following several *Parliaments* were Called, and *Two*, if not more, were held. The first was Summon'd to *Northampton*, on [8] the *Morrow* after St. *James*, *July* the 26*th*. The *Clergy* were called as Usual, by the *Præmunitory Clause*, tho' for want of a *Provincial Summons*, but few of the *Lower Order* came to it. In this *Parliament* they agreed that the King should have the half of their *Wool* at a low Price; and tho' the [9] *Clergy* were there but in a small Number, yet the *Prelates* agreeing to the same for them, the *King* Exacted it of them.

Sect. 49. 1338.

[8] *Dugd. Summonit. Parl.* p. 200.

[9] *Hoc Anno in quodam Concilio sive Parliamento tento a*

pud Northamptonam—— *concessa fuit Lana Domino Regi per Eos qui fuerunt præsentes ad Gravissimum Onus Populi. Sed quia* Clerus Regni *ad illud concilium Vocatus non fuerat, Ordinatum est quod Vocaretur. Unde facta Convocatione* Londoniæ *ad Idiem mensis* Octobris,— *Clerus Concessit Regi* Angliæ *unam* Xm, *ultra duas* Xmas *prius promissas, Et quod* Xa *anni tunc præsentis solveretur terminis brevioribus quàm prius Ordinatum fuerat. Solutionem vero lanarum Expresse Negarunt*—— Polychron. Mf.

To convince Us that there was no *Convocation* Attending upon this *Parliament*, the King about Two or Three days after it was risen, issued out his [10] *Writs* at *Northampton* for the *Convocations* to meet, that of *Canterbury*, *October* the 1*st*; that of *York*, the *morrow* after St. *Matthew*, about ten days before it. The *Archbishop* of *Canterbury* obey'd as to the day, but not as to the *Place*; he called them by his Vicar General the Bishop of *Chichester*, himself being Abroad, to [11] St. *Bride*'s Church *London*; * and there they Agreed to shorten the Terms of paying in their *Tenths*, for the King's Use, and to give another *Tenth* besides the Three which they had Granted the Year before; but expresly refused to the Payment of their *Wools* which the *Laity* had obliged themselves to.

[10] *Rot. Claus.* 12 Edw. III. p. 2. m. 17. *dorso.*

[11] *Regist. Henr. Burghersh Linc. Episc.* fol. 332. b. [but 'tis false paged.]

* See above, 9.

The *Archbishop* of *York* [12] enlarged the time which the King had appointed for his *Convocation*; and held it (whether by Chance, or Concert with the other Province, I cannot tell) on the very same day that ours met.

[12] *Regist.* Jo. de Kirkby, *Episc. Carleol.* fol. 376.

Not long after these *Convocations* another [13] *Parliament* was called in the *Quindene* of *Michaelmas*. Whether it sate at all, or what it did, I am not able to say. But within a Month after a Third was Summon'd to meet the Morrow after *Hilary*; and from thence (I conceive) was *Prorogued* to the Morrow after the *Purification*; when it met, and sate about a fortnight, as the [14] Writs for *Expences* shew.

[13] *Dugd. Summonit. Parl.* p. 202, 204.

[14] *Pryn. Regist.* Vol. IV. p. 170.

To every one of these *Parliaments* the *Clergy* were called; to the *Second*, by the *Provincial*, as well as the *Diocesan Writs*. But tho' there were so many *Parliaments* this Year, yet was there but one *Convocation* held in either *Province*, and

K. EDWARD *the* IIId. and that not in *Attendance* upon any of them, but in the *Interval* between the *First*, and *Second*; Called after the former was riſen, and riſing before the latter met.

Sect. 50. 1339. While the laſt of theſe *Parliaments* was ſitting, the King iſſued out his [1] *Writs* for the holding of a *Convocation* in the *Province* of *York*; which therefore muſt have met, either at the End of this, or at the very beginning of the Year following. It recites how that the *Convocation* of *York* being called to meet ſome time before, together with that of *Canterbury*, had refuſed to grant any thing to the King, tho' the *Other Province* had both given a *New Tenth*, and ſhortned the time of Payment of the *Second Year* of the *Triennial Diſme* granted before by them; and that this was made known to them. The *Clergy* of *York*, had not yet, it ſeems, learnt, or were not yet ſo well Verſed as they ſhould have been, in Dr. *A*'s Rule, of their *Obligation* to follow whatſoever thoſe of this *Province* thought fit to do before them.

But the *King's Writ* goes on, and Summons them thereupon to meet a Second time, by themſelves, without any *Convocation* on our ſide to keep pace with them; and this not to *Attend* upon any *Parliament*, or to preſent any *Grievances*, or to do any other of thoſe fine things which Dr. *A.* talks of: No, but plainly to conſider of the *Neceſſities* of the *Realm*, and of what the *Clergy* of our *Province* had done, and to make at leaſt as Liberal, if not a more large Grant out of their *Eccleſiaſtical Goods*, than the *Clergy* of *Canterbury* had done out of theirs. This the King's Writ declares, and from thence, with Dr. *A*'s leave, I would infer, that the Deſign of King *Edward* the IIId, in calling of this *Convocation*, was neither better nor worſe, than what I had before truly, and as I hoped inoffenſively ſaid, to get Money of the *Clergy*.

[1] *Rot. Clauſ.* 13 Edw. III. p. 1. m. 35. d. Appendix.

[2] *Regiſtrum Braunsford,* [3] *Wigorn Epiſc.* fol. 181. On the [2] *Quindene* of *Michaelmas* following another *Parliament* was called to meet at *Weſtminſter*. It ſate Seventeen Days, and much Buſineſs was done by it. Among other things taken Notice of in the *Rolls* of it; this was one, [3] "that *Letters* ſhould be made out under the Seal of the *Archbiſhop* of *Canterbury*, and the *Other Prelates*, *Earls*, and *Barons*, in that *Parliament*, to the "*Archbiſhop* of *York*, and the *Clergy* of his *Province*, to *Excite* them to make "a *Convenient Aid* for the Guard of the *Marches* of *Scotland*, and to inform "them how that the *Clergy* of the *Province* of *Canterbury*, had made *Convenient Aid* for the Cauſe aforeſaid.

[3] *Rot. Parl.* 13 *Edw.* III. *num.* xvi.

[4] *Ibid. Num.* xxiv. xxv. In order hereunto it was [4] farther agreed in the ſame *Parliament*, that *Writs* ſhould be iſſued out for the Two *Convocations* to meet, the One at St. *Pauls London*, fifteen Days after *Hilary*, the Other at *York* a Week after. A *Parliament* was alſo agreed to be Summon'd on the *Octaves* of *Hilary*; ſo that the Aſſembling of theſe Meetings was ſetled in an Extraordinary manner, by Order of *Parliament*; which I conceive ſufficiently ſhews that the *Convocations* were not then wont to meet of Courſe with, or, as it is now Phraſed, to ATTEND upon, the *Parliament*.

[5] *Dugd. Summ. Par.* p. 206. [6] *Rot. Claus.* 13. *Edw.* III. *Par.* 3. m. 20. *dors.* This matter being thus ſetled, the King accordingly, *November* the 16*th*, ſent out his [5] *Writs* for the Meeting of the *Parliament*, on the *Octaves* of *Hilary*. And on the 28*th* of the ſame Month two [6] other *Writs* for the Meeting of the *Convocations*: Of that of our *Province*, *January* the 27*th*; of that of *York*, *February* the 2*d* following. The [7] *Convocation* of our *Province* met at the time which the King required. That of *York* (if I miſtake not in my Application of an [8] *Inſtrument* of *Proxy*, without a *Date*) came not together till the *Octaves* of the *Purification*: They both met during the Seſſion of *Parliament*; the *Convocation* of our Province granted the King a [9] *Tenth*, *February* the 17*th*, upon Condition, ſays [10] *Walſingham*, that the Clergy ſhould not be burthened with any other Contribution, at that time: That of *York*, a [11] Two Years *Tenth*, as by the Orders for the Collection of it, appears. It ſeems that *Province* did not always follow, but did ſometimes come ſhort of, ſometimes exceed (as this Year) what that of *Canterbury* did.

[7] *Regiſt. Henr. Burgherſh. Lincoln. Epiſc.* fol. 367. b. [8] *Regiſt.* Jo. de Kirkby, *Epiſc. Carleol.* fol. 408. [9] *Regiſt. Wulſtani* (*Braunsford*) fol. 153. [10] *Regiſt. Henr. Lexington. Epiſc. Lincoln.* fol. 212. [11] *Regiſt. Dee. & Capit. Ebor. ſede Vacant.* fol. 47.

Thus paſſed this Year: Two *Parliaments* ſate in it; with the *Former*, no *Convocation* at all met; with the *Latter*, it was *held*, by the Expreſs *Agreement* of the King, and at the Deſire of the *Lords*, and *Commons* in *Parliament*; not as an Aſſembly that was either *Obliged*, or Accuſtomed, to be held a-Courſe, whenever the *Parliament* ſate. [12] Dr. *A.* therefore when he took Notice of this

[12] *Rights*, &c. p. 33.

Inſtance

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Inſtance to prove the *Convocation* to be a *Meeting Co-incident* with the *Parliament*, put a manifeſt Fallacy upon his *Reader*; and from what was done, after an *Extraordinary Manner*, at One time, infer'd a *Cuſtomary Practiſe*, not to ſay a *Legal Right*, for what was to be conſtantly done at *All times*. He might more juſtly have drawn another *Concluſion* from the ſame Inſtance, had he been ſo minded, to prove the *Parliament* to have been an *Attendant* upon the *Convocation*, it being firſt Agreed to hold a *Convocation*, *Rot. Parl. N.* 24. and then Order'd (after that was reſolved) to call the Parliament, *N.* 25. But the truth is, the whole Reſolution was Extraordinary: And the Agreement made at the Requeſt of the *Commons*, and by the Advice, and Conſent of the *Lords*, to hold theſe *Two Meetings*, at that time, together, does the more evidently prove that at Other times they were not wont to be ſo held; as indeed when that very *Parliament* ſate which did order this, no *Convocation*, in either *Province*, was ſitting with it.

Sect. 51.

The laſt Parliament was ſcarcely riſen before [1] another was Summon'd, by *Writs* dated *Frbruary* the 21*ſt*, to meet the *Wedneſday* after *Midlent-Sunday*; that is, if I compute aright, *March* the 29*th*. This Parliament ſate the longeſt that ever any Parliament hitherto did, till almoſt the middle of *May*. About the End of which a [2] *Second* was called, to meet *July* the 12*th*. To both theſe the *Clergy* were Summon'd; to the *former* by the *Provincial Parliamentary*, as well as by the *Dioceſan Parliamentary Writs*: To the *latter*, by the *Biſhop's Præmunientes*, if not by the Other alſo. Yet with neither of theſe Parliaments did any *Convocation* ſit in either Province; ſo that the *Attendance* which we met with One Inſtance of, the laſt Year, was totally laid aſide, and forgotten in this.

1340.

[1] Dugd. Summonit. Parl. p. 208, 209.

[2] Ibid. p. 211.

Indeed in the Province of *York*, a [3] *Convocation* was held towards the End of the Year. The *Archbiſhop* being dead, and the *Dean* out of the Province; the *Chapter* of *York* Summon'd the *Clergy* of that Province to meet at *York*, *December* the 11*th*. They met accordingly, but what they did, or for what they were called, I am not able to ſay.

[3] Regiſt. Dec. & Capit. Sed. Vac. fol. 79.

Beſides theſe *Aſſemblies* of the *Church* and *State*, a Third there was, which met *October* the 2*d*: But that being only a *Great Council*; I ſhall not inſiſt upon it. It is enough that this Year again the Parliaments and Convocations ſate at ſuch a *Diſtance* from One Another, as utterly deſtroys Dr. *A*'s Hypotheſis, of their mutual COINCIDENCE, and ATTENDANCE of one upon the other.

The next Year we meet with a very buiſy [4] Parliament: It began *April* the 23*d*, and ſate till [5] *Whitſon-Eve*, *May* the 26*th*. Many Ordinances were made in it, and ſome ſuch as the *King* was not afterwards very well pleaſed withal. Yet in all this Year no CONVOCATION that I can find in either Province met with, much leſs ATTENDED upon this *Long*, and *Active Parliament*, as the Modern ſtile is.

1341.

[4] Dugd. Summonit. p. 214.

[5] Rot. Parl. 15 E. III. n. 43.

And yet [6] Dr. *A.* produces this very Parliament, to prove that the *Convocation-Clergy* are ſpoken of, *as* OF *the* PARLIAMENT, *and* ACTING IN IT. "In "the 15*th* of *Edward* the III*d* (ſays [7] he) *N.* 19. tho' *Archbiſhops*, and *Biſhops* "only are Named, yet in the Note of the *King's Anſwer*, *N.* 26. they are "called generally, PETITIONS *of the Clergy*. This well deſerves our Notice, "becauſe it gives us a true Account how the Parliament *Prelates* came to "Act in Parliament for the whole *State Spiritual*. For that being at hand "always was Conſulted, and Adviſed with, in every thing that related to "them, and the Reſult of thoſe Debates was, by the *Lords Spiritual*, laid be"fore the Parliament. I agree with Dr. *A.* The *Clergy* in thoſe Times were at hand, whenever the *Parliament* met. The Biſhops and Prelates Adviſed with them, and then deliver'd the Senſe and Votes of their *Clergy*, as well as their *Own*, in Parliament.

[6] Rights, &c. p. 332, 339.

[7] Ibid. p. 340.

But who were the *Clergy* that made up this *State Spiritual*, and were always thus *at hand* upon theſe Occaſions? Not the *Convocation* of *Canterbury* (as we now underſtand the Word *Convocation*;) for that was but a PART, of the STATE SPIRITUAL, and Commiſſion'd only for ONE PROVINCE. The *Convocation* of *York*, was not uſually ſo near at hand to be Adviſed with on every turn by the *Prelates*, of what was doing in *Parliament*. This *Clergy* then was the *Clergy* Summon'd by the *Parliament Writs*; the *National Body* of the *Church-Repreſenta-*

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Repreſentative called by the *King*, together with their *Biſhops*, to *Parliament*. This *Clergy* were duly Summon'd; and hitherto were wont to [1] come pretty duly too upon their Summons. They were a proper *Part*, and *State* of the *Parliament*: With theſe the *Biſhops* Adviſed; Their *Senſe* they deliver'd: In their *Name*, as well as in their Own, the *Biſhops Acted*. But this *Parliamentary Convocation*, as I have ſufficiently ſhewn, was very different from *One*, nay from *Both* the *Provincial-Convocations*: And was often *Called*, and *Met* too, when the Other were both *Called*, and *Met*, and *Acted* diſtinctly, at the ſame time.

[1] During the Seſſion of this very Parliament, the Abbot of St. *Auſtin's Briſtol*, ſued for an Exemption from coming to Parliament. The King granted it to Him; but with this Condition, which ſhews that the Proctors of the Clergy, called by the *Præmunientes*, as yet came pretty duly to theſe Councils; *Ita tamen quod Ipſi* (this Abbot and his Succeſſors) *Procurator. ad hujuſmodi Parliamenta & Concilia Mittend. per Clerum, Conſentiant; & ut moris eſt, pro Expenſis Contribuant Eorundem.* Pat. 15 Edw. III. Part. 1. m. 13.

To omit Other Inſtances already obſerved: In 1339, this *Parliamentary Convocation* (the *National Clergy* of *both Provinces*) met at *Weſtminſter*, *January* the 20*th*: The *Convocation* of the *Province* of *Canterbury*, not till a *Week* after at St. *Pauls*, *January* the 27*th*; the *Convocation* of *York*, yet later, *February* the 9*th*, and at a greater Diſtance, at St. *Peters York*. The *Clergy* ſate diſtinctly in All theſe, nay and *Acted* ſo too: They granted a *Ninth* to the King in the *Parliament* at *Weſtminſter*, and a *Tenth* at the ſame time in the *Convocations* at *London*, and *York*.

If therefore by the *Convocation* (in the Equivocation of which Word all Dr. *A*'s Refuge lies) he means the *National Parliamentary-Convention* of the *Clergy* of the *whole Realm*, I know no body that denies but that they conſtantly then were, as ſtill they are, *Summon'd* to every *Parliament*, and made a *Part* of it. They were called by the *Biſhops Writs*, and ſometimes by the *Archbiſhops* too, to every ſuch great *Aſſembly*; and as yet they came, (tho' not in a very full body) to it, and acted, after the manner that, I think, he truly ſays in it. But if by the *Convocation*, he means the *Provincial Aſſemblies* of the *Clergy*, uſually called by that Name, and conſiſting not only of the *Parliamentary*, but of many Others of the *Regular* and *Collegiate Clergy* not Summon'd to *Parliament*, I deny that either any ſuch *Convocation* met in either *Province* with this *Parliament*, or was at all *Conſulted* with, or *Acted* for, by the *Prelates* in it.

[2] Rights, &c. p. 65.

[3] See the Appendix ad Ann. 1341. Sect. 52

The 19*th* of *October* being the Morrow after St. *Luke*, the *Archbiſhop* of *Canterbury* held his *Provincial Council*. This [2] Dr. *A.* himſelf allows to have been a proper *Eccleſiaſtical-Synod*; and ſhould have told us in Conſequence thereof, that the *Lower Clergy* were only [3] INVITED to it, not SUMMON'D, as *Neceſſary* and *Proper* Members of it.

1342.

[4] Dugd. Summonit. Parl. p. 216.

[5] Ibid. p. 217, 219.

I ſay nothing of the [4] *Great Council* held this Year, *July* the 11*th*, nor of that Summon'd to meet the Morrow after the [5] *Cloſe* of *Eaſter*, the next Year, and from thence adjourned to the *Munday* after St. *Mark*, with which I have no preſent Concern. The Aſſembly called to meet the *Wedneſday* next after the Feaſt of St. *Edward* the Confeſſor, *October* the 16*th*, tho' ſtiled only a *Great Council*, has yet all the Formality of a *Parliament*, and moſt of the *Parliament-Members* were Summon'd to it. But yet in the End of the *Roll* of that of the foregoing Year, it is Expreſly noted, that none was held in the 16*th* of this King. This Meeting was Summon'd by [6] *Writs* dated *September* the 12*th*, and the *Clergy* were called as uſually by the *Præmunitory Clauſe* to it.

[6] Dugd. Ibid. p. 220.

[7] Rot. Clauſ. 16. *Edw.* III. p. 2. m. 34. dorſo.

[8] Rot. Clauſ. 16 *Edw.* III. p. 2. m. 14. dorſo.

About a Month before theſe Summons were iſſued out for this *Council* or *Parliament*, the King had order'd the [7] *Archbiſhop* of *Canterbury* to Summon his *Convocation* to meet at St. *Pauls London*, ſix Days after *Michaelmas*. By Other [8] *Writs* dated *September* the 30*th*, he gave the like Command to the *Archbiſhop* of *York* to call his Clergy to *Pomfret*, the *Munday* next after St. *Andrew*, *December* the 2*d*; but by a *Second Order*, [9] ten days after, changed both the *Place* and *Time*, to the *Morrow* after the *Conception* of the *Bleſſed Virgin*, *December* the 9*th*, at *York*.

[9] Ibid. Teſte Cuſtod. Angl. apud Kenyngton X° die Octobris.

[10] Lib. Memorand. Tho. Beck. Epiſc. Linc. fol. 2. Regiſt. Magn. Wigorn. fol. 179, &c.

The *Archbiſhop* of *Canterbury* having Received this Command, called his *Clergy* accordingly, to meet at *London* the third day after [10] St. *Faith*, *October* the 9*th*, and ſo brought it ſtill nearer to the time that this *Council* was to meet. Here therefore Dr. *A.* may fancy he has again found ſomewhat very like a *Parliament* with an *Attending Convocation*: I ſhall not Diſpute that matter with him; 'tis enough that whatever the *Convocation* of this *Province* were, that of *York* paid

paid no ſuch Homage to this *State-Council*, but met in *December*; long after that Aſſembly was probably *Diſſolved*. Indeed there was about that time another [1] *Select Council*, the Morrow after St. *Lucie December* the 14*th*. Dr. *A.* if he pleaſes, ſhall Compound the Matter; and the *Convocation* of *Canterbury* ſhall be this Year Attending upon *One*, that of *York* upon the *Other*; always remembring, that both the *Convocation* of *Canterbury*, and that of *York*, were *Diſſolved*, before either of the *State Councils* were begun.

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[1] *Dugd. Summ. Parl.* 220.

Our *Archbiſhop* being thus Obliged to call his *Clergy* together upon a double Account for the *State-Convocation*, and the *Parliamentary-Council*, reſolved about the ſame time to hold an *Eccleſiaſtical-Council* too. He iſſued out his *Mandates* for both, the [3] ſame day; for the One by Virtue of the *King's Writ*, for the Other by Authority of his *Own Metropolitical Power*. Theſe *Mandates* were not only *diſtinct Orders*, but of a *different Kind* too. In the One, the *Lower Clergy* were *Neceſſarily Required* to appear before the *Archbiſhop* in *Convocation*: In the other they were only *Premoniſhed* as they had been the Year before. If They Would, If They Thought It For Their Advantage, If They Had Any Business There, they might come; or if they thought Good, they might tarry away.

[2] *October* the 14*th*.

[3] X *Kal. Dec. Memorand. Tho. Beck Epiſc. Linc.* fol. 1.

In this *Council*, ſeveral *Church-Canons* and *Conſtitutions* were made; but the *Archbiſhop* had yet more of this kind to do; and therefore towards the End of the Year, he held another *Provincial Council*, in *Præſentia Comprovincialium Epiſcoporum*, ſays the *Cotton* MS. *viz. March* the 20*th*, and therein Publiſh'd thoſe other *Conſtitutions* which we find in the [4] *Second Volume* of our *Engliſh Councils*.

[4] *Spelm. Concil.* Vol. II. p. 581.

The next Year following the [5] *Parliament* met on *Munday* fortnight after *Eaſter*, *April* the 28*th*. It ſate about three Weeks, and much Buſineſs was done by it; eſpecially with Relation to *Proviſions*, from the *Court* of *Rome*. If any *Convocation* of either Province met about this time, I have not had the fortune to light upon it; and I muſt beg leave to think, till I ſhall be better informed, that none was held this whole Year.

Sect. 53. 1343.

[5] *Dugd. Summ. Parl.* p. 222.

I ſay nothing of the *Great Council* held in [6] *September*, the ſame Year. On the *Quindene* of *Eaſter*, *Anno* 1344. at Another the like Council [7] it was agreed, "That for ſeveral Great Affairs touching the Government and Safety "of the *Realm* of *England*, which could not be determin'd without a *Parliament*, "as it was then ſaid, a *Parliament* ſhould be Summon'd, and that the *Archbi-* "*ſhop* of *Canterbury* ſhould hold a Convocation of the *Prelates* and *Others* of "the Clergy of his Province at St. *Pauls London*, the *Morrow* after *Trinity*, "to Treat, Say, and Ordain what ſhould ſeem beſt to be done for the Exe-"cution of the ſaid Affairs.

1344.

[6] *Apud Weſtm. die Mercur. prox. poſt Feſtum Nativit. B. M. V. Memorand. Tho. Beck. Epiſc. Linc.* fol. 41.

[7] *Rot. Parl.* 18 *Edw.* III. *num.* 1. Vid. Append. ad Ann. 1344.

In purſuance of this Reſolution the King firſt, by his [8] Writs dated *April* the 20*th*, Summon'd the Parliament to meet at *Weſtminſter* on the *Octaves* of *Trinity*, *June* the 7*th*; and by a *Second* [9] *Writ* to the *Archbiſhop* of *Canterbury*, dated two days after, commanded him to cauſe his *Convocation* to Aſſemble at *London*, on *Munday* the Morrow after *Trinity*, *May* the 31*ſt*. The *Writ* runs in the Common Form; That the King was deſirous to have the *Council*, and *Aid* of his *Clergy*, and therefore required them to be ready at the day appointed to *Treat* with ſuch as ſhould be Deputed by him, if himſelf were not Perſonally preſent there; *veſtrumque Conſilium & Auxilium impenſuri*, as the Words of the *Writ* are, the meaning of which we now very well underſtand.

[8] *Apud Dugd. Summ. Parl.* p. 224, 225.

[9] *Rot. Clauſ.* 18. *Edw.* III. *Par.* 1. *m* 14. *Dorſo.*

Having thus Summon'd both the *Parliament* and *Convocation* of the *One Province*, he laſtly iſſued out a [10] *Third Writ* above three Weeks after, to the *Archbiſhop* of *York* to call the *Convocation* of the Other to meet the *Wedneſday* after the Feaſt of St. *Barnabas*, *June* the 16*th*, in the ſame *Form*, and for the ſame *Ends* that he had called that of *Canterbury*, before.

[10] *Rot. Clauſ. Ibid.*

The Clergy being thus Summon'd by theſe ſeveral *Writs* to *Parliament* and *Convocation*, [11] met accordingly in both. And firſt, Thoſe of our *Province* agreed to grant a [12] *Three Years Tenth* to the King; the *Clergy* of *York* agreed to the like *Subſidy*, and differed only in the times of Paying of it.

[11] *Jura Cleri.* p. 62.

[12] *Regiſtrum Wulſtan. Epiſc. Wigorn.* fol. 170.

This *Tenth* thus agreed upon in *Convocation*, was declared by the *Prelates* and *Proctors* of the *Clergy* in *Parliament*; [13] and in Conſideration thereof, the King, at their Deſire, Confirm'd ſeveral of their *Petitions* of Right to them, and cauſed his *Charter* of *Confirmation* to be drawn at their Requeſt thereupon.

[13] *Jura Cleri loc. Cit.*

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It was neceſſary to Obſerve this Procedure, to clear a little Difficulty which [1] Dr. *A.* had raiſed, for want of diſtinguiſhing aright in this Caſe. He obſerves *p.* 342, that the *Author* of the *Ant. Brit.* ſpeaks of the *Clergy* granting in *Convocation*, as if they *Granted* in *Parliament*; *Rex Parliamentum tenuit*; *In Eo Clerus Ei conceſſit Decimas Triennales.* He ſpake truly in what he ſaid: [2] For the *Clergy* having agreed to this Subſidy in *Convocation*, declared it by the *Prelates*, and their *Proctors*, in Parliament: As in our *Latter Times*, the *Subſidies* of the Clergy were doubly Paſſed, both in *Convocation*, and *Parliament*; and yet the *Provincial Meetings* of the Clergy, at *Pauls*, and *York*, were never the more a proper *Part*, or *Member*, of the Parliament which ſate at *Weſtminſter*. They *Sate*, they *Acted* diſtinctly then, as they did in our Own Times; only meeting at the ſame time, the Conceſſion made in the One, was Reported, and Declar'd in the *Other*, now; as after the 25*th* of King *Henry* the VIII*th*, what was granted in Convocation, was commonly *Brought* to, and *Confirmed* by *Authority* of *Parliament*.

[1] *Rights*, &c. p. 342.
[2] *Rot. Parl.* 18 *Edw.* III. *num.* 23, 24.

Another Notion Dr. *A.* has ſtarted, and would confirm from the *Rolls* of this Parliament; that the *Clergy* ſometimes ſpoken of in thoſe *Rolls*, were not the *Parliamentary Clergy*, coming by the *Præmunientes Summons* thither, and conſtituting the *Eſtate* of the Clergy there; but the *Convocation-Clergy*, [3] who acted with the *Lords*, and *Commons*, as the *Spiritual Community* of the *Realm*. To prove the Falſity of this in the preſent Inſtance (ſo often already ſhewn in ſeveral other of his *Allegations* to the ſame purpoſe) I ſhall need only to obſerve that the Clergy which the *Roll* ſpeaks of, were the Clergy of the *Realm*; *La Clergie de ſon Roialme*, Rot. n. 23. The Clergy of both *Provinces*, Num. 24. But now the *Lower Houſe* of Convocation of the *Province* of *Canterbury*, could in no Wiſe be called the Clergy of the *Realm* in Parliament. As for the Convocation of *York* that met within its own *Province*, at 150 Miles Diſtance from the Place of this Parliament. The Lower Houſe of that Convocation therefore could not appear here, or joyn with the Convocation of *Canterbury* in theſe Requeſts. But the Truth of the Caſe was this: The Clergy in their ſeveral Convocations had granted the King a *Three years Tenth*. The *Biſhops* and *Prelates* made Report of it in *Parliament*. Then in the Name of the *Clergy* of the *Realm*, as well as their *Own*, they prefer'd the Petitions entred upon the Parliament-Roll: Which being Granted by the King, they deſired for their farther Security to have this *Grant* paſs'd under the *Great Seal*, and the *Aid* taken Notice of, which they had agreed to, in Conſideration of it. In the Recital of this *Grant*, (made in the Two Convocations) the *Procurators* of the Clergy are mention'd; in all the Reſt, only the Prelates, or the Clergy, at large, without coming to Particulars. Theſe *Procurators* therefore are not Repreſented in this Roll, as doing any thing in Parliament, but are only taken notice of for what they had done, not there, but in their ſeveral Convocations before. This I take to be the Truth of this Matter; and for this I appeal to the *Roll* its ſelf; let Dr. *A.* ſhew the contrary from it, if he can.

[3] *Rights*, &c. p. 58, 60.

But [4] he has a farther Uſe yet to make of this Procedure, *viz.* to prove the Dependance, and that not only in *Spirituals*, but *Temporals* too, of the *Province* of *York*, upon that of *Canterbury*. It was for this Reaſon, he tells us, "the "Convocation of *Canterbury* was firſt held, in order to ſet the Preſident, which "it was Expected the Other Province ſhould almoſt implicitely follow. I ſhall not ſtop to Examine the [5] Falſeneſs of this Remark, and do right to that Injured Province, which had the ſame Freedom both in its Conciliary and Convocational *Acts*, as Ours had, and knew as well, when it was fitting, how to inſiſt upon them. I ſhall reſerve this Point to a Particular Debate, and thereat Once put together all the Scatter'd Obſervations which this *Author* has been able to Muſter up in Prejudice to their Liberties. At preſent I ſhall only take Notice of One from the *Rolls* of *Parliament* the 13*th* of this King, in which, he ſays, it occurs, "That the *Archbiſhop* of *Canterbury* and other *Nobles* (the "King's Commiſſioners in his Abſence) ſhould Require the *Archbiſhop* of *York* "to Contribute for the Defence of the *North*, as they (*i. e.* I ſuppoſe as the "*Archbiſhop* of *Canterbury* and his Clergy) had done.

[4] *Rights. Ibid.* p. 46, 47.

[5] See before in the Grants of 1337, 1339. &c.

What a ſtrange Story has this *Author* made of a plain Matter of Fact, nothing to the Purpoſe? The Caſe, as it ſtands upon the *Rolls*, is this: The King had the Year before got a *Subſidy* of the Clergy of *Canterbury*, but thoſe of *York* had, it ſeems, refuſed to Grant any *Aid* to him.

For

For this they were called together a *ſecond time* in Convocation, as I have before obſerved: What they did then, I am not able to ſay. The *Parliament* ſitting fifteen days after *Michaelmas*, the *Archbiſhop* of *York*, and his Clergy, ſeem to have been ſtopped from coming to it, by the troubles in the *North*; and therefore "it was accorded, and aſſented unto in the ſaid *Parliament* by all "the PEERS and COMMONS there Aſſembled (I recite the Words of the [1] *Roll*) "that *Letters* be made under the Seals of the *Archbiſhop* of *Canterbury*, and of "the Other *Prelates*, *Earls*, and *Barons*, being in this *Parliament* at *Weſtmin-* "*ſter*, and ſent to the *Archbiſhop* of *York*, and to the Clergy of his *Province*, to "EXCITE them to make a Convenient *Aid* for the Guard of the Marches of "*Scotland*, and for the King's other Buſineſs mentioned in thoſe Letters— and "how the Clergy of the *Province* of *Canterbury* had made Convenient *Aid* for "the Cauſe aforeſaid.

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[1] *Rot. Parl.* 13 *Edw.* III. *num.* 16.

This is the Matter of Fact, and it ſhews Us theſe Three Miſtakes at leaſt in Dr. *A*'s Report of it. 1*ſt*, That this *Letter* was written not by the *King's Commiſſioners*, in his Abſence, but by *All* the *Prelates*, *Earls*, and *Barons*, in *Parliament Aſſembled*; with the Aſſent of the *Commons*. 2*dly*, That here was no REQUIRING at all in this Caſe, tho' One would have thought a whole *Parliament* concurring, might without Offence have done as much as that would have amounted to. But they contented themſelves with a ſofter Expreſſion, and more Agreeable to the Liberty of the Subject; *De Les* EXCITER, To EXCITE them to ſuch an *Aid*, was all that the *Baronage* pretended to; and to *Repreſent* to them *quil lour* COVIENDRA, that it would BECOME them to Grant it: A form of Reſpect, not of Subjection; and that from the *Parliament* of *England*, not from the *Convocation* of the *Province* of *Canterbury*. 3*dly*, That the mention of what the *Province* of *Canterbury* had done, was deſigned not to Conclude, but to Animate and Encourage them to a like *Grant*: That if they of *Canterbury* who were remote from the Danger, had yet Contributed to the Removal of it, much more would it befit thoſe of *York*, who were next to it, to follow their Example, and to give an *Aid* for their Own Defence.

And now what could have been Alledged more contrary to his Aſſertion, than this piece of *Hiſtory*, when fairly, and fully Repreſented? The Clergy of *Canterbury* had Granted an *Aid* to the King: The whole *Parliament* deſired that thoſe of *York* ſhould do likewiſe. On Dr. *A*'s Principles their Letter muſt have run after this Manner, to acquaint them with what thoſe of this *Province* had done, and to put them in mind of their *Obligation*, to follow their *Example*; and, in ſhort, to *Will* and *Require* them ſo to do. But here all is quite Otherwiſe: The whole *Baronage* write, the *Commons* deſire; yet all Ends in an *Excitement* to *Give*; in a Repreſentation of the Reaſon they had to expect this from them. But ſtill they left it to them, and pretended not either by the Example of the *Other Province*, or their *Own Authority*, to impoſe any thing upon them.

But I muſt not inſiſt on a Point here, which I ſhall probably take Occaſion particularly to handle hereafter. The Sum of this Year is this, that here were two different *Aſſemblies* of the Clergy called to *Parliament*, and to *Convocation*. Theſe were Summon'd at *different Times*, to *different Places*, and by *different Writs*. The Clergy themſelves diſtinctly *Met*, and *Acted* in both of them. In this only Dr. *A*. is in the Right, that they were All, in ſome Meaſure, *Contemporary* with One Another: The King who in Other Years had freely Called the *Parliament*, and *Convocation*, at *different Times*, having now thought fit, by the Advice of his Council, to Aſſemble them, as freely, at the *ſame Time*, this Year.

Sect. 54.
1345.
1346.

The next Year following, there are no Summons of *Parliament* upon *Record*; but in an Antient [2] *Regiſter* of the *See* of *Worceſter*, there is a *Writ* Enter'd, by which a *Parliament* is ſaid to have been Called to meet at *Weſtminſter*, the Morrow after the *Purification*. This *Writ* is dated by the *King* at *Rockingham* Caſtle, *November* the 26*th*. *Regni* 19°. It Summons only the *Baronage*, but takes no Notice of the *Lower-Clergy*, or Commons. The ſame Year there was a [3] Council of the *Biſhops* of the *Province* of *Canterbury*, Summon'd to meet at St. *Pauls London*, about the 4*th* of *May*: It conſiſted only of the *Provincial Biſhops*; Dr. *A*'s *Inferiour Prelates* and *Clergy* being again omitted. The ſame Year, 1346, a *Parliament* was held on *Munday* after the *Nativity* of the *Bleſſed Virgin*, *Sept*. the 11*th*. To this the *Archbiſhop* of *York*, being not in a Condition to come in Perſon, by reaſon of

[2] *Regiſtrum* Wulſton (Braunsford) fol. 174. Appendix ad Ann. 1345.

[3] Ibid. fol. 95. *Prox. die Jurid. poſt*, *Feſtum Invent. S. Crucis*. Appendix. Ibid.

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of the Troubles in the *North*; he was required by the King to ſend a ſufficient *Proxy* to Act in his ſtead, and that in the very *Writ* of *Summons*: Which, being a rare Example, I have inſerted a Copy of it, (Omitted by Sir *William Dugdale*) into the *Appendix*. The [1] *Archbiſhop* Obey'd; and by his *Procuratorial Letters*, dated the laſt of *Auguſt*, deputed his *Proxies* accordingly.

[1] *Regiſtr.* Zouch. *Arch. Ebor.* fol. 257.

In this *Parliament*, among other things Reſolved, One was this, [2] That the *Religious* ſhould be taxed among the *Laity* in *Parliament*, for ſuch Lands for which they had not been wont to pay *Tenths*, before the 20*th* of *Edward* the Iſt, and for the reſt ſhould be Charged with the *Clergy*, as they had been accuſtomed before to be.

[2] *Rot. Parl.* 20 *Edw.* III. *num.* 44.

About [3] three days before this *Parliament* Aſſembled, the King by his *Writ* Order'd the *Archbiſhops* to Summon their Convocations; that of *Canterbury* the *Munday* after the *Tranſlation* of St. *Edward*, *October* the 16*th*: That of *York* the *Munday* after St. *Lucie*, *December* the 18*th*. The [4] *Archbiſhop* of *Canterbury* called his Clergy accordingly: But in *York* a delay happen'd; for by a new [5] *Writ* dated *November* the 6*th*, that Circumſtance was Omitted, and the *Archbiſhop* left at Liberty to take his Own Time. He Summon'd them to meet upon the *Munday* next after the Converſion of St. *Paul*, *January* the 29*th*, as by this *Mandate*, dated *December* the 9*th*, does appear.

[3] *Rot. Clauſ.* 20 *Edw.* III. *m.* 18. *dorſo Teſt.* viii° *die Septembris.*

[4] *Regiſt.* Jo. Trilleck. *Hereford. Epiſc.* fol. 138.

[5] *Regiſtrum.* Zouch. *Arch. Ebor.* fol. 245.

Here therefore tho' both the *Parliament*, and *Convocations* met, yet the *Doctrine* of ATTENDANCE again fail'd. With the *Parliament* after *Eaſter* no *Convocation* at all was held. That of *September* roſe the 18*th* of the ſame *Month*: But the Convocation of *Canterbury* met not till the 16*th* of *October* following; and that of *York* above three Months after, *January* the 19*th*.

But I muſt not quit this Year without taking notice of a Judicious Remark made by [6] Dr. *A.* upon a certain Paſſage in the *Parliament* held in *September* before-mention'd. He had advanced a *Point*, which he ſays, "his Adverſaries "ſeem to Grant, that the Convocation was a Meeting Co-incident with the "Parliament. If he means that it ſometimes met, by Chance, at the ſame Time with it, I do not deny it: But if he would perſwade Us that it is a Meeting that always *was*, or *ought to be*, *held* at the ſame *Time* with the *Parliament*; I have not only deny'd, but ſufficiently diſproved it. Among other Authorities to prove this, One is drawn from the *Rolls* of this Years Parliament. A ſtrange Authority, to prove the Convocation to be an Aſſembly *Co-incident* with the *Parliament*, from the *Rolls* of a *Parliament*, which had no *Convocation* held at the ſame time with it! But let us hear what it ſays: [7] "XX *E.* III. "the *Biſhops* are commanded to Certify into Chancery the Names of all *Aliens*, "their *Benefices*, and *Values*; before, or at the next *Convocation*, WHICH WAS "TO SIT WITH THE NEXT PARLIAMENT.

[6] *Rights*, &c. p. 333.

[7] *Rot Parl.* xx *Edw.* III. *num* 46.

Thus Dr. *A.* Confidently Recites the Order: But does the *Parliament Roll* ſpeak thus? No, it does not, nor did it mean any ſuch thing. It refered to the Convocation which had been Called a few days after the *Parliament* met, and which was to ſit in our Province about a Month after the paſſing of this Order. The Words of the *Roll*, as himſelf delivers them in the *French*, are theſe; "That they ſhould Certify, as he Reports it, *before* the day of the *Convocation* of the *Clergy*, (not a *Convocation Uncertain*, to be called hereafter to ATTEND upon a *Parliament* no body knew when; no, but the *Convocation* which was at that time *Summon'd* to Aſſemble by a *Determinate Day*) "or then at "the lateſt. This was the *Convocation* of which the Parliament ſpake: A *Convocation* ſo far from being an *Attendant* upon that, or any *Other Parliament*, that in the very *Mandate* by which it met, the *Archbiſhop* took notice of the [8] *Parliament* as ſitting before he Called it, not as to *ſit Concurrently* with it. Dr. *A.* therefore could not have Choſen a more Unlucky Inſtance to prove his *New Theory* by, than this; which had he been willing to Underſtand it, plainly proves the Contradictory to his Aſſertion, that the *Convocation* then Summon'd, was not to be held with the *Parliament*, but to meet at a *Time* quite different from it.

[8] *Nos (Archs.) de Conſenſu Confratrum Noſtrorum noſtræ Cant. Eccleſiæ Suffraganeorum, in* Parliamento *apud* Weſtm. *die* Lunæ *prox. poſt feſtum* Nativitatis B. M. V. *ultimo prætcrit. Celebrat.* —Convocationem *hujuſmodi fore Ordinavimus faciendam. Regiſt.* Trilleck *ſupr. Citat.* fol. 138.

In the Cloſe of this Year a [9] *Great Council* was held at *Weſtminſter*, *March* the 3*d*, which having mention'd, I ſhall not inſiſt any farther upon it.

[9] *Dugd. Summ. Parl.* p. 228. Sect. 55. 1347.

The next Year two *Parliaments* were Call'd; the One the [10] Morrow after *Hillary*, which ſate a whole Month; the Other to the [11] *Munday* after *Midlem. Sunday*, *March* the 31*ſt*, 1348, and ſate about a Fortnight. But the Clergy had in their

[10] *Ibid.* p. 230.

[11] *Ibid.* p. 232, 233.

their laſt *Convocation* before Granted a *Three-Years Tenth* to the King, ſo that there was no need of any preſent Supply from them; and for all Other Concerns, they were called to theſe *Parliaments* with the *Laity* by their *Biſhop's Writs*, and therefore the King thought not fit to put them to a Fruitleſs Trouble in that Caſe. K. EDWARD *the* IIId.

But tho' there was no *Convocation* held with either of theſe *Parliaments*, yet a [1] *Provincial Council* was *Aſſembled* by the *Archbiſhop* of *Canterbury* to meet in *Our Province* the firſt *Court-Day* after the Feaſt of St. *Jerome*, in the beginning of *October*. The Deſign of this was purely *Eccleſiaſtical*; *Pro Corrigendis Exceſſibus, & Moribus Reformandis*, as the Words of the *Mandate* for Summoning of it, run. It was called by the ſole Authority of the *Metropolitan*; the *Lower Clergy* were INVITED, not, as in the Convocation *Mandates*, CITED to it. The *Deans* and *Priors* of *Cathedral Churches*, the *Regular Abbots* and *Priors*, and *Archdeacons*, might come *ſi eis Utile Videatur*; the *Chapters*, *Convents*, and *Clergy* might ſend their *Proctors* to it, *ſi ſua proſpexerint intereſſe*; *& Cauſas vel Negotia habuerint in hujuſmodi Provinciali Concilio tractanda:* The *Prelates* of *Exempt Churches*, might be preſent, *ſi Voluerint*. But *Neceſſity* was laid upon none but the *Biſhops*: They only were the *Eſſential Members* of theſe *Synods*, and therefore they only continued, when they ſate, to be Summon'd Peremptorily to them. The *Lower-Clergy* were rather *Indulged* in this Caſe, than *Required*: It was a Favour that they were invited, no Fault in them not to come, to thoſe *Councils*.

[1] *Regiſt. Inſtitution. Jo. Gynewell Epiſc. Linc.* fol. 28.

Towards the latter end of the Year [2] 1348, a *Parliament* was called to meet at *Weſtminſter*, the *Munday* after *Hillary*. The *Writs* were in the uſual *Form*, excepting only that here (as in that of 1346) the *Archbiſhop* of *York* was Excuſed from Coming himſelf, and required to depute a *Proxy* in his ſtead. Yet in the *Biſhop* of *Worceſter's Writ* there is a ſingular Clauſe which ought to be taken Notice of. He had, it ſeems, Obtain'd a General Liberty from the King of not coming to *Parliament*. But the King in the preſent Inſtance Suſpended this *Priviledge*, and required his Attandance "*Quacunque Conceſſione Vobis* "*pro Immunitate Veſtra de non Veniendo ad Parliamenta noſtra prius Conceſſa non* "*obſtante*. To this the Clergy were *Summon'd*, as was uſual, by the *Præmunitory Clauſe*; but the *Peſtilence* then raging in *London*, this [3] *Parliament* was *Prorogued* till fifteen days after *Eaſter* 1349, and, by [4] *Second Writs*, ſuſpended for the ſame *Reaſon* till a *New Call*.

1348.

[2] *Dugd. Summ. Parl.* p. 234, 235.

[3] *Dugd. Summ. Parl.* p. 237.

[4] *Ibid.* p. 239.

The *Plague* at this time raged not only in *London*, and the Places thereabouts, but in many other parts of the *Realm*; if at leaſt I may depend on a Minute taken out of the *Biſhop* of [5] *Well's Regiſter*, whereby he Indulges his People during the time of the *Peſtilence*, when *Prieſts* could not be had, to Confeſs to *Lay-men*, *vel etiam Fœminis*. But tho' none of theſe *Parliaments* met, yet twice the King ſeemed Reſolved to have had them ſit; but of any Convocation that ſhould have ſate with either of them, we have not the leaſt Intimation.

[5] *Regiſt. Rad. de Salop. Epiſc.* B. W,

In the the *Province* of *York* a Convocation was Summon'd, by order of the [6] *King's Writ*, to meet at *York* on *Fryday* in *Whitſon*-Week, *June* the 13*th*, 1348. The *Parliament* which met the beginning of this ſame Year, *March* the 31*ſt*, was riſen two *Months* before; the next ſhould not have met till *January*, i. e. till about *Seven Months* after; ſo that here could have been no Pretence for any Dependance of the One upon the Other. As for our *Province*, whether by reaſon of the *Peſtilence's* raging in it, the *Convocation*, as well as *Parliament*, was Suſpended; or that Archbiſhop *Stratford* dying this Year, and two other *Archbiſhops* within the Compaſs of the next following; the State of Affairs was in ſuch Confuſion, as made it proper to delay ſuch an Aſſembly for the preſent; but ſo it was, that no Convocation, that I can find, met in either of theſe Years, in our Parts, tho' two *Parliaments* were called, and one *Convocation* held in the Other *Province*.

[6] *Regiſt.* W. Zouch. *Arch. Ebor.* fol. 247.

But I muſt go yet farther, for the next Year following a [7] *Parliament* was not only Summon'd to meet on the *Octaves* of the *Purification*, *February* the 9*th*, but *met*, and *ſate three Weeks*. [8] In it was made a Famous *Act* againſt the *Proviſions* of the Court of *Rome*, and ſome [9] Other things were Attempted by the Commons, againſt the *Rights* of the Church, particularly in the Point of *Excommunications*, tho' not Aſſented to by the *King* and his Council. Yet with all this buſy *Parliament*,

Sect. 56.

1350.

[7] *Dugd. Summ. Parl.* p. 241.

[8] *Rot. 1. Parl.* 25 *E.* III. *m.* 46. *ad.* 55.

[9] *Ibid. Num.* 31, 32.

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liament, in which the Church was ſo much Concern'd, no Convocation met in either *Province*; ſo that here again Dr. *A*'s New Doctrine of ATTENDANCE, appears to have been utterly contrary both to the *Law*, and *Practiſe* of theſe Times.

1351.

[1] *Rot. Clauſ. 25 Edw. III. m. 32. dors. (in Regiſtro Iſtip. fol. 42. b.* 5to *die* Martij) *Qualiter Negotia tam Nos & Statum Regni noſtri, quam Neceſſariam defenſionem Ejuſdem contingentia,*

To make this Matter the more clear, let me obſerve, that on [1] *March* the 1*ſt*, (the day on which this *Parliament roſe*) the King iſſued out his *Writs* to the *Archbiſhop* of *Canterbury* to Aſſemble the Convocation of his *Province*, in as ſhort a time as he could. In that *Writ* he tells him how that he had Declared to himſelf and Others in this preſent *Parliament*, the *Burdens* which lay upon him, which without the help of his Subjects he was not able to ſupport. He recites how that for this Reaſon, he had demanded of him, and his Clergy, a fitting *Subſidy*, for the Support of thoſe *Burdens*; and therefore that he now Required him to call them together in Convocation, and there to *declare* his *Needs* to them, and to induce them Effectually to *Grant* him ſuch a *Subſidy*, and to Certify him what it was that they Granted, and at what *times* it was to be paid.

ac Onera nobis propter hoc incumbentia, Vobis & aliis in Præſenti Parliamento *noſtro exiſtentibus plenius exponimus, Vos non Latet. Ad quorum* Onerum *ſupportationem abſq; Adjutorio fidelium noſtrorum non ſufficimus ſicut ſitis: Per quod aliquod Subſidium Congruum in ſupportationem tantorum* Onerum *à Vobis & aliis de Clero*, &c. *Et expoſitis eis dictis Negotijs, ibidem, ipſos ad aliquod Competens* Subſidium *nobis in auxilium Supportationis dictorum* Onerum *concedendum cum Efficacia induci atis*, &c.

[2] Regiſt. *Iſlip.* Arch. Cant. fol. 42. b.
[3] Ibid. fol. 49. a.

In Obedience to this *Writ* the *Archbiſhop* by his [2] *Mandate* dated *March* the 9*th*, Summon'd his Convocation to meet on the *Munday* next after the *Quindene* of *Eaſter*, *May* the 2*d*. They met, and [3] Granted a Double *Tenth*; one *abſolute*, the other upon this Condition, that before the Terms of its Payment their Grievances ſhould be wholly Reformed by the *King's Authority*.

[4] Rot. Clauſ. Ibid. m. 28. Dorſo. Append. ad Ann. 1351.
[5] Regiſt. *Zouch* Arch. Ebor. fol. 250.

Having thus taken order for the Convocation of our *Province* to meet, *May* the 2*d*, He next Summon'd that of [4] *York* to Aſſemble about a *Month* after *Eaſter* for the ſame End. The *Archbiſhop* Aſſign'd the [5] *Wedneſday* before *S. Dunſtan*, *May* the 18*th*; when they met accordingly, and the very next day made a Grant of a *Two Years Tenth*, as thoſe of the Other *Province* had done before.

[6] Dugd. Summonit. Parl. p. 243.
[7] Rot. Parl. II. 25 *E.* III. n. 57. ad 70.

About Eight Months after theſe Convocations were riſen, the [6] King held his next *Parliament* on *Hillary* day, *January* the 13*th*. In this the *Grievances* of the [7] Clergy were Repreſented to the King, by the *Archbiſhop* and *Biſhops* for *themſelves*, and the *whole Clergy*; and a favourable Reply was made to them. But the Two Years *Subſidy* of the *Clergy* before Granted, had taken off all need of any farther *Convocations* to meet at this time, and ſo this *Parliament* alſo was held without any.

[8] Rights, *&c.* p. 340.

But here [8] Dr. *A.* interpoſes and tells us that the Clergy for whom the *Archbiſhop*, and *Biſhops* Petition'd, were the Convocation-Clergy. If by the Convocation-Clergy he means the *Parliamentary*-Clergy, Summon'd by the *Parliamentary Writs*, as *Repreſentatives* of the *Body* of the *Clergy* of *England*, I do not deny, nor can it reaſonably be doubted by any, but that theſe were a *proper Part*, and *Member* of *Parliament*. They were Summon'd together with the *Biſhops* and *Prelates*, as one of the Three Eſtates of it; and as ſuch they both went to it, and Acted in it. This therefore is nothing to the Purpoſe: But if by the Convocation-Clergy he means the *Provincial Clergy* of the Two Convocations, as we now ſpeak of them, it is certain he is miſtaken; for the Convocations ſate by themſelves the *May* before; at thoſe Meetings they gave the King a *Two Years Tenth*, and that being now running, they were not called at all with tis *Parliament*.

[9] Rights, *&c.* Ibid. p. 336.

In this *Parliament*, a Grant of a *Diſme* and *Quindiſme*, being made to the King; [9] Dr. *A.* thought he had thereby found another Proof, of what no body denys, that the *Parliamentary-Clergy* in theſe times came to *Parliament*. But he has ſince been ſatisfied, that theſe *Grants* were both made by the *Laity*, and not as he ſuppoſed, one by the *Clergy*, the other by the *People*. To Retract this Error as ſoftly as may be, we are in the [10] Additions Advertiſed *to blot out the whole Paragraph* without any reaſon given why we ſhould Omit it. What therefore he concealed, I take the Liberty to Obſerve; becauſe it was not only Impertinent, which it would have been, if true; but becauſe it was *Falſe* too, as Dr. *A.* himſelf is now ſatisfied that it was.

[10] Additions. pag. 57.

Anſw.

Anno 1352. A [1] *Great Council* was held at *Weſtminſter* the day after the Aſſumption of the *Bleſſed Virgin*; but no *Parliament* or *Convocation* that I can find this Year.

Sect. 57.

Anno 1353. Another ſuch [2] Council met on the *Munday* after St. *Matthew*, and much Buſineſs was done in it. But the whole number of the Commons being not Called, nor the *Lower Clergy* Summon'd to it, we find the very [3] *Council* its ſelf diſtinguiſhing its *Acts* from thoſe of a *Parliament*, and deſiring that what was then done, might be Confirm'd by Authority of the next *Parliament* to be Aſſembled.

1352.
[1] *Dugd. Summ. Parl.* p. 246.
1353.
[2] Ibid. p. 248.
[3] Rot. Parl. 27 E. III. n. 42.

To that *Parliament* I now paſs, called by the King the end of the ſame Year, but not ſitting till the beginning of the next, [4] *April* the 28*th*. Here the Ordinances of the laſt *Great Council*, relating to the *Staple*, were *Confirm'd*; and the doing of this was declared to be One End of calling this *Parliament*. With this *State-Council*, according to the new Doctrine of *Convocational-Attendance*, the *Provincial-Aſſemblies* of the *Church* ought to have been Convened: But that any ſuch Meetings were held Concurrently with it, I cannot find, and muſt therefore leave it to Dr. *A.* to ſhew that there were.

1354.
[4] *Die Lunæ poſt Feſt. S. Marci Evangeliſtæ. Dugd. Summ. Parl.* p. 249, 250.

The next Year the *Parliament* was [5] firſt called to meet on *Thurſday*, the day after St. *Martin*, *November* the 12*th*, but was [6] Prorogued to the *Munday* after St. *Edmund* the *King*, *November* the 23*d*. Then it met, and ſate Seven Days; and Granted to the King a *Subſidy* of xl^{s} upon every *Pack* of *Wool*.

1355.
[5] *Dugd. Ibid.* p. 252.
[6] *Ibid.* p. 254.

Having thus *Summon'd* the *Biſhops*, *Prelates*, and *Clergy* to *Parliament*; He by [7] *Other Writs* Summon'd the ſame *Biſhops* and *Prelates*, with the *Convocation-Clergy*, to meet at a *different Time*, and *different Place*, for ſuch Service of the State as fell under their Cogniſance, in *Convocation*. Now this ſo plainly diſtinguiſhes the *Parliamentary-Convention*, and the *Provincial-Convocation* of the *Clergy*, from one another, and ſo evidently proves them to be different Aſſemblies, that He muſt be reſolved to be deceived who does not ſee their actual Diſtinction, in *Fact*, as well as *Law*, from one another.

[7] *Clauſ.* 29 E. III. *m.* 8. *Dorſo.*— *Cum pro Arduis & Urgentibus negotiis ordinaverimus* Parliamentum *noſtrum apud* Weſtmonaſt. *die* Jovis *in Craſtino S.* Martini *prox. fut. tenere; & cum* Vobiſcum, *& cum* Prælatis, Magnatibus, *&* Proceribus, *&c. Colloquium habere & Tractatum.*—*Et quia expedit quod Negotia prædicta quæ Salvationem & Defenſionem Regni noſtri ſic contingunt ſalubriter & efficaciter cum bona & matura Deliberatione deducantur, Vobis mandamus Rogantes quatenus Omnes* Epiſcopos & Abbates, *necnon* Decanos & Priores *tam Eccleſiarum Cathedralium, quam Collegiatarum, Exemptos & non Exemptos, Archidiaconos & totum Clerum veſtræ Provinciæ apud Eccleſiam S.* Pauli London. *die* Lunæ *prox. poſt dictum feſtum S.* Martini: (In the Other Province) *die* Lunæ *in Craſtino S.* Nicholai, *&c. apud Eccleſiam B.* Petri Ebor. *Convocari faciatis.*

If theſe Aſſemblies met according to this *Summons*, it muſt then be Granted that they came as near as well they could in time, tho' yet none ſate, at the ſame time, with the other. The *Convocation* of *Canterbury* met on *Munday*, *November* the 16*th*. On that day ſeven-night the *Parliament* ſate *November* the 23*d*. On the ſame day fortnight (a Week after the *Parliament* was riſen) the *Convocation* of *York* was held.

And yet, tho' this be ſo evident a Proof of the Diſtinction of theſe *Aſſemblies* from one another, Dr. *Atterbury* doubts not to alledge this very Inſtance, nay, and this very Reaſon too, for the Confounding of them. So ſtrangely different are we not only in our *Principles*, but in our ways of *defending* thoſe *Principles* too, that what the One thinks to make the moſt ſtrongly for his Point, the Other of us accounts to make the moſt forcibly againſt it. But let us ſee how he manages this Matter. [8] "This alſo, ſays He, deſerves Notice in many of "them (the *Convocation-Writs*) that they went not out only at the ſame time with "the *Parliament-Writs* (He ſhould have ſaid were SOMETIMES iſſued out [9] NEAR the *ſame time* that the *Parliament-Writs* were; for that is all that can truly be affirm'd in this Caſe) "but mention the *Holding* of a *Parliament* in their *Pre-*"*ambles*, as the Ground of their Iſſuing; that ſo the CLERGY, *according to* THEIR DUTY, MIGHT RESORT to it.

[8] Rights, *&c.* p. 257.
[9] Parliament-Writs dated *apud Portſmuth, Sept.* 20. The Convocation-Writ *apud Weſtm. Sept.* 25.

That which Dr. *A.* would have, if I take him aright, is this; That the Reaſon why theſe *Convocation-Writs* were ſometimes iſſued out near the time that the *Parliament-Writs* were, was, to Oblige the *Clergy* thereby to come the more duly, and in greater Numbers, to *Parliament*. An Aſſertion in which I cannot tell whether the *Falſeneſs*, or *Abſurdity* of it, be the Greater. Let the Reader judge, from his Own, that is, the preſent Inſtance.

K. EDWARD *the* IIId.

On the 20*th* of *September* the King ſent out *Writs* for calling a *Parliament* to meet the day after St. *Martin*, *November* the 12*th*. By thoſe *Writs* he Summon'd the *Archbiſhops*, and *Biſhops* of *All England*; with the *Cathedral Deans*, and *Priors*; the *Archdeacons*; the *Capitular*, and *Dioceſan Parliament-Clergy*; the *Parliamentary-Abbots* and *Priors*, to come to *Weſtminſter* on that day to his *Parliament*.

By Other *Writs* dated *September* the 25*th*, He Summon'd the *Archbiſhop*, and *Biſhops* of the *Province* of *Canterbury*, the *Abbots*, *Deans*, and *Priors*, as well of *Collegiate*, as *Cathedral Churches*, Exempt, and not Exempt; the *Archdeacons* and *Clergy* of that *Province only*, to meet at St. *Pauls London*, the *Munday following*. Thoſe of the *Other Province* to meet at St. *Peters York*, *December* the 7*th*, almoſt a *Month* after the *Parliament* was to meet at *Weſtminſter*.

He mention'd his having called a *Parliament*, and to the End the Matters which he had to propoſe, might the more Maturely be Deliberated upon, declared his Reſolution of having a *Convocation* of *Each Province* too; in which, as well as in his *Parliament*, they might be treated of.

Let us now put this together: Here are two *Convocations* Summon'd to meet at *London*, and *York*; a *Parliament* to meet at *Weſtminſter*. Theſe *Convocations* met, One of them a [1] Week before the *Parliament*, and (if it ſate at all) in all Probability roſe before the *Parliament* ſate. The other met not till a Week after the *Parliament* was up. They agreed neither in *Time*, *Place*, nor *Members*, with one another: And yet theſe *Convocation-Writs* were deſign'd (if Dr. *A.* may be Credited) to Oblige the *Clergy* to come more duly to the *Parliament*. That is to ſay, the *Prelates* and *Clergy* of *Canterbury* were called to St. *Pauls London*, *November* the 16*th*, in Order to ſecure their *Attendance* at *Weſtminſter*, *November* the 23*d*: And which is yet more apparently, tho' not more really, Abſurd, Thoſe of *York* were Summon'd to be at *York*, *December* the 7*th*, in order to their RESORTING MORE DULY to the PARLIAMENT at WESTMINSTER *November* the 23*d*, which had ſate a fortnight, and was riſen a Week before.

[1] The Parliament being Prorogued from *November* the 12*th*. to *November* the 23*d*.

Sect. 58. 1356.

To ſuch hard ſhifts, will an Ill-cauſe ſometimes put even Witty-Men in the Defence of it! But I proceed: The next Year, tho' it affords us neither *Convocation*, nor *Parliament*, yet preſents us with a *Provincial Council* in *Each Province*; The End of which, I dare not ſay, was to *Grant* a *Subſidy* to the *King*; this I may ſay, that it was the main thing which being met, was done in both.

[2] Regiſt. Iſlip. fol. 111, 117, &c.

The [2] *Council* of our *Province* was called to meet at St. *Pauls London*, *May* the 16*th*. And the Proceſs of it was this. The firſt day being taken up in matters of *Form*; On the ſecond the *King's Meſſengers* came, and *Prohibited* them in the *King's Name* to do any thing in Prejudice of himſelf, or his Kingdom. This was commonly done in *Councils* called by the *Archbiſhop*, but never in *Convocations* held at the King's Command. Then the *Commiſſioners* demanded for the King a *Six Years Tenth*, to be paid within the Compaſs of *Three Years*.

The *third* and *fourth day*, were ſpent in Exhibiting, and Receiving of *Petitions*. The fifth, the *Archbiſhop* being indiſpoſed, the Biſhop of *Lincoln*, by his *Commiſſion* continued the *Convocation* to the next day. On *Saturday*, the 6*th* of their *Seſſion*, *Petitions* were read, and ſo they were Prorogued to the *Munday* following. Then the *Clergy* preſented their Anſwer to the *King's Demand*, to the *Archbiſhop* and *Biſhops*, to this Effect. " [3] That whereas in the LAST CONVOCATION of the *Prelates* and *Clergy* of the *ſaid Province*, certain great Grievances were propoſed, and ſhewn to lye upon the ſaid *Clergy*, a Remedy of which was deſired of the *King*; and upon that, and other *Conditions*, a *Two Years Tenth* was Granted to him; but that neither in *that*, nor OTHER PARLIAMENTS *ſince held*, was any Remedy ordain'd, tho' the *Tenths* were both paid: For this, and other Reaſons, there alledg'd, they deſired to be excuſed from Granting any thing at this time.

[3] Regiſt. Iſlip. Ibid. fol. 117. b. *Vobis Reverendis in* Xto *Patribus Dom. Dei Gratia* Archiepiſcope Contuariens. *Veſtriſq; Suffraganciis ad Celebrandum* Concilium Provinciale *juxa SS. inſtituta* Canonum *Congregati, ſupplicat humiliter & devote* Clerus Cantuarienſis Provinciæ, *&c.* IMPRIMIS; *Cum in* Ultima Convocatione Prælatorum & Cleri *Ejuſdem* Provinciæ *certa enormia Gravamina dicto* Clero *illata, propoſita fuerunt & Oſtenſa, ſuper quibus petitum fuit à Domino noſtro* Rege *Remedium, & ſub certis Conditionibus*—*Et inter cætera, quod in* Proximo *ex tunc* Parliamento *Reformatio fieret Eorundem, idem* Clerus *conceſſit dicto Domino Regi* Decimas Biennales; *Sed interim in* Prædicto & Aliis Parliamentis *quæ* ex tunc Citra fuerunt, *licet dicta* Decima *ſit Soluta, nullum omnino extitit Remedium Ordinatum*, &c.

I have

K. EDWARD *the* IIId.

I have inſerted this Petition of the *Lower-Clergy* to ſhew; that ſince the Year 1351, the time of which they ſpeak, tho' *ſeveral Parliaments* had been held, yet no *Convocation* had met: And therefore that 'tis probable, the *Convocations* called the *laſt Year*, never Aſſembled, but were by ſome *Second Writs*, which are not now Extant, revoked, before the Execution of the firſt. This the Silence of our *Regiſters*, as to thoſe *Convocations*, in both *Provinces* ſeems to confirm; and therefore that the New Doctrine of a *Concurrent Convocation* neceſſary to be held with every *Parliament*, is here in Terms Contradicted by the *Clergy* of our *Province*. However the next day they conſented to a *Tenth*; the one half Abſolute, the other on the Condition that their Grievances ſhould be Redreſs'd.

This was the Work of our *Synod*: That [1] of *York* met the 3*d* of *June* following: And in like manner Granted the King a *Tenth*, "*ſub ſpe Emendationis &* "*Reformationis Gravaminum*; and upon certain Conditions, expreſs'd in the return made of their Grant to the King.

[1] Regiſtr. *Thoresby* Arch. Ebor. fol. 35.

But to leave theſe Councils, and go on to the Tranſactions of the next Year. On the *Munday* [2] after *Eaſter Week*, that is, if I compute aright, *April* the 17*th*, the *Parliament* met. It ſate almoſt Three Weeks; the *Clergy* being called as uſual to it. Thus the Year began with a *Parliament*, and ſo it *Ended* too; for on the [3] *Munday* after the *Purification*, a *Second Parliament* met, and ſate again another Three Weeks, the Clergy being Summon'd, as before, to it.

Sect. 59. 1357.

[2] So it ſhould have been, *die Lun. prox. poſt Septiman. Paſch.* tho' Sir *William Dugdale* has printed it otherwiſe, p. 256. Ex MS. Cant. n. 285. fol. 70.

[3] Dugd. Summonit. Parl. p. 258.

With the former of theſe *Parliaments* the *King Summon'd* the *Convocations* of both *Provinces* to have met. He Order'd the Archbiſhops to call their Clergy together to [4] *London* and *York*, the morrow after St. *George*; a Week after the Parliament was to begin. But Our *Archbiſhops* were not yet ſufficiently inſtructed in the Modern *Doctrine* of *Attendance*, to Obey him ſo Punctually as they ſhould have done in this particular; and therefore ſo order'd the matter that the Parliament had but very little of their Company. In ſhort; The Parliament met *April* the 17*th*: The *Convocation* of our [5] *Province* met not, till the 26*th*, (the middle of its *Seſſion*) and in the other [6] *Province*, the *Convocation* ſate not till the *Fryday* after the *Aſcenſion*, *May* the 29*th*, almoſt a fortnight after the Parliament was diſmiſs'd.

[4] Rot. Clauſ. 31 Edw. III. m. 21. dorſ.

[5] Regiſt. *Iſlip*. fol. 131. a.

[6] Regiſtr. *Thoresby* fol. Antepenult.

In the Letters [7] *Mandatory* to the *Biſhop* of *London* for holding of this *Convocation*, the Archbiſhop did not inſert the *King's Writ:* as it had been uſual to do, but only made mention of it. In the Preamble he ſets forth the Cauſe of this New Aſſembly, and what had moved him to the calling of it. He Extols the King's Succeſs in his Wars, and acknowledges the Benefits which the Church had reaped from his Labour and Dangers. He takes Notice of the King's Deſire, in Order to the putting an End to them, to Conſult with his *Clergy*, and how he had thereupon iſſued out his *Writ* to him to call them together. And then adds, that [8] "He accounting the King's Deſire to be Reaſonable, and being "willing, as much as in him lay, to comply with his Wiſhes, had the more "readily proceeded to hold a *Convocation*, in that therein he was promiſed a "Satisfactory Anſwer to their *Petitions* made in their laſt *Convocation*.

[7] Regiſt *Iſlip*. fol. 131. a.

[8] *Nos Supplicationem hujuſmodi Rationabilem Reputantes, & Volentes* ideo *quantum cum Domino poterimus annuere Votis ſuis, tanto promptius ad* Convocationem Cleri noſtri *ſuper præmiſſa loco & tempore infraſcriptis faciendam proceſſimus, quatenus in Eadem nobis promittitur Grata Reſponſio ad Petitionem & Supplicationem noſtras.*

Had it now been Cuſtomary, to hold *Convocations Concurrently* with every Parliament, as ſome of late pretend, how came the Archbiſhop to preface his Mandate after this ſtrange manner? Or what Account can we give of his deferring it, till the Parliament was above half over, firſt, and then to give ſuch Reaſons as theſe, why he proceeded to call it at all? Let Dr. *A.* put what Gloſſes he pleaſes on this Years *Convocation*, which is another of his Inſtances to prove the Pretended Right of their *Attendance* upon every Parliament: But ſure I am, neither the Delays of the Archbiſhops in this Caſe, nor the Reaſons now Recited, from One of their *Mandates*, for the meeting of the Convocation at this time, can be Reconciled with this Doctrine, and that therefore we muſt conclude it is not true.

To this Parliament at *Weſtminſter*, *April* the 17*th*, the [9] *Chapter* of *York* ſent up their Proxies to treat and conſent to ſuch Things as ſhould there be Ordain'd by the *Common Council of the Realm*. Theſe *Procuratorial Letters* were dated

[9] See the Appendix ad Ann. 1357.

K. EDWARD *the* IIId. dated at *York* the 2*d* of *April* before. Let Dr. *A.* consider whether those must not have been IN FACT two different Assemblies, for the One of which that *Chapter* sent up their Proctors to *Westminster*, to act with the *Estates* of the *Realm* in *April*: In the other of which, their Proctors went no farther than to their *Own Chapter-House*, nor Acted with any but their own *Provincial Bishops* and *Clergy*, the Month following.

But not to add any more about this first Parliament; what shall we say to that which sate in *February* following? There was no Attending-Convocation Summon'd in either Province; but the Parliament met and sate by its self, without any *Provincial Assemblies* of the *Clergy* to keep it company.

Sect. 60.

1359. The next Year following, I meet with no Publick Assemblies either of the Church, or State. *Anno* 1359. the King being about to pass over the Seas, by his [1] Writs dated at *Sandwich*, *October* the 10*th*, Summon'd a *Great Council* to meet at *Westminster* the *Sunday* before St. *Martin*, *November* the 10*th*.

[1] Regist. *Islip.* fol. 343. a.

Presently after this *Council* was up, two [2] *Provincial Writs* went out to each Archbishop to Summon the Convocations of their Respective Provinces, with all Convenient speed. [3] The Archbishop of *Canterbury* made an Apology in his Mandate for calling his Clergy so often together, and inserted the Writ intirely into it. He order'd them to meet at [4] St. *Pauls London*, *January* the 28*th*. On *February* the 4*th* they granted a *Tenth* to the King; and that, I suppose, was all that was done by them.

[2] Rot. Claus. 33 *Edw.* III. m. 10. intus.

[3] *Quamvis à tempore quo Cant. Eccleſiæ Domino diſponente præfuimus — corditer optaſſemus Prælatos & Clerum dictæ noſtræ Provinciæ à* Laborioſis & Sumptuoſis Convocationibus & *Vexationibus præſervare, ipſoſq; in quiete fovere, ut Altiſſimo Regi Regum poſſent liberius deſervire; Urgentia tamen*, &c. *Regiſt.* Islip. *fol.* 155. *a.*

[4] *Die Lunæ prox. poſt feſtum Converſionis S.* Pauli: *Ibid.*

In the Other Province they met later, [5] *February* the 12*th*. So both the *Archbishops*, and the *Bishop* of [6] *Carliſle's Regiſters* tell us. But the [7] *Bishop* of *Durham's* Summons is for *January* the 27*th*. How this difference comes, as I cannot pretend to tell, so neither do I think it at all material to enquire. But tho' both these *Convocations* met this Year, yet I cannot find that any *Parliament* met with them; but as the *laſt Parliament*, *Anno* 1357, sate without any *Convocation*, so now the two *Convocations* were both held, without any *Parliament*.

[5] *Regiſtrum Thoresby fol. penult.*

[6] *Regiſt.* Weſton *fol.* 63.

[7] *Regiſt.* Hatfield. *fol.* 39. *a.*

1360. The Clergy having thus granted their *Subsidy* about the *End* of this Year; The *Parliament* was called, by its self, without any *Convocation*, to meet [8] the *day* after the *Ascension*, the next Year following. What that Assembly did, I cannot tell; but towards the end of the Year another *Parliament* was called, to meet the [9] *Sunday* before the *Conversion* of St. *Paul*. The *Session* was long; And the *Clergy Premoniſh'd* to come to each of them. But neither with this *latter* can I find that any *Convocation* met; and must therefore beg leave to conclude, till I shall be better inform'd, that none was held with it. To both these *Parliaments* the [10] *Chapter* of *York* sent their *Proctors*, as by their Letters of *Procuration* still upon Record, does appear.

[8] *Dugd. Summ. Parl.* p. 260.

[9] *Ibid.* p. 261.

[10] *Regiſt. Dec. & Capit. Ebor. ab Ann.* 1352. *fol.* 33, 37.

1361. *Anno* 1361, A *Great Council* was held after *Easter* about the Affairs of *Ireland*; after which two *Provincial Synods* were Summon'd to meet in the Church of St. *Mary Southwark*, the One the day after the *Ascension*, the Other the morrow after the *Octaves* of *Trinity*. To the [11] former of these, only the *Bishops* of the *Province* of *Canterbury* were called: To the latter, the *Clergy* too, who were allow'd to appear by *One*, *Two*, or *Three Proctors*, as they should themselves like best. [12] The Design of these Meetings was to grant an Aid to the *Pope*, nor does it appear that any thing else was done by them.

[11] *Regiſt.* Islip. *fol.* 170.

[12] *Ibid. fol.* 185. *Regiſt.* Barnet. *Wigorn. fol.* 20.

Sect. 61.

1362. The Year following, 1362. [13] A *Parliament* was held fifteen days after *Michaelmas*, *October* the 13*th*. It sate above a Month, and granted to the King a *Three Years Subsidy*. If Dr. *A.* can tell us what *Convocations* sate Concurrently with it, he will make a Discovery, which neither the *Regiſters* of the *Archbishops*, nor the *King's Writs*, nor any other Monuments of Antiquity which I have enquired into, have as yet enabled me to make.

[13] *Dugd. Summ. Parl. fol.* 265.

1363. On *Fryday*, *October* the 6*th*, 1363, another [14] Parliament was held at *London*. It sate till the latter End of the Month, and many Excellent Laws were made by it. But the [15] Convocation of the *Province* of *Canterbury* met not till the 2*d* of *December* following; and that any was held at all in the other *Province*, I have not found.

[14] *Ibid.* p. 267.

[15] *Act. Capit. Litchfield.* fol. 150.

1364. *Anno* 1364. A *Parliament* met on [16] *Munday* in the *Octaves* of *Hillary*: It sate above a Month; reduced the Custom upon Wool, to a more moderate rate; and

[16] *Dugd. Summ. Parl.* p. 269.

and ordain'd that all Other Impoſitions ſhould ceaſe. But as the King had now no need of any *Aid* from his *Clergy*, ſo neither did He call any *Convocation* to meet; nor do I find that any was held this whole Year in either *Province*. K. EDWARD *the* IIId.

The next Year, neither *Parliament*, nor *Convocations*, that I know of, met: 1366.
The Year following, 1366. The [1] *Parliament* ſate *May* the 4*th*. The Occaſion of it was to reſolve what the King ſhould do, if the *Pope* ſhould cite him to *Rome*, or otherwiſe proceed againſt him, for Homage, or Tribute, on the Pretence of King *John*'s Surrender of the *Realm* to Him. Another Famous Cauſe was alſo tranſacted in this *Parliament*, between the two *Univerſities*, and the *Fryar's Mendicant*. But the King had no need of Money, and therefore as the *Parliament* made but a ſhort *Seſſion*, ſo it does not appear that the *Convocation* of either *Province* met with it, or at any other time this whole Year.

[1] Ibid. p. 271.

The next Year, for ought I can yet find, paſs'd without either *Parliament*, or *Convocation*. *Anno* 1368, a *Parliament* was held [2] *May* the 1*ſt*, and ſate about Three Weeks: In it a *Subſidy* was Granted to the King, by an Encreaſe of the *Cuſtoms* upon *Wool*, *Fells* and *Skins*; but no Money was given by the *Laity*, nor was any demanded of the *Clergy*, nor by Conſequence any *Convocation* held this Year. Sect. 62. 1368.

[2] Ibid. p. 273.

But tho' the King, having no need of their *Aid*, called not the *Clergy* to *Convocation*, yet the [3] *Archbiſhop* of *Canterbury* being oppreſs'd with Debt Summon'd thoſe of his *Own Dioceſſe* to a *Synod*, the day after King *Edward*, and there obtain'd ſix Pence in the *Mark* of them, towards the Relief of his Needs. After this, in his *Viſitation* of the *Univerſity* of *Oxford*, He condemn'd thirty Erroneous *Articles*; which from the Regiſter of the *Archbiſhop* are tranſcribed into the Second Volume of our *Councils*. And about the ſame time confirm'd certain *Hymns* to the Honour of St. *Catharine*; which is the Sum of what was done by Him in *Church-Affairs* during his Preſidency at *Canterbury*. [5] In *October* this Year He was made a Cardinal, and in *April* following took his Journey to *Rome*; *William Wittleſey* Biſhop of *Worceſter*, being, by *Papal Proviſion*, made Archbiſhop in his ſtead.

[3] Regiſt. *Langham.* Arch. Cant. fol. 70. *a.*

[4] Spelm. Concil. Vol. II. p. 615.

[5] Contin. Polychron. MS. cap. lix.

We have now for ſome time paſs'd on without much Buſineſs to inſiſt upon: — 1369.
Parliaments have often met for the Benefit of the *Publick*; but the *Convocations* have been intermitted, thro' the little Occaſion the King had for their Aid. But here we ſhall again begin to fall into the Hiſtory of them; and by the different *Times* of their *Aſſembling* from that of the *Parliaments* of the ſame Years, no leſs diſcern their Independency on thoſe *State-Meetings*; than by their not coming together at all for ſome Years paſt, tho' *Parliaments* were conſtantly held, we have ſeen it before.

On the [6] *Octaves* of *Trinity*, *May* the 27*th*, the *Parliament* of this Year was held: It ſate a Fortnight, and Confirm'd ſome *New Cuſtoms* again to the King. This *Parliament* which thus met, *May* the 27*th*, roſe [7] *June* the 10*th*: On the 27*th* following the [8] *Archbiſhop* iſſued out his Letters to the *Official* of his *Archdeacon*, to this Effect; "that in the *Parliament* which had before been ſitting, "the King had demanded a *Three Years Tenth* of the *Clergy*; and that himſelf, "and the *Biſhops*, had promiſed to call together their *Clergy* within their Re- "ſpective *Dioceſſes*, as ſoon as they could, to deliberate of this Demand: In "purſuance whereof He now Appointed thoſe of his *Dioceſſe* to meet the *Mun- "day* after St. *James*'s day, about the End of *July* following.

[6] Dugd. Summonit. Parl. p. 275.

[7] Rot. Parl. 43 *E.* III. num. 25.

[8] See the Append. ad Ann. 1369.

What the Effect of theſe *Dioceſan Aſſemblies* was, we may judge by the Tenor of the [9] *King's Writ*, dated at *Weſtminſter* the 11*th* of *October* following. In which, complaining of the Burdens which lay upon him, and the need he had of their Aſſiſtance, he requires the *Archbiſhop* to call his *Provincial Convocation*, in Order to the Obtaining of a *Subſidy* therein. [10] The *Archbiſhop* appointed the 21*ſt* of *January* for their Meeting; where being Aſſembled, they Granted to the King a *Triennial Tenth*, and ſo roſe the beginning of *February* after.

[9] See the Appendix: Ibid.

[10] See the Acts of this Convocation in *Regiſtro Wittleſea*. fol. 17. b. &c.

It was not above a [11] day or two after the riſing of our *Convocation*, before that of *York* met. It was Aſſembled upon the ſame Account, and probably agreed to the like Grant. So that here then we have a double Proof againſt Dr. *Atterbury*'s Hypotheſis; A *Parliament* and *Convocation* both held, and that *Convocation* called expreſly for Aid; yet meeting Seven Months after the *Parliament* was riſen, and Conſequently no *Attendant* at all upon it.

[11] Regiſt. *Tho. Hatfield.* Dunelm. fol. 481. b.

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Sect. 63. 1370.

Whether the King desired some farther, and greater Supply of the *Clergy*, or wanted to have what was last Granted sooner paid in, than the Terms of the Grant before made allow'd of; but so it was, that for one or other of these Ends, the Clergy were again called together the [1] beginning of this Year: But it was not to a *Provincial Convocation*, but to particular Assemblies within their *Own Dioceses*; in which they seem to have comply'd with the King's Desires. This I gather from a *Writ* of the Bishop of *Winchester* to the *Archdeacon* of *Surrey*, in which He Recites, "that the *Religious* and *Secular Clergy* having *Ecclesiastical* "*Goods* and *Benefices* in that *Archdeaconry*, being lately called before his *Commis-* "*saries*, and having the *King's Necessities* and *Expences* declared to them, gran- "ted a certain *Subsidy* of their *Goods* and *Benefices* to be *speedily paid*, the several "*Sums* of which, with the *Persons* by whom they were *Granted*, were set down "in the *Schedule* thereunto annex'd: He therefore gave Directions, by that *Man-* "*date* for the Collecting and Levying of it. This *Writ* was dated, *July* the 26*th*; and implies this meeting to have been held not long (probably the *Month*) before.

[1] Regist. *Wickham*, Par. III. fol. 37, 43, 44

1370.

About the End of the same Year 1370, a [2] *Parliament* was called to meet the first *Munday* in *Lent*, upon the Feast of St. *Matthias*, *February* the 25*th*. In this an *Aid* of 50000*l*. was Granted to the King, to be Levy'd at a certain rate upon every Parish. Upon this, and the other Affairs which came before it, this *Parliament* sate long, to *March* the 28*th*, before it brought its Business to an End. On *March* the 27*th*, at the very [3] End of this *Parliament*, the King issued out his [4] Writs for the Two *Convocations* to meet, and that again expressly for Granting a farther *Supply* to him.

[2] Dugd. Summonit. Parl. p. 277.

[3] The Parliament broke up *March* the 28*th*. Rot. Parl. 45 E. III. Num. 6, 8.

[4] Rot Claus. 45 E. III. m. 35. Dorso. Rex, &c. *Qualiter Negotia tam Nos & Statum Regni nostri* Angliæ, *quam necessariam defensionem Ejusdem contingentia, ac Onera nobis propter hoc Incumbentia, Vobis & Aliis in* ultimo Parliamento *nostro existentibus plenius exposuimus, Vos non latet; Ad quorum* Onerum *supportationem absq; Adjutorio fidelium nostrorum, non Sufficimus sicut scitis; per quod aliquod* subsidium *congruum in supportationem tantorum Onerum à* Vobis & Aliis *de* Clero Dioc. & Provinciæ *vestrarum, in dicto* Parliamento *tunc* Præsentibus, *Nobis contrdi petivimus.——Nos ut dictu Negotia maturiori deliberatione valeant expediri, Vobis ——Rogando Mandamus*, &c. To call the Convocation.

1371.

There can hardly be any thing more Demonstratively evident in History, than this Summons is in Opposition to Dr. *A*'s Hypothesis. The *Parliament* had sate a Month upon *Publick Business*: The last day but one of it, the *Convocations* were *Summon'd*; and *met*, the one about a *Month*, the other almost four *Months*, after. It is plain therefore that they were not Attendants upon that *Parliament*. Nor were they any more upon the next (whether *Parliament*, or *Council*) which met at [5] *Winchester* on the *Octaves* of *Trinity* following. The [6] *Convocation* of *Canterbury* met the *Thursday* after St. *George*, *April* the 24*th*. The [7] *Convocation* of *York*, on *Thursday*, *July* the 10*th*. Between these the *Parliament* of *Winchester* was held, *June* the 1*st*. It met above five Weeks *after* the *Convocation* of Our *Province*, and as many *before* that of the other.

[5] Dugd. Summonit. p. 279.

[6] Regist. *Wickham*, Par. III. fol. 46.

[7] Regist. *Tho. de Appleby*; Carliolens. fol. 240,

Here therefore are two *Parliaments* more without any Concurrent *Convocations*; tho' the *Convocation* of each *Province* met within a moderate Distance of them both: And these *Convocations* were expressly called by the King for *Aid*; the Great *End* which our Princes always had for the Summoning of them. In these [8] *Convocations* they Agreed to give the King a *Subsidy* of 50000*l*. The *Province* of *Canterbury* undertaking first for their *Proportion* of it, and that of *York* coming afterwards into the like *Concession* with them.

[8] Regist. *Wittlesey*, Arch. Cant. fol. xlii.

And now would one not wonder, after the Account which I have here given of these Meetings, that notwithstanding such clear Evidence to the contrary, Dr. *A.* should yet alledge this very *Parliament*, as he had done that of 1369 before, in Proof of his Assertion; and maintain the Vos & Alii *in* Parliamento Existentes to whom the *King* had declared his *Burdens*, to be the *Archbishop* and *Convocation*? This is I think to carry the *Paradox* to the highest Degree of Assurance. For what, was the *Convocation* sitting with the *Parliament*; and did the King declare his Wants to a sitting *Convocation*, in order to have a *Convocation* called to supply them? Was the *Convocation* held in *February* and *March*, with the *Parliament*? And again Summon'd by *New Writs*, while it was yet sitting, to meet about a Month after, to grant the *Aid*, which the King had before told them He stood in need of? To what Absurdities does an Indefensible Cause sometimes drive Witty Men? But how then did the King make the same Declaration to those of the *Other Province*? Were they called up

up too from their *Convocation* at *York*, to hear the Account of the *King's Wants* in *Parliament* at *Weſtminſter?* For the *King's Writ* ſpeaks in the ſame manner to them that it does to the Clergy of *Canterbury*. And indeed we cannot better interpret the meaning of what he ſaid to one, than by his Words to the other. They run thus: "*Qualiter Negotia tam Nos & Statum Regni noſtri* Angliæ, *quam* "*neceſſariam defenſionem Ejuſdem Contingentia, ac Onera Nobis propter hoc incum-*"*bentia* PROCURATORIBUS VESTRIS *ac* PRÆLATIS *in* ULTIMO PARLIAMENTO NO-"STRO *exiſtentibus*, &c. The King in *Parliament* declared His Needs to the *Biſhops* and *Clergy* of *Both Provinces*, who were *called*, and *came* to the *Parliament*, and to the *Proctors* of thoſe who were Abſent. Theſe were the Vos & ALII, of whom his *Writs* ſpeak: No others were meant by it; no others, beſides the *Parliament-Clergy*, were Aſſembled, in either Province, at that time. K. EDWARD *the* IIId.

Sect. 64. 1372.

The next Year a *Parliament* was called to meet a [1] Fortnight after *Michaelmas*; but Prorogued to the [2] Morrow after *All-Souls* Day, *November* the 3*d*. It ſate till the 23*d* of that Month; and ſeveral things were moved in it, wherein the Intereſt of the Church was concern'd. Yet I cannot find that any *Convocation* met at all this Year: So that here again the new *Hypotheſis* of the *Convocations Parliamentary Attendance* fail'd.

[1] Dugd. Summonit. Parl. p. 280.
[2] Ibid. p. 282.

1373.

Nor did it any leſs ſuffer by the Proceedings of the next Year, 1373, In which the [3] Parliament was Aſſembled, the Morrow after St. *Edmund* the King, *November* the 21*ſt*. On St. *Andrew's Eve*, [4] *November* the 29*th*, the King gave leave to ſuch as would to go away. After which he allow'd Two Days more for the Delivery of *Petitions*, and order'd thoſe who would, to ſue out their Wages. For this many of the Members of the *Lower-Houſe* tarry'd yet *Ten Days* longer; tho' the *Parliament* was effectually broken up from the time that the King *Licenſed* the *Members* to depart. It was in this Caſe ſomewhat as in that of his 45*th* Year; when the anſwers to the Commons Petitions were not made whilſt the *Parliament* ſate, but were drawn up by the *King's Council* after it was riſen.

[3] Ibid. p. 284.
[4] Rot. Parl. 47 *Edw.* III. Num. vii.

About the End of this Parliament, the Convocation of our Province, which had before ſate the [5] 30*th* of *May* [6] without the *King's Writ*, now met again by Vertue of it, *December* the 1*ſt*. [8] It continued a Week, and granted a *Tenth* to the King. For [9] this the King called it: And this was the main of what was done in it. They gave in indeed their Grievances, and pray'd a Redreſs of them; and *Courtney* Biſhop of *Hereford* declared that He conſented not to the *Tenth* for his *Dioceſſe*, but upon Condition that they ſhould be Remedied. But this was not the thing which the King had in his View in the calling of them, nor did any Great Effect follow upon theſe ſort of Cuſtomary Demands.

[5] Regiſt. *Wittleſey* Arch. Cant. fol. 59. b.
[6] Regiſt. *Wickham* Winton 3 par. fol. 91.
[7] Rot. Clauſ. 47 *E.* III. m. 13. dorſo. Appendix ad Ann. 1373.
[8] Regiſt. *Wittleſey* fol. 64, 65.
[9] See the *Kings Writ.* Append

The Archbiſhop of *York* dying, after the King's Writ was iſſued out for the *Convocation* of that *Province*, a [10] Second was made to the *Dean* and *Chapter* as *Guardians* of the *Spiritualities*; and thereupon a *Convocation* Summon'd by the *Chapter* alone, the *Dean* being abroad beyond the Sea. This delay'd the Aſſembling of this Province, which by this means came not together in *Convocation* till the *Munday* after the *Purification*, two Months after the *Parliament* was riſen.

[10] Rot. Clauſ 47 *E.* III. m.9 Dorſo. Compare Regiſt. *Tho. de Appleby* Carleol. fol. 256, 257.

Sect. 65. 1375.

The next Year following paſſed without any Publick Aſſemblies, either of the Church, or Realm. *Anno* 1375, a [11] Parliament was Summon'd to meet, *February* the 12*th*, but by Writs dated *January* the 20*th*, was put off till the *Munday* after St. *Gregory*, *March* the 17*th*. [12] Five Weeks after this Parliament began, the King by [13] the Advice of his Parliament Order'd the Convocations of the two *Provinces* to be Aſſembled. The [14] Occaſion of his Calling them, He expreſly declares to have been for the Supply of his Needs: A thing that I muſt often beg leave to put Dr. *A.* in mind of. The [15] Archbiſhop of *Canterbury* Order'd not his Convocation to meet at *London* till the beginning of *June*: But neither did he ſuffer it to ſit then, but by [16] Prorogation continued it to the

[11] Dugd. Summonit. Parl. p. 286, 288.
[12] Per Brev. dat. 24 April.
[13] Regiſt. *Hatfield.* Dunelm. Epiſc. fol. 88. b. "*Percipientes quod ex*

" *plenâ Deliberatione inſtantis Parliamenti Convocatio Cleri Provinciæ* Cant. *nuper facta eſt*, &c. [14] *Quia propter Salvationem Status* Eccleſiæ Anglicanæ, *ac Neceſſariam defenſionem Regni noſtri* Angliæ *ſumptus, ac Cenſus, & Expenſas quamplurimas Effundere nos Oportet, ad quorum Onerum Supportationem abſq; Juvamine fidelium noſtrorum, non ſufficimus, ſicut ſcitis* ——— Regiſtr. Sudbury *Arch. Cant.* fol. 17. b.

[15] Regiſtr. Sudbury *Ibid. die Lun. poſt Feſtum Pentecoſtes*; *vel* (*ut alia Regiſtra*) *poſt. Feſt. S. Trinitatis.*
[16] Regiſt. Sudbury, *fol.* 26. *in Marg.*

23*d* of

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23*d* of *June*, about a fortnight before that long *Session* ended. Whether it ſate then I cannot tell, nor is it worth the while to diſpute it. This is plain, that had the King thought of calling this *Convocation* to Attend this Parliament, He would not have defer'd the Summons till the *Parliament* had ſate ſo long; nor would the *Archbiſhop* have put off its Aſſembling Five Weeks firſt, and after that have Prorogued it farther for Three Weeks more, till that *Great Council* was juſt ready to riſe.

It is true ſome Copies of the *Rolls* of *Parliament*, inſtead of St. *Gregory* have St. *George*; ſo have ſome of our *Regiſters* too: And this makes ſome odds in the Computation. But then, as Sir *William Dugdale*, Mr. *Prynne*, and Mr. *Ryley*, with ſeveral other *Regiſters*, agree in that which I have therefore followed upon their *Authority*, ſo be it which it will, the matter is not great: This is plain, that the Convocation of *Canterbury* did not meet, at ſooneſt, above a Fortnight before the Parliament roſe; and after it had ſate almoſt Threeſcore Days by its ſelf without it.

But the *Convocation* of *York* Attended yet leſs upon this *Parliament*. It met not till [1] *Munday* after the Feaſt of St. *James*, *July* the 28*th*, almoſt Three Weeks after the *Seſſion* of *Parliament* was ended. I ſhall only obſerve farther, that the *Chapter* of *York* deputed ſeveral Perſons, and by different *Letters of Proxy*, to appear and act for them in theſe two different Aſſemblies: By the one dated *April* the 1*ſt*, they Commiſſion'd *R. Ravenſer* Archdeacon of *Lincoln*, *W. de Simthorp*, *Tho. de Fordeham*, *Mich. de Ravendale*, and *Adam de Thorp*, to appear in the *Parliament* at *Weſtminſter*, the *Munday* after the Feaſt of St. *Gregory*; by others dated *July* the 21*ſt*, (Eleven Days after the riſing of the *Parliament*, and almoſt four Months after the date of the other) *Jo. de Norton*, to appear before the Archbiſhop of *York*, at *York*, the *Munday* after St. *James*, *July* the 28*th*, and to act on their behalf with the *Provincial Clergy* there. If this does not ſatisfy Dr. *A.* that the *Parliamentary-Convention* of the Clergy held in *April* this Year at *Weſtminſter*, and the *Provincial-Convocation* held at *York* in *July*, were IN FACT two different *Aſſemblies*, I muſt give over the Cauſe; for indeed a more Evident Demonſtration I cannot tell how to offer of it.

About the latter End of this ſame Year, [2] another *Parliament* was Summon'd to meet at *Weſtminſter* fifteen Days after *Hillary*, *January* the 27*th*. A [3] Fortnight after this *Parliament* was called, the King iſſued out two other Writs, to the two *Archbiſhops* for Summoning their *Convocations*; and that again *Expreſly* for *Aid*, in the *ſame Words* as before. The *Archbiſhop* of *Canterbury* appointed His *Clergy* to meet the day after the *Purification*, a Week after the *Parliament* began. From thence they ſate on together, and the *Convocation* which met a *Week* after the *Parliament*, to make up its time, continued to ſit as much beyond it.

Now as this ſufficiently ſhews the Independency of theſe Aſſemblies upon one another; ſo it muſt be obſerved that the [4] *Convocation* of *York*, here again, as before, met not till near *two Months* after the *Parliament* was riſen. So that if this *Duty*, or *Privilcdge*, (I know not which I ought to call it) of *Attending* on the *Parliament* be a *Right* of the *Convocation*, 'tis, as Dr. *A.* ſeems ſometimes to intimate, the *Right* of the *Convocation* of our *Province* alone; for there is yet no Proof that it ever was the *Right*, or ſo much as *Practiſe*, of the other.

But Dr. *A.* has here ſome things to offer from the *Parliament* of 1376, which he thinks may favour his Cauſe. The point which he lays down is this, that the [5] "*Convocation-Clergy* are ſpoken of, as of the *Parliament*, and *Acting* in it. And for Proof of it, he refers us to two Paſſages of the *Parliament* 50 *E.* 3. "The *Commons* of *Tividale*, as well *Religious* as *Secular* Prayen. But what would Dr. *A.* conclude from hence? Not I hope that theſe *Commons-Religious* of *Tividale*, were the *Convocation-Clergy*, or the *Commons Secular* of *Tividale*, the *Houſe* of *Commons*? That would be Ridiculous to ſuppoſe: But the *Commons* of that *Country* brought in their *Petition* to the *Lower Houſe of Parliament*, and they preſented it, as they did the *City* of *Londons*, and many other particular *Towns*, and Perſons *Petitions*, to the King in *Parliament*.

His next Inſtance is yet leſs to the Purpoſe, if poſſible, than the foregoing: [6] "The *Commons* of the *Dioceſſe* of *York* complain of the outragious taking of "the *Biſhop* and his *Clerks* for Admiſſion of Prieſts to their *Benefices*. Now theſe *Commons*, to make this Inſtance pertinent to Dr. *A*'s Purpoſe, muſt be the *Convocation*

[1] Regiſt. Dec. & Capit. Ebor. ab Anno 1352. fol. 126. b. Compare. fol. 125. b.

[2] Dugd. Summonit Parl. p. 290.

[3] Dec. 16. Regn. 50. Regiſt. *Sudbury*, fol. 31. *a*.

[4] Regiſt. *Tho. de Appleby* fol. 293. Tho' the King's Writ was iſſued to both Archbiſhops at the ſame time.

[5] Rights, &c. p. 335, 336.

[6] Rights, &c. p. 336.

Convocation of *York*. The Words 'tis plain imply no ſuch thing; and as for the Matter of Fact, the *Convocation* of *York*, as I have ſhewn, met not till *Three Weeks* after this *Parliament* was riſen; ſo that all this *Divination* muſt be as Falſe, as it is without Ground. K. EDWARD the IIId.

But Dr. *A.* goes on: In the ſame Year a Conſtitution of *Simon Iſlep* is ſaid to be made, "*de Conſilio & Conſenſu Fratrum Noſtrorum in Parliamento præſentium, & "procuratorum Abſentium.* Does this *Gentleman* conſider what He writes? A Conſtitution of *Simon Iſlep* made in *Parliament*, 50 *E.* III. who died in the fortieth of that King, ten Years before that *Parliament* ſate? That would be Extraordinary. But we will allow of his Miſtake: It was made *Anno* 1351, and in haſt he took the *Anno* 51 for the Year of the *King*, which was a part of that of our *Lord*. What does he infer from it? Why, "this Decree, he ſays, we "muſt believe paſs'd in *Convocation*, and that Meeting therefore was then "eſteem'd *Parliamentary*; for why elſe ſhould the *Biſhops*, when Acting in their "*Convocational Capacity*, *be ſpoken* of as preſent in *Parliament*? Ibid. p. 317.

What a Company of *Inferences* are here to prove nothing but the perpetual Errors of him who made them? This *Decree* we muſt believe paſs'd in *Convocation*? Why muſt we believe this? Did the *Archbiſhops* in thoſe days make no Decrees, either with, or without, the *Conſent* of his *Brethren*, but only in *Convocation*? Dr. *A.* will not for ſhame ſay ſo. But what if it had been done there? How would that have infer'd that the *Biſhops* Acting in *Convocation*, muſt have been eſteem'd to act *Parliamentarily*? The *Archbiſhop*, with the Conſent of ſuch of his *Biſhops* as were come up to the *Parliament*, and of the *Proctors* of thoſe who were abſent, made the *Decree* of which we are ſpeaking: This is all that the *Words* imply. They ſay nothing of what Capacity they Acted in; nor favour any ſuch ſtrange Notions as this *Author* advances. In ſhort, to lay aſide our Own Arguing, and come to plain Matter of Fact: No *Convocation* was then *ſitting*: This order was made, *February* the 18*th*; on *March* the 1*ſt* following the *King's Writ* went forth for calling the *Convocation*. It ſate not till *May* the 2*d*, almoſt Three Months after this *Decree* was made: And how they could act in their *Convocational Capacity* in *Parliament* in *February*, when no *Convocation* met till *May*, I ſhall leave it to Dr. *A.* himſelf, on Second Thoughts, to tell us.

Sect. 66.

And thus are we come to the End of this long Reign: Let us now ſtop a little, and take a ſhort Review of the *Hiſtory* of it, and ſee what the *State* of Affairs, as to the Points under Debate, was in it.

1. Dr. *A.* affirms, that the *Clergy* broke off their *Attendance* on the *Parliament* intirely under this Reign, and abſolutely Exchanged it for their own *Provincial Aſſemblies*. But, on the contrary, it appears, that this *Attendance* was not only ſtill *Exacted* by the King, but was ſtill paid by the *Clergy*; who apparently continued to come to, and Act with the *Prelates* in *Parliament*. And I cannot but wonder, what ſhould move an Author, who would be thought to be an Advocate for our *Parliamentary Rights*, to add ſo much more time, than in truth he ought, to the otherwiſe too long *Diſuſe* of them.

2. Dr. *A.* cannot hear it ſaid, without Indignation, that the Great Deſign of the King in calling the *Convocations* of the *Clergy* was to obtain a *Supply* of his *Urgent Needs* from them. Yet this both the *King's Writs*, and the Archbiſhop's *Mandates*, fully declare to be the Truth; and to them I appeal to determine this Point between us.

3. Dr. *A.* concludes that the *Convocations* of the *Clergy* were (in this Reign) perfectly *Parliamentary-Convocations*. That whenever a *New-Parliament* was *Summon'd*, a *Convocation* was *Summon'd* to meet with it: That both theſe ſate *Concurrently* with one another: Whereas, upon enquiry it appears, that theſe two *Aſſemblies* had no manner of *Relation* to, or *Dependance* upon each other. Abundance of *New-Parliaments* were called, and no *Convocation* in either *Province* called with them. Sometimes *Convocation-Writs* were iſſued out the *laſt Week*, or *Day*; ſometimes a *Week*, or *Two*, after the *End*, of the *Parliament*; as if it had been on purpoſe to Contradict this *Hypotheſis*, and to ſhew that they were not to be *Concurrent* with, or *Dependant* the One upon the Other.

It could hardly have been thought, but that in Fact it appears ſo to be, how few *Convocations*, and *Parliaments*, in this long Reign did chance to

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meet together. [1] Twice only in theſe fifty Years, did the Two *Convocations* ſit at the *ſame time* with the *Parliament*. [2] Even the *Convocation* of our *Province* met but *ſix times* in all this Reign, within any part of the *Parliament's Seſſion*, and that of *York* in none of them Concur'd with it. Of thoſe ſix, [3] *Two*, if not *Three*, are ſo Circumſtantiated, as utterly to overthrow his *Hypotheſis*; and make more againſt, than for, his Opinion. In ſhort the Hiſtory of this *Reign*, from one end to the other, plainly aſſerts the *Prerogative* of the *Crown*, as well as the *Rights* of the *Clergy*; and ſhews that as the one did ſtill keep up their *Parliamentary Intereſt*, and come to thoſe *Great-Councils*, and fill up the *State* of the Clergy there; ſo the other did Summon *Convocations* whenever he thought fit, either at the *ſame time* with his *Parliaments*, or at any *Other*, as it ſeem'd moſt for the Convenience of his Affairs to do it.

[1] Ann. 1339, 1344.
[2] Ann. 1337, 1357, 1373. 1376. Twice.
[3] Ann. 1342, 1373. 1376. the former.

Nor is Dr. *A.* at all more happy in his *By-Points*, than he is in his *main Fundamental Aſſertions*: Truth does *equally Deſert him* in the One, and in the Other; for I am unwilling to ſay that he has *equally Deſerted* the *Truth* in both.

4. The *Province* of *York* is repreſented by him as a kind of Subordinate *Province*, which has no *Rights*, or *Authority* of its *Own*, but is obliged *almoſt Implicitely* to follow whatever its Maſters on this ſide *Trent* ſhall think fit to preſcribe to it. But the Hiſtory of this Reign ſhews that they were not ſuch *Slaves* as he would make them. [4] That they did ſometimes *ſet* an *Example* to Us, inſtead of taking it from Us. And ſometimes when we went before them, yet, for all that, refuſed to follow our Pattern.

[4] See Ann. 1339, 1344.

5. The Right of the *Lower Clergy* to a *Place*, and *Voice* in *Eccleſiaſtical Councils*, as well as in *State-Convocations*, is another conſiderable Point, aſſerted by Dr. *A.* A Great *Canoniſt* is Reviled, after no Ordinary manner, for contradicting this Notion; and not foreſeeing at almoſt Three Hundred Years diſtance, what *Paradoxes* would come into this *Author's* Head to maintain, ſeveral *Ages* after he wrote. But here we ſee an abundant Conviction both of his Error, and his Uncharitableneſs. To *Convocations* we find the *Lower-Clergy* Summon'd, as *proper* and *neceſſary Members* of them. But to *Councils*, they were only *Invited*; *Admoniſh'd to come*, if they thought *Good*; *Promiſed* to be *Admitted* if they *Petition'd* for *Admittance*; but not *Required* to be *preſent*, nor *threatned* to be *treated* as *Contumacious* if they were not. Nay, and many times they were not ſo much as invited, but the *Biſhops met alone*, and *acted* without them. This is plain in Oppoſition to Dr. *A's* Unjuſt Reflections upon that *Great Man*, only for his own *Miſtake*: And may deſerve to be conſider'd by ſome *Others*, who have unawares eſpouſed his *Error*, tho' not his *Paſſions*; and too implicitely followed him, both in his *Notion*, and in his *Cenſure*.

King RICHARD *the* IId.

Sect. 67. 1377.

But not to inſiſt any farther upon theſe Remarks: Let us proceed to enquire how things ſtood in the next *Reign*, and whether that will afford us any Proofs of ſuch Matters, as 'tis certain hitherto we have met with no Footſteps of.

King RICHARD being come to the Crown, *June* the 21*ſt*, On the [5] 4*th* of *Auguſt* following iſſued out his *Writs* for the *Parliament* to meet, a fortnight after *Michaelmas*, *October* the 13*th*. To this *Parliament* the *Clergy* were not only *Summon'd* by the *Biſhop's Parliament-Writ*, but continued to come too. [6] Inſomuch that at this very time the *Archdeacon* of *Richmond*, in the *Other Province*, being detain'd by his Affairs, ſo that he could not come in Perſon to this *Parliament*, was forced to ſend his Proxy to it, to appear there, and to Conſent to what ſhould be done, on his behalf.

[5] Dugd. Summonit. Parl. p. 293.
[6] E Regiſtr. penes Commiſſar. *Richmond.*
[7] *A noſtre tres Excellent Seigneur Roy ſupplient humblement ſes devoutes Oratours les* Prelates *& la* Clergie *de la* Province *de* Canterbirs, *& De'verwyk*, &c. *Rot. Parl.* 1. Rich. II. *num.* 112. *&c.*

In this *Parliament* a large Number of [7] *Petitions* were preſented by the *Clergy* to the King. They were tender'd in the *Name* of the *Prelates* and *Clergy* of the *Provinces* of *Canterbury* and *York*; that is to ſay, of the *Clergy* of the *Realm* Summon'd by the King to this *Parliament*. And tho' I cannot ſay with ſome, that this is a certain Proof that the *Lower-Clergy* were then in *Parliament*, (becauſe 'tis certain *Petitions* were prefer'd in the Names of thoſe who were no *Members* of that *Great Council*, nor yet *Called* to it) yet I think it is a fair Preſumption; and being added to the two things before obſerv'd, that the *Clergy* were ſtill

Called

Called to *Parliament*, and that we ſee the *Archdeacon* of *Richmond*, tho' out of the *Province*, and at ſo great a Diſtance, was yet forced to depute a Proctor to excuſe his Perſonal Abſence from it, will warrant us to conclude againſt Dr. *A*'s Suggeſtion, that the *Lower-Clergy* had not yet exchanged their *National Attendance* in theſe Councils, for a *Provincial Meeting* in their Own Reſpective *Convocations*. K. RICHARD *the* IId.

The King having thus Summon'd his *Parliament*, upon *Auguſt* the 4*th*, on the 29*th* of *September* following, that is to ſay above *Eight Weeks* after, iſſued out two *Provincial-Writs* to the *Archbiſhops* for calling the *Convocations* of their Reſpective *Provinces*. And becauſe we are now entring upon a Reign, in which theſe *Aſſemblies* of the *Clergy* came ſomewhat nearer together, than ever they did before; it may not be amiſs to make ſome Remarks once for all here, to clear the Matters under Debate for the *Twenty Years* which are to follow in it.

First then, it muſt be conſider'd, that by the *Writs* of *Auguſt* the 4*th*, the King Aſſembled his *Parliament*, and Commanded the *Biſhops* of *both Provinces*, to order their Reſpective *Clergy* to come to it, at a *determinate Time*, and to a *certain Place*; at *Weſtminſter*, *October* the 13*th*. Thus was the *Parliament-Convention* of the *Clergy* fix'd, about two *Months* before any *Orders* were given to Aſſemble the *Provincial-Convocations*.

On *September* the 29*th*. The [1] *Writs* going out for the *Convocations* to meet; the King leaves both the *Time*, and *Place*, to the *Archbiſhop*'s Direction: Only propoſes thus much with Relation to both, that the *Archbiſhops* ſhould cauſe their Clergy to meet at St. *Pauls London*, and at St. *Peters York*; after their Uſual manner, within as *ſhort a time*, as they conveniently could. In theſe therefore a *different Place* is propoſed from that of the Parliament, and no *time* at all Limited for their *Meeting*: Which ſufficiently ſhews, that the *National-Convention*, and *Provincial-Convocations* of the Clergy, were intirely *diſtinct Aſſemblies*, both in the Eye of the *Law*, and even in *Fact* too.

[1] Rot. Clauſ. 1 Rich. II. m. 31. Dorſo.

[2] The deſign of theſe *Convocations* was purely to grant a Supply to the King: The *Writ* avows it to be the End for which they were Called, and I hope it will be no *Crime* in me to affirm what the publick Inſtruments of the Realm warrant me to ſay.

[2] —*Unde in Salvationem Status Eccleſiæ Sanctæ & Regni ac populi prædict. neceſſariam defenſionem, Sumptus, ac Cenſus, & Expenſas inæſtimabiles*——*Effundere nos Oporet. Verum quia de Copia Theſauri vel Bonorum in primordiis noſtri Regiminis, nec mirum, penitus alieni, ad ipſorum Onerum & Sumptuum Supportationem abſq; juvamine fidelium noſtrorum non ſufficimus, ſicut ſcitis, Vobis in fide, &c.* To call his Convocation. Then it follows.——*Et eis dictis Negotiis & periculis ibidem plenius expoſitis & declaratis, ipſos ad Subſidium in hoc caſu Competens & Neceſſarium in Supportationem dictorum Onerum & Sumptuum nobis concedendi, eo ſpecialius, & cum Efficacia quâ magis ſciveritis, vel poteritis, tanta Neceſſitate cauſante inducatis, & partes Veſtras ad hoc Effectualiter apponatis: Nos in Cancellaria noſtra de quantitate ſubſidii illius, & de terminis Solutionis Ejuſdem Certificantes.*

The *Convocations* being thus Order'd by the *King*, were accordingly *Summon'd* by the *Archbiſhops*: That of our [3] Province to meet on *Munday*, *November* the 9*th*, a Month after the *Parliament began*, and not *three Weeks* before it *Ended*: That of *York*, [4] *December* the 1*ſt*, *three days* after the *Parliament* was *riſen*.

[3] Regiſt. *Sudbury* Cant. fol. 41.

[4] Regiſt. *Alex. Nevell* Ebor. fol. 6. *b*.

Here therefore it is plain, even to Demonſtration, that three different Aſſemblies of the Clergy met this Year: A *National Aſſembly*, with the Parliament at *Weſtminſter*, *October* the 13*th*: A Provincial Convocation of the Province of *Canterbury* at St. *Pauls London*, *November* the 9*th*: And another of the Clergy of the other Province at St. *Peters York*, *December* the 1*ſt*.

It appears by the [5] Rolls of Parliament, that the Parliament roſe, *November* the 28*th*; and that they had before their riſing made their Grant to the King. And what that was, and after what manner it was paſs'd, the ſame *Rolls* thus deliver to us. [6] "The Lords and Commons grant to the King two Fifteenths "*per dehors Cittees & Burghs, & deux Diſmes deinz meſmes Cittees & Burghs, a' "leuer de lour Biens ſibien ceſtaſſauoir des Seignors des Villes, come des* Religious "*pur leur Biens provenants de lour Terres & Tenementz, purchaſez, ou appropriez, "puis l'an Vintiſme le Roy* EDWARD *fitz le Roy* HENRY. And pray, that as well this, as the Money *de les diſmes ore a Granters par la Clergie d' Engletere*, ſhould be aſſigned to certain Treaſurers. So that the Parliament had plainly granted two Fifteenths and Tenths to the King, the 28*th* of *November*; and that before the *Clergy* in Convocation, had granted any thing.

[5] Rot. Parl. 1. Ric. II. Num. 139.

[6] Ibid. num. 27.

K RICHARD *the* IId.

What therefore [1] Dr. *A.* tells us, that the Clergy this Year gave a *Tenth*, on Condition that the Commons (ſo he reports it, but the Regiſter ſpeaks more properly, *Domini & Communes Temporales*) gave a *Fifteenth*, muſt needs be a Miſtake, tho' the Regiſter of Archbiſhop *Sudbury* does, I confeſs, ſpeak to the ſame Purpoſe. The Error may perhaps ariſe from hence, that the date iiii° *Non. Decembr.* ſhould have been iv *Kal.* This will reduce it to the very Day of the *Parliaments riſing*, which was commonly the *day* of their *Grant* too; and on which we may ſuppoſe the *Clergy* did not certainly know, how much, or after what manner they would Grant their Supply to the King.

[1] Rights, &c. p. 334.

'Tis true, for ſome occaſion or other, of which we can give no certain Account, the *Commons* were kept a *Week* after the *End* of the *Parliament*, before they had their *Writs* of *Expences* ſigned; and they were allow'd that time into their Attendance. But their Grant being made on the 28*th* of *November*, it can hardly be thought but that the Clergy muſt have known it before the 2*d* of *December*: And therefore we cannot ſuppoſe that they ſhould have made their Grant on ſuch a Condition, as the very Terms of the *Parliaments Aid* had before prevented.

If in a Matter of this kind I may be allow'd to offer my Conjecture I ſhould think, that the King kept the *Parliament* from ſeparating till the Convocation of our *Province* had agreed, not only to the *Subſidy* which he deſired, but to the *Time* which he propoſed of paying of it. The King's Affairs required a ſpeedy Supply: The *Laity* were willing to comply with the Publick Needs; and, at their Inſtance, the *Clergy* of *Canterbury* agreed to pay in their *two Tenths* before the 1*ſt* of *March*. The Archbiſhop of *York* and his *Prelates*, who were at the *Parliament*, we are told, conſented to do likewiſe. But the *Clergy* of that *Province* were not willing to comply with this Propoſition. [2] The King therefore wrote down *Letters*, not only to the *Archbiſhop*, but to the Chief of his *Clergy* alſo, to induce them to a Compliance, in this Particular. "He charged them "with what they had agreed to at the *Parliament*: He inſinuated to them the "Memory of their former Actions; how they of the Province of *York*, in the "time of his Grandfather King *Edward* the IIId, had always uſed to be as rea- "dy, and forward to help the Crown, as the Clergy of *Canterbury*: And there- "fore pray'd and required them not to diſappoint Him now. He urged them "with the Conſideration of the *Publick* Good; and bade them take heed that "any *Evils* that might arrive for want of a ſpeedy *Supply*, were not laid to "their Charge.

[2] See the Appendix ad Ann. 1377.

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Dr. *A.* who never fails to make the moſt of his Proofs, infers Abundance of Concluſions from this Letter, in which I cannot agree with him. The [3] firſt thing which he would inſinuate, and for which indeed he alledges it is to ſhew, that what the Clergy granted in *Convocation*, was look'd upon by the King to have been granted in *Parliament*. But this, in his Senſe muſt be impoſible: For the Parliament was diſmiſs'd, *November* the 28*th*: The Convocation of *Canterbury* did not grant till the 5*th* of *December*; nor that of *York* till about the ſame time in *January* following. Either therefore by the *Tenths*, and *Fifteenths* here ſpoken of, and ſaid to have been granted in Parliament by the Clergy, and Laity, we muſt underſtand thoſe which the Parliament did themſelves Grant; or if we take in thoſe of the Two Convocations, they muſt be ſaid to have been granted in *Parliament*, not that they were abſolutely given there (for that he himſelf will not ſay;) but as they were promiſed by the *Parliamentary Prelates* and *Clergy*; who often made their Grants, as far as concerned themſelves in Parliament, of what was afterwards nevertheleſs to be paſſed in Convocation; and thereby the more eaſily carried what the King deſired in that Aſſembly. This we are ſure was the Caſe not long before, *Anno* 1369: And our [4] Hiſtorians therefore ſpeak of what was granted in the Convocation in *February*, as given in Parliament the *May* before. And I make no doubt but that for this Reaſon what was ſolemnly paſs'd in the *Two Convocations*, being promiſed before by the *Principal Members* of them in Parliament, is here ſaid to have been granted there. This is plain that the Archbiſhop of *York*, and the *Prelates* of his *Province*, had agreed to Anticipate the uſual time of Payment, whilſt they were at the Parliament, before ever their Convocation met; and we need not doubt but that they had alſo agreed to the *Tenths* that were to be *Granted*, as well as to the *Terms* at which to pay them.

[3] Rights, &c. p. 339.

[4] Walſingham. p. 184. Antiquit. Britann. p. 253.

It

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It is not therefore becauſe that the Convocation was then accounted a Part of the *Parliament*, that what was done in the One, was ſometimes ſaid to be done in the Other: But becauſe what was afterwards more fully agreed to, and paſs'd in Convocation, had before been reſolved on, by the *Prelates*, and *Clergy* in *Parliament*, (tho' it could not be totally concluded there) therefore in ſuch Caſes, the Grant was ſpoken of as made (for ſo indeed it was) in Parliament; notwithſtanding that it was afterwards to be brought before the Convocation, and there be agreed upon by thoſe, who had no *Place*, nor *Voice* in Parliament.

From that part of this Letter which ſays, " that the Archbiſhop of *York* and " the other *Prelates* of his Province who were at the Parliament, agreed to " the time of paying theſe *Tenths*; [1] Dr. *A.* makes this *Second Inference*: " No " mention of the *Lower-Clergy* of *York* Province; becauſe they at THAT TIME " were NOT PRESENT, but HOLDING a CONVOCATION at HOME, together with " all the *Prelates* of their Province who were not *Barons* of *Parliament*. This is another Conſequence forged purely out of his own Brain. The Convocation of *York* was not ſitting at the time of this Parliament; and therefore the *Lower-Clergy* were not at THAT TIME holding a Convocation at home. On the contrary, the Clergy of that Province were preſent at this Parliament, as both their *Parliamentary-Petitions* ſhew; and the apparent Inſtance of the *Archdeacon* of *Richmond*, puts it out of all doubt.

[1] Rights, &c. P. 339.

Yet once more: Becauſe to inſinuate the more into them the King took notice of their wonted Readineſs to aſſiſt the Government; How they had been " accuſtomed to do *in like manner*, and as *well*, on ſuch Occaſions, as the Pro- " vince of *Canterbury* had been; Dr. *A.* infers another Concluſion, as weak as either of the Preceding, that " the Convocation of *York*, was look'd upon as *under* " *ſome kind* of OBLIGATION to FOLLOW the PATTERN SET by THAT of CANTER- " BURY. Let him draw *Concluſions* as he pleaſes: They are Innocent things, and will never much hurt the *Rights* and *Liberties* of the *Province* which he would enſlave by them. But let him not miſ-repreſent *Matters* of FACT to do it by. The Words of the *Letter* He thus renders; That he (the King) " had " written to the *Archbiſhop* of *York*, praying and requiring him (in Conſideration " of that *Agreement in Parliament*, and ACCORDING TO THE CUSTOM ESTA- " BLISH'D IN *EDWARD* THE IIId's TIME, FOR THE PROVINCE OF *YORK* TO " DO ALWAYS AS THAT OF *CANTERBURY* DID) to take Effectual Care " that all his Clergy did their Duty in this Reſpect.

Sect. 70.

Here now is a *Rule* ſet out, on which to bring that Province into Subjection; and to oblige it to follow all the *Orders*, and *Practices*, of that of *Canterbury*. No Liberty is left them, of *Deliberating*, or *Diſſenting*: Not ſo much as the Right of Diſpoſing of their Own Money, the great *Priviledge* and *Birth-Right* of every *Engliſh-man*, if Dr. *A.* may be believed. This is a great Hardſhip; and for which they are beholden to the Good-will of this *New-Antiquary*. But does Dr. *A.* think to blind Men's Eyes, that they ſhould not ſee the Foulneſs of ſuch a Tranſlation? The Words of the *Letter*, except One, of which I doubt, are in *Engliſh*, theſe. Having taken notice of ſome among them who notwithſtanding the *Great Neceſſity*, and *apparent Peril* of the *Realm*, would delay the paying of their *Tenths*; He tells the *Abbot*, to whom he wrote, That he had thereupon written to the *Archbiſhop* of *York*, " Praying and Requiring him, " that conſidering the things above-ſaid, and how the Province of *York* had " been *Accuſtomed* (or wont) in the time of his *Grandfather*--- to *do* in *like* " *manner*, and *as well*, as thoſe of the Province of *Canterbury* had done, he would " ſo manage, and agree Matters between *Himſelf*, and his *Clergy*, that the " *Tenths* might be paid the 1*ſt* of *March*, or very ſoon after.

Theſe are the *Words* of that *Letter*; and the Deſign of them was plainly this. The King to inſinuate into the Affections of thoſe of that *Province*, and to gain his Point upon them, after many other Reaſons urged, takes notice of their paſt Readineſs to promote the *Publick Good*. How in the time of his Predeceſſor, they had been wont to do in *like ſort*, and *as well*, as the *Other Province* did; and therefore he hoped they would do ſo now, in the firſt Inſtance of his Reign. But for " a CUSTOM ESTABLISH'D in *Edward* the IIId's time for the Pro- " vince of *York*, to do ALWAYS as that of *Canterbury* did, 'tis all Fiction; ſuch a Miſrepreſentation of a *Record*, as nothing but a Charitable Suppoſition of his

K. RICHARD the IId. his being mistaken in the Understanding of the Old *French*, if that, can Excuse.

To clear this Matter yet farther, and shew how little it makes to any of his Purposes when truly Represented, I shall take the Liberty of pursuing more particularly the *History* of this *Grant*, in the Province of *York*, tho' otherwise of no Consequence to my main Design. The *Archbishop* called his Convocation, as I have before said, to meet at *York* before his *Commissaries*, on *Tuesday* the first of *December*. Being met, they refused to conclude upon any *Subsidy*, notwithstanding all the Arguments that the *Commissioners* could use to induce them to it. Hereupon they Prorogued the *Convocation* to *Munday*, *January* the 4*th*; when the *Archbishop* himself being present, urged all the several Considerations specified in the *King's Writs*, and all other Reasons that he himself could think of, to induce them to such a *Grant* as was desired.

Had the *Archbishop*, or *Clergy* been acquainted with that *Notable Agreement* of which Dr. *A.* speaks, made in King *Edward* the IIId's time; all this Trouble on both sides might have been spared. One short Word had done the Business; "*Thus much*, the *Clergy* of *Canterbury* have granted, to be paid at such a *time*; "and you know the *Obligation* which you lie under to follow their *Example*. But these were Notions which our Forefathers knew nothing of; and therefore we ought not to wonder, if they did not act by them.

After long Debates, and much arguing, they at last agreed to a Two Years *Tenth*, and so far follow'd (with much ado) the Pattern of the *Other Province*. But in the Terms of Payment they widely differ'd. They agreed to pay One *whole Tenth* upon the 3*d* of *May* next following: The other at Two Payments on the last of *November*, and the 25*th* of *March*, after. It was upon the Occasion of this delay that the *King wrote* to the *Archbishop* of *York*, and to the chief *Prelates* of the *Province*, those *Letters* of which Dr. *A.* Cites One, which was sent to the *Abbot* of *Selby*. In what Terms that to the *Archbishop* of *York* was composed, I cannot tell: But by the Report which the *Archbishop* made of it, none of those things upon which Dr. *A.* the most insists, are to be found in it. He tells the King, in his Answer, that He had received his *Letter* by which He press'd him in Consideration of the Duke of *Lancaster*'s Voyage, and of the *Other Nobles*, agreed upon in the last *Parliament*, to procure the hastning of the Two Years *Tenth*; and in order thereunto to call his *Clergy* again together, and Labour this Affair with all Dilligence. That accordingly on the 22*d* of *March* (Three Weeks after the time of Payment set by those of the other *Province*) he had held another *Convocation*; and caused the *King's Letters* to be publickly read to them, and press'd them with the Consideration of the *present Dangers* to which the *Kingdom* was exposed; and with such *Other Arguments* as might be likely to move them to conform themselves to the *Grants* of the *Prelates*, and *Clergy*, of the *Province* of *Canterbury*. That the Result was, that considering the necessary Defence of the *Church*, *Kingdom*, and *People*; and being willing to please the King by complying with his Desires in the *Beginning* of his *Reign*; they did agree to pay their *Two Tenths*, sooner than they had before proposed; the One upon *May-day*, the Other on the Feast of St. *Margaret*, the 20*th* of *July* following.

This is the plain Account of this Affair, from the *Archbisho'ps Certificat*, which, for the Confirmation of my Report, I have placed intire in the *Appendix*. And now let any Man of Conscience judge, what is there in all this that looks like that Slavish *Obligation*, which Dr. *A.* would so injuriously lay upon our *Neighbour Province*? Where are there any *Arguments* drawn from his pretended *Agreement* to induce them to comply with the *King's Desires*? Any the least hint given, that ever any such thing was thought of on either side? The King urges them with the Consideration of the Duke of *Lancaster*'s Voyage, which called for a more speedy Supply, than they had designed. To this the *Archbishop* added, the *Dangers* to which the *Realm* was exposed; but of their *Obligation* to do as the *Other Province* had done, not a Word does appear. The *Clergy* themselves comply'd, out of regard to the *Publick Safety*, and the *desire* they had to *Gratify* the *King* in his *Demands*, at his *first coming to the Crown*. But neither do they give us the least Cause to think, that they had any Apprehension of an *Obligation* lying upon them, serviley to follow the steps of the *Other Province*. The more Thanks ought we of this *Province* to pay to him for the Discovery;

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Discovery! And the less Reason have we to wonder at his making the *Convocation of Canterbury* to be the *Parliaments Attendant*; it being of no great Moment when such a little *Depending Province met*, as had nothing to do, but to take its *Measures* from the *Other*; and *humbly* to *submit* to whatever that should think fit to impose upon it.

This Useful Letter to the *Abbot* of *Selby*, as Dr. *A.* has managed it, He places under the Second of King *Richard* the IId. For what *reason* I cannot imagine. The Circumstances of the *Grants* made both by the *Parliament* and *Convocation*; The Month in which it was written; The Great Circumstance of it, concerning the Duke of *Lancaster*'s Expedition; All shew that it belongs to his first Year: And there is no date in the *Register*, by which to justify his placing it in the Second.

Sect. 79. 1378.

The next Year the King held his [1] *Parliament* at *Gloucester*, the *Wednesday* next after the Feast of St. *Luke* the *Evangelist*, *October* the 20*th*. To it the *Clergy* were called by the *Præmunitory Clause*, and by the *Proxies* return'd from the *Dean* and *Chapter* of *York* to it, we may reasonably suppose that that *Clause* was not only *Executed*, but *Obey'd* too, by the *Clergy* who were at the greatest Distance, and might therefore the most easily have been Excused. It sate a whole Month; and much Business was done by it. On the [2] *Munday* after the *Purification*, a Great Council was also held; and of the Clergy, almost all the *Prelates*, as well *Abbots* as Others, were present. Yet during this whole Year, no *Convocation* was Assembled in either *Province*, so that the *Doctrine* of *Attendance*, here again, notoriously fail'd.

[1] Dugdal Summ. monit. Parl. p. 296.

[2] *Rot. Parl. 2 Rich.* II. *Westmonast. num.* 5. There were at it, says the Roll. *bñ. toux les Prelatz*

ux sibien Abbees come Autres, Ducs, Contees, Barons, Bannerets, & autres Sages du Roiaume.

But one thing there was done during the *Parliament* of *Gloucester*, which will deserve to be taken notice of. On the 16*th* of *November*, the *Parliament* rose: The same day, the *Archbishop* of *Canterbury* went apart with his *Suffragan Bishops* into one of the *Chambers* of the *Abbey*; and there holding a *Provincial Synod* with them, made an Order concerning the *Salaries* of *Priests*; which from his Register is Published in the Second Volume of our *Councils*. This was another Remarkable *Transaction*; and from both together I shall leave these two Observations to every indifferent Persons Consideration; * That here was a long and a busy *Parliament*, held, and no *Convocation* with it: * And at the close of this *Parliament* an *Ecclesiastical Synod* of *Bishops* only; no *Presbyters*, no *Regular Prelates*, called into a part of it.

[3] Concil. Anglic. Vol. II. p. 626.

1379.

The next Year begins with a *Parliament*, which was Summon'd to meet a Fortnight after *Easter*, and accordingly was held on [5] *Munday*, *April* the 25*th*. To this *Parliament* [6] the *Dean* and *Chapter* of *York* deputed their *Proxies*: [7] The *Prior* of *Worcester*, provided for one to excuse Him, if need should be, for that the King's Writ, however it came to pass, was not Executed upon him. [8] In the Diocese of *Lincoln*, a *Tax* was laid upon the *Clergy* for the Wages of their Proctors, as well for their Attendance on the *Parliament*, as in the *Convocation*. All which being put together, does in my Apprehension sufficiently shew, against Dr. *A*'s Assertion, that the *Clergy* still continued to come to *Parliament*, as well as to *Convocation*; and did not think the One, any Excuse, or Exemption, to free them from going to the Other.

[4] Dugd. Summ. monit. Parl. p. 299.

[5] Rot. Parl. 2 Rich. II. n. 1.

[6] Regist. Dec. & Capit. Ebor. ab Ann. 1352. fol. 137. a.

[7] Regist. Magn. Prior. & Capit. Wigorn. fol. 297.

super vestram Amicitiam imploramus, si nunc in instanti Parliamento—*aliquid de Persona nostra sit tractatum*, —*Nos meliori modo quo Vobis placeat excusare*—*scientes quod Comparere in* hoc Parliamento *non fuimus* Præmuniti: *Sed Comparend. personaliter nunc in* Convocatione Cleri 9 Maij *prox. futur. Dominus noster Episcopus* [illegible] *quoddam Mandatum nos Premunirit.* Had Dr. *A.* been by this Prior, he would have taught him better, than to make such a difference between one of these Assemblies and the other; and have told him that being in reality both but One, One *Premonition* was enough for him.

[8] Lib. Memorand. *Jo. Bokingham*: fol. 4.

Four days after this *Parliament* began, the *Convocation* of *York* was opened. The King by [9] *Writs* of the 16*th* of *March* had order'd each *Archbishop* to call his *Provincial Clergy* together, at a Time, and Place to be appointed by them. The Archbishop of *York*, fix'd *April* the 29*th*. The Archbishop of *Canterbury*, *May* the 9*th*; both within the time of the *Parliamentary Session*. How long the *Convocation* of *York* continued, I cannot tell. By the *Archbishops Certificatory* of their *Grant* dated *June* the 20*th*, it should seem to have sate late in that Month, and so to have continued a pretty while after the *Parliament* was ended. But ours of *Canterbury* tho' it began so late, yet rose before the *Parliament*; The

[9] Rot. Claus. 2 Rich. II. m. 15. Dorso. Appendix ad Ann. 1379.

[10] Regist. *Nevel*: Arch. Ebor. fol. 7. b.

[11] Regist. *Sudbury*, fol. 53, 55.

Conve-

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Convocation concluding *May* the 25*th*; the Parliament not till *May* the 27*th*. The End of these *Convocations* was [1] expresly declared to be for *Aid*: This is a Remark that continually Recurs, and may in time Convince even Dr. *A.* himself of the Injustice of his Anger against me on this Account. Both the *Parliament* and *Convocation* gave a like *Subsidy*, a kind of *Poll-Tax*; to be paid according to the Quality, and Condition, of the several degrees of the Clergy and Laity.

[1] See the Writ of Summons; as in 1377.

About the [2] middle of *January* following a *Second Parliament* was *Summon'd*, and *held*. It continued to the Beginning of *March*; and by way of Loan, granted a farther Subsidy to the King. By *Writs* dated *December* the 2*d*, the [3] King Summon'd the two *Convocations*, after the same manner that he had done before. The [4] *Archbishop* of *Canterbury* Cited his Province to St. *Pauls London*, the *Saturday* after the *Purification*: It sate till the End of *February*, and so began almost Three Weeks after the *Parliament*, and was *Dissolved* a few days before it. But in the *Other Province*, this State *Attendance*, which else had been most Current this Year, unfortunately fail'd. For [5] that *Archbishop* Assembled not his *Convocation* till the 4*th* of *April*; above a Month after the Parliament had been risen. Both these *Convocations* were called expresly for [6] *Aid*: And I cannot find by the best Accounts I can get of them, that any thing else was done by them.

[2] Dugd. Summonit. Parl. p. 301.

[3] Rot. Claus. 3 Rich. III. m. 27. Dorso.

[4] Regist. *Sudbury* fol. 58, 59. Sect. 72. 1380.

[5] Regist. *Hatfield Dunelm.* fol. 171. b.

[6] In the Form of 1379. See the Appendix.

On *Munday* after *All-Saints* day, *November* the 5*th*, 1380. another [7] *Parliament* was held at *Northampton*. It sate till about a Week in *December*; and was then Dissolved. In this *Parliament*, a considerable Sum of Money being demanded of the *Commons*, they [8] came into the *Parliament*, and made this Offer, that if the *Clergy* would bear the Third Part of the *Charge*, they would grant to the King a 100000 *l.* in the way of the a *Poll-Tax*: So that the *Laity* should pay 100000 Marks, and the *Clergy*, who Occupied a Third Part of the *Kingdom*, 50000. And therefore pray'd the King and his *Lords*, that th ey would desire the *Clergy* to hasten the Term of their *Council*, and *Assembly*; and for this time take upon them the *Charge* of the 50000 *Marks*. To this the *Clergy* reply'd, that their *Grant* was not ever made in *Parliament*, nor ought to be: That the *Laity*, neither ought, nor could Constrain the *Clergy*; nor the *Clergy* them. That therefore the *Commons* should be charged to do their Part; and they might be sure the *Clergy* would not be wanting in theirs.

[7] Dugd. Summonit. Parl. p. 303.

[8] Rot. Parl. 4 Rich. II. n. 13.

The *Parliament* had almost sate out its time, before the Archbishop of *Canterbury* thought fit to call the *Clergy* to *Attend* upon it. His *Convocation*, order'd by the King's [9] Writ of *September* the 28*th*, to meet either at *Northampton*, or at any other *Place*, and at such *Time* as the *Archbishop* should think fit, came not together till the [10] 1*st* of *December*. The Business of it, being to grant a *Subsidy*, the *Clergy* dispatch'd it in a very little while. They agreed upon it *December* the 5*th*. And so rose after all, a day before the *Parliament* ended.

[9] Rot. Claus. 4 Rich. II. m. 35. Dorso.

[10] Regist. *Sudbury*, fol. 70. b.

If it be needful to prove the *Parliamentary Convention* of the *Clergy* which began *November* the 5*th*, and held till *December* the 6*th*, to have been in Fact, as well as *Law*, a *different Assembly* from the *Provincial-Convocation* which met not till the 1*st* of *December*, and, as I take it, rose upon the 5*th*; the different *Proxies* of the *Prior*, and *Convent* of *Worcester*, may, I think, supersede the Need of any other Arguments in this Case. Which were not only signed at different times; the One *October* the 14*th*, the other *November* the 25*th*; but expresly the former for them to appear in *Parliament*, the latter in *Convocation*. Both because there is something particular in that of the *Prior*, dated *October* the 4*th*, which in One Instrument contains a *Proxy* for both these *Assemblies*, I will give it a place in the [11] *Appendix*; and thither refer those who yet need to be convinced of the *Distinction* of these two *Meetings* from each other, to take a View of it.

[11] Append. ad Ann. 1380.

The *Convocation* of our Province, met but a few days before the end of the *Parliament*; yet still it met within the time of its *Session*; and that is enough to give Dr. *A.* a handle to assert the *Attendance*, how short soever it were, of the *One* upon the *Other*. But here again, the dilatory Proceedings of the *Archbishop* of *York*, quite spoil'd the Hypothesis: His *Province* met not till [12] *January* the 10*th*; that is, not till five Weeks after the Parliament was ended. The *Convocations*, like all the rest, were called expresly for [13] *Subsidies*: If Dr. *A.* can tell us any other Ground for which they were Summon'd, let him take his time to favour Us with the Discovery of it.

[12] *Die Jovis prox. post. festum Epiphaniæ Regist.* Nevel. fol. 10.

[13] In the form of 1379. Appendix. —— *In Act. Convoc. Regist.* Sudbury fol. 72. 'Et 'quia pro tunc 'Dom. Arch. 'erat Cancel- 'larius Anglie *non comparuit Alius pro parte* 'Domini Regis *qui exponeret Clero* 'Negotia 'Regni, *sicut* 'fieri consuevit *in* aliis 'Convocationibus.

If not let him once for all ingeniously confess, that this was the End, and the only End the King had in calling of them.

In the Year following, 1381, a Parliament was Summon'd to meet at [1] *Westminster* on the *Munday* next after the *Exaltation* of the Holy *Cross*, *September* the 16*th*; but by new Writs dated [2] *August* the 22*d*, was Prorogued till *Sunday*, *November* the 3*d*, the Morrow after *All-Souls* day. Being met at the *Time* appointed, it [3] continued sitting till the 13*th* of *December* following, when it was *Adjourn'd* to the *Fryday* before the *Conversion* of St. *Paul*, *January* the 24*th*; and from thence sate till *February* the 25*th*.

This was the State of the *Parliament* of this Year: Of which tho' there were two such *Sessions* as I have now observed, yet I cannot meet with any *Convocation* that was held in either *Province* with them. It is true, that a few days before the *Resumption* of this *Parliament* after its Adjournment; the King issued out his [4] *Convocation-Writs* to the *Archbishops*, dated *January* the 14*th*, to call their *Provincial Clergy* to their Respective *Convocations*. But neither in Archbishop *Courtney*'s Register, nor yet in Archbishop *Nevills*, nor in the many Others which Record the *Affairs* of these Times with great Exactness, can I find any Execution of them, or that any Process was made upon them. It may be Archbishop *Courtney*, who scrupled so much as to have his *Cross* carried before him, or to do almost any thing that belong'd to his *Archiepiscopal Jurisdiction*, before he had received his *Pall* from *Rome*, (which was not till *May* following) excused himself to the King as to the holding of a *Convocation* for the present, which till they had received their *Pall*, we know the *Archbishops* in those days accounted it unlawful to do; and the *Meeting* of the *Clergy* being thus put off in *One Province*, the King suspended their *Assembling* in the *Other* also.

No sooner was the *Pall* deliver'd to the *Archbishop*, and all things now removed that might give any scruple to his tender Conscience, in the Point of Duty and Obedience to his *Spiritual Father* and *Patron*, the *Pope*; but he immediately set himself upon the Great Work of proceeding against *Hereticks*, who now began, under the Conduct of *Wickliffe*, to infest the *Church*. For this he appointed a *Court*, I cannot properly call it a *Council*, of certain Select *Bishops*; of *Doctors*, and *Batchellors* of *Divinity*; and of the *Canon*, and *Civil Laws*; to meet the 17*th* of *May* in the Monastery of the *Preaching Fryars*, *London*; and there Published certain *Conclusions* the 21*st* of the same Month, and proceeded against certain *Persons*, who were suspected, or otherwise charged with the defence of, what they called *Heresy*. The *Process* of what was here done being *Publish'd* in our [5] *Councils* from the *Archbishop's* own *Register*, I shall not need to insist any longer upon it.

It is not impossible, but that Dr. *A.* who knows so well how to turn every thing to his Advantage, may be willing to make the happy Concurrence of this *Meeting* with the [6] *Parliament*, which began about ten days before at *Westminster*, a *Convocation-Attendant* upon it. But indeed it was so far from that, that it was not so much as an *Ecclesiastical Provincial Council*; but only a Select *Consistory* of *Bishops*, and *Doctors*, Learned Men chosen by the *Archbishop* to be his *Assessors*, and *Counsel*, in his proceeding against *Heresy*; and was continued by him in several *Places* and *Sessions*, till the 1*st* of *July*: As by a [7] Copy, yet unpublished, of their *Proceedings* in the *Cotton Library*, may more fully appear.

I shall therefore take the Liberty notwithstanding this small *Convention*, to affirm that we have here another *Parliament* held, and no *Convocation* at all Assembled in either *Province* with it. The next which met was upon the [8] *Octaves* of *Michaelmas* the sixth of *October* following. It continued sitting nineteen days; and that again without any *Convocation*, in either *Province*, to *Attend* upon it. Yet before the meeting of this *Parliament*, the King by his [9] *Writs* to the *Archbishops*, dated *September* the 14*th*, required them to Assemble their several *Convocations*, and they both of them did Summon them according to his Command.

The *first* which met, was that of our *Province*: The King, according to the usual Form, had left the *Archbishop* to his Liberty to Summon his *Clergy* to St. *Pauls London*, or to any *other Place*, as well as on such a *Day*, as he should think fit. The *Archbishop* having at the same time a Design to make a strict *Enquiry* into, and *Process* against *Heresy*, in the *University* of *Oxford*, resolved at once to answer both the *King*'s purpose, and his *Own*; and accordingly required his [10] *Clergy* to meet in the *Monastery* of St. *Frydeswide* there, *November* the 18*th*, about a Month after the *Parliament* was *risen*.

1381. Sect. 72.

[1] Dugd. Summonit. Parl. p. 305.

[2] Ibid. p. 307, 308.

[3] Rot. Parl. 5 *Rich.* II. num. 64, 65, 67.

[4] Rot. Clauf. 5 *Rich.* II. m. 33. dorso.

1382.

[5] Concil. Spelmann. Tom. II. p. 629.

[6] Craſtino S. Jo. ante Portam Latinam. Dugd. Summonit. Parl. p. 309, 310.

[7] Appendix ad Ann. 1382

[8] Dugd. Summonit. Parl. p. 312.

[9] Rot. Clauſ. 6. *Rich.* II. par. 1. m. 28. Dorſo.

[10] Regiſtrum Courtneii: fol. 33. a.

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Will *Dr. A.* give me leave, before I proceed, to Ask him only in this Case: Was not the *Parliamentary Convention* of the *Clergy*, which met at *London October* the 6*th*, and sat there till *October* the 23*d*, and was then *Dissolved*; both in *Law* and Fact, a *different Assembly*, from the *Convocation* which met *November* 18*th* at St. *Frydeswides Oxon*: and Sat there till the 26*th* of the same Month, and was then Adjourn'd to *London* in the *Octaves* of *Epiphany* following? Yet these both met in the *same Province*, and were *Summon'd* by the same *Writs*, in point of *Form*; that all the Other *Convocations* of those times were. But I proceed:

[1] In the form of 1379. *Appendix.*

The *Convocation* being Called by the King Expresly for a [1] *Subsidy*; (which runs thro' the whole Body of the Kings Writ,) did accordingly grant him an Aid, tho' but a small One, of *half* a *Tenth*. But the *Archbishop* had Other Work to do; and I must beg leave to give a distinct Account of it, to Prevent any mistake that may otherwise be made about it.

I have often before Observed, that tho the *Lower Clergy* were *Proper* and *Necessary Members* of our State *Convocations*, yet they were not so of our *Provincial* Church *Councils*. To keep up the Distinction of these *Meetings* from One another, it was the *Prudence*, as well as *Custom*, of former *Archbishops*, when they were minded to transact any *Ecclesiastical Affairs*, at the same time that they were Called to Do the King's Business, to Issue out separate *Mandates* of a Different *Form*; the One in Execution of the *King's Writs* to hold a *Convocation*; the Other by their own *Metropolitical Authority*, to Convene a *Church Synod*.

This Method of proceeding, kept up a sensible *Distinction* between the *One* and the *Other*, tho' both sat perhaps in the same *Week*, and Consisted in good measure of the same Persons, only called after a different manner, to be present in both. But Archbishop *Courtney* thought such a *Summons* to be Needless: He looked upon it to be enough, that having his *Suffragans* present with him (by whatsoever Means) he *Authorized* them by his *Command* to Act as a *Synod* with Him, Exclusive of the *other Members* of the *State-Convocations*; and so made them as Effectually a *Provincial Council* by his *Order*, and *Direction*, as if he had sent a *Previous Mandate* to them to that Purpose.

[2] *Registrum Courtnevii.* fol. 34. *a.*

Here therefore we must observe how this Same *Meeting* treated of *Different Matters*, and *Proceeded* after a *different Manner* upon them. [2] Being *Assembled* in the *Chapter-house* of St. *Frideswide Oxon*, *November* the 18*th*, the *Certificate* of the *Bishop* of *London* for *Summoning* the *Convocation* was read. Then the *King's Treasurer* presented his Letters of Credence from his Master; which being Read, he Declared the *Dangers* of the *Kingdom*, and Demanded a *Subsidy* in the King's Name, of them. When this was done, the Archbishop Proposed to Them the Two General *Causes* of their *Assembling*, namely for *Correcting* of *Excesses*, and *Reforming* of the *Injuries* done to the *Church*; and for *Granting* a Competent *Subsidy* to the *King*.

This was the Business of the 1*st* Day: On the 2*d*, the whole *Convocation* being Come together, the Archbishop Commanded the *Proctors of the Clergy* that they should meet in some decent, and fitting *Place*, and there *Treat* of those *Things*. The *Lower Clergy* being thus Set to work upon their *Convocation Business*; [3] the Archbishop committed his Place with Authority of Compelling by Ecclesiastical Censures, to the Bishops of *Sarum*, *Hereford*, &c. to Enquire into such as *Taught*, or *Maintain'd*, the *Heretical Opinions* which he had before *Condemn'd*, and to CERTIFIE HIM of what they should discover in the Premises.

[3] *Ex Act. Convocat.* fol. 34. *a.* "*Et quia* "*divulgatum* "*fuit quasi per* "*totum Reg-* "*num quod* "*quidam de* "Universitate "OXON *plu-* "*res* Conclu- "*siones, quas-* "*dam* Hære- "reticas, *quasdam verò* Erroneas, *alias per ipsum* R. Patrem *& quosdam* Confratres *suas, & certos alios S.* Theol. "Doctores *Damnatas, tenuerunt, docuerunt, & Prædicarunt, dictus* R. Pater *commisit Vices suas, cum potestate* "*Compellendi per Censuras Ecclesiasticas, Ven. Patribus* Sarum. Hereford. *&c. ut ipsi de hujusmodi conclusionibus* "*Hæreticas & Erroneas* —— *tenentibus & docentibus tam in* Scholis, *quàm extra, & Eis faventibus & adhæ-* "*rentibus, a* Doctoribus, Baccalaureis, *&* Scholaribus, Universitatis *prædictæ melioribus Viis & Modis quibus* "*Scirent, diligenter inquirerent, & sibi de Præmissis Ea quæ inveniri poterunt clare & distincte Certi-* "*ficarent.*

They Enquired accordingly, and several being brought before the *Archbishop* in *Synod*, *Abjured* their *Heresies*. Thus they Proceeded till the last day of the *Convocation*: The *Lower Clergy* Acted in their *Convocation-Capacity* upon their *Subsidies*, and *Grievances*: The *Archbishop*, and *Bishops*, Proceeded in a *Synodical Manner*; upon *Heretical* Enquiries. On the last day of the Assembly (they are the Words of the *Register*, and must be the more diligently Observed, because

indeed

indeed they ſpeak with great *Exactneſs*, and *Propriety* in this *Caſe*) [1] A Certain *Conſtitution* being *made* by the REVEREND FATHER (the Archbiſhop) AND HIS SUFFRAGANS; and Publickly Read againſt *Hereticks*, and the *Heretical* and *Erroneous Concluſions* before mention'd: "—(There was the work of the *Synod*, and the Perſons by Whom it was Done:) ---- "And a *Half Tenth* being "*Granted* to the *King* by the PRELATES and CLERGY of the PROVINCE of CANT. (that was the Buſineſs of the *Convocation*; It Concerned them All, and was therefore Agreed to by All:) the *Convocation* was *Adjourned* to the *Octaves* of the *Epiphany*.

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[1] xxvi. Maij. "Receptis diverſis Diebus, & Vicibus, Certificationibus & Informationibus Ven. "Patrum Sarum. Hereford, &c. *de quibus Supra* 2do *Die* Convocationis *ſit mentio, ſuper Inquiſitis & Inventis per* "*Eos*; Facta per Dictum R. PATREM & Ejus Suffraganeos *quadam* Conſtitutione, *& publice lecta, contra* Hæ"reticos. *&* Conduſiones Hæreticas *&* Erroneas *de quibus Supra ſit mentio*: A C *conceſſa per* PRELATOS & "CLERUM Cant. Provinciæ *Domino noſtro Regi* —— *medietate Unius Decimæ*. — The *Convocation* was Prorogued to *London*; ad *Octab. Epiphaniæ*.

Thus were the Affairs of this *Aſſembly* Carried on; and it being the *Firſt Inſtance* in which I find any *Church-buſineſs* to have been done by the *Biſhops* in *Convocation* after a *Synodical Manner*, without the Previous *Authority* of a *Synodical Mandate*, meerly by the Direction and Command of the *Metropolitan* after they were met in *Convocation*, I thought it the more needful to give this diſtinct Account of it. *Archbiſhop Sudbury*, not long before, had done ſomething of the ſame kind in the *Parliament* at *Glouceſter*; and what he did with his *Biſhops* when Called by the King to *Parliament*, without any *Mandate* at all from him; Archbiſhop *Courtney* now, more Regularly, did with the ſame his Suffragan *Biſhops*, Aſſembled, not only by the *King's Writ*, but his *own Mandate*, in *Convocation*. In the mean time what was done by Them both in the *One*, and the *Other*, was not only a *Synodical Act*, but was done in a *Synodical Aſſembly*: The *Archbiſhop*, and *Biſhops*, were the only *Perſons*, who paſſed the Decree about *the Salaries* of *Prieſts* in the One, and for the *Condemnation* of *Heretical Propoſitions*, in the Other.

It was this (as I conceive) made one of our *Antient* [2] *Hiſtorians* in his Account of this Meeting, Paſs this juſt Reflection upon it; that this *Congregation* of the *Clergy*, was QUASI SYNODUS. The Original Deſign of it was a *Congregatio*, only; A *Convocation* for *State Ends*: But the *Archbiſhop*, and *Biſhops*, took the Opportunity of Acting by themſelves, after a *Synodical Manner*; and ſo made what ſhould have been a *Congregatio* only, to be, by this means, a QUASI SYNODUS.

[2] *Jo.* Malvern. MS. p. 135. *Circa feſtum S.* Edmundi *Regis congregatis Epiſcopis & Cleri multitudine apud* OXON. *per Archiepiſcopum* Cant. *pro Hæreſis Examinatione, conceſſa fuit Regi dimidia xmo.* —— *Et iſta* CONGREGATIO *fuit* QUASI SYNODUS. In the Biſhop of *Lincolns* Regiſter, 'tis called, in like manner, by both names, *Convocatio* & *Concilium Provinciale*. Lib. *Jo. Bokingham* fol. 248.

The *Convocation* of *York* tho' Commanded by the *King's Writ* to be Summon'd at the ſame *Time* that the Other of *Canterbury* was, yet *met not* till after ours was Riſen; [3] *December* the 15*th*. I cannot find that any thing was done by it more than to give the *Subſidy* for which it met; and which it did after the ſame Rate that our *Province* before had done.

[3] Reſtrum *Alex. Nevel* Arch. Ebor. fol. 12. in Schedula.

Upon [4] *Monday*, the iii*d* Week in *Lent*, the King called the third Parliament of this Year. It met, in obedience to his Summons, at the day appointed, at *Weſtminſter*, [5] *February* xxiij*d*, and continued to *March* the 10*th*. But the *Convocation* of our *Province* met by *Adjournment*, from *Oxford*, at *London*, on the *Octaves* of *Epiphany*: [6] It roſe about the 21*ſt* of the ſame Month; and ſo was diſſolved almoſt *Five Weeks* before the *Parliament* Aſſembled.

[4] Dugdal. Summonit. Parl. p. 314.
[5] Rot. Parl. 6. Ric. ii. Num 1.
[6] Regiſt. Courtney. fol. 35. *b*.

The *Clergy* of our *Province* having in this *Laſt Meeting* Granted another *half Tenth*, and ſo made up a *whole Tenth*, in their Two *Aſſemblies*; the King about a Week after, *Jan.* xxviij. iſſued out a [7] *New Writ* to the *Archbiſhop* of *York*, to Call a *Second Convocation* of his *Clergy*, and to prevail with them to do likewiſe. This Writ being thus Timed, about a Month before the *Parliament* was to meet; might have paſſed with Dr. *A.* for an *Attending Convocation*, regularly Summon'd in order to that End; but that all the Circumſtances of it plainly ſhew, that the ſole Reaſon which the King had to call it, was that the *Other Province* had granted him a *Second Subſidy*, and therefore he hoped, by this new Aſſembling of them, to Get the like of the *Clergy* of *York*. The Writ has many things remarkable in it, and this among the Reſt; That the *Archbiſhop* hav-

[7] Rot. Claus. 6. Ric. ii. par. 1. m. 3 *Appendix*. Ad Ann.

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ing Assembled his Clergy, "*ut est Moris*, after the usual Manner, and Declared "to them as well the *Dangers* before mention'd, as the *Grant* of *One Tenth* made "by the *Clergy* of the *Province* of *Cant.* as aforesaid; should induce them to Grant "the like *Tenth*, or some Other *Competent*, and *Equivalent Subsidy*, for the Sup- "port of his Expences, with all the Care that he could.

It is not impossible but that Dr. *A.* may from hence infer that the Clergy of *York* were under some kind of Obligation to do as those of *Canterbury* had done before them. But I believe, all Indifferent Persons will Conculde the Quite contrary; that tho' the King did indeed Expect that one Part of *the Clergy* of the *Realm* should be as ready to Assist him as the Other, yet their Example was only a *Motive* to *Induce*, not a *Law* to *Compel* them, in such Cases: Like the *King's Dangers* before spoken of, it was to be used by the *Archbishop* as an Argument to perswade them to Grant the *Same*, or some other *Equivalent Aid*, to that which Those of the Other *Province* before had Granted; but not as a Declaration of what in Duty, not only to the King, but to the *Clergy* of *Canterbury*, their *Superiors* and *Directors*, they were bound to do.

When this *Convocation met*; how long it *sate*; and what it *Granted*; I am not able to say. Most probably it is that it *Assembled* the beginning of *February*; and Granted the Other *Half Tenth* which was design'd: But in this I speak by Conjecture only, having no Authority to Guide me in these Particulars.

Sect. 73.

1383. The next *Year* following, the *Parliament* was called to meet at *Westminster*, on the [1] *Monday* before *All Saints Day*, *October* the 26*th*. It continued sitting till *November* the 26*th*, and [2] Granted to the King a XV*th* on this Condition, that the *Clergy* should make a *Proportionable Grant*, at the same *Days* and *Terms* of *Payment*, for their Own, and the Public Safety.

[1] Dugd. Summonit. Parl. pag. 317.

[2] Rot. Parl. 7 Rich. ii. Num. 13. *Qe L'Estat de Clergie emportent et grantent a leur offerant Sibien pur la Salvation du Cors, come de Nous, as mesmes les jours et termes, come devant est dit.*

[3] Prynnes Register. Vol. 1. pag. 76, 77.

About *Three Weeks* before this *Parliament* met, the King issued out his [3] *Writs* of *October* the 8*th* to the *Archbishops* to Assemble their *Convocations*. He assigned the time on which they should *sit*, the *Morrow* after St. *Martin*, *November* the 19*th*; which being a *full Week* before the *Parliament* happened to *Rise*; one might here, at least, have hoped to find somewhat in Favour of Dr. *A*'s Hypothesis; and that this should certainly have Proved a *Convocation-Attendant*; such as he tells us they *now* constantly were. But the *Archbishop* understood not this *Servile Doctrine*; and therefore delay'd their Meeting till the [4] *Second* of *December*; when they met, and made a Grant of *two half Tenths*, the One Absolute, and the Other *Conditional*; which, with a Deliberation upon another *Grant* demanded on behalf of the *Pope*, was all that was done in this Congregation.

[4] Registrum *Courtney* Arch. Cant. fol. 78. *a.*

1384. The very beginning of the Next Year, on [5] *Friday* after St. *Mark*, *April* the 29*th* another *Parliament* was held at *New-Sarum*. It followed the Example of the last Parliament before, and [6] Granted a *Subsidy* with this Condition, that the *Clergy* should do likewise. With this Paliament a [7] *Convocation* was called to meet in our Province on the Feast of St. *John ante Portam Latinam*, *May* the vi*th*, and so to have sat concurrently both in *Time*, and *Place* with it. And tho' the [8] *Archbishop* here again took a little more Liberty to delay his *Convocation*, than Dr. *A*'s Cause can well allow of; yet he held it at the *Place* of the *Parliament*; In the Church of St. *Mary Sarum*; and that on the XX*th* of *May*, a Week before the *Parliament Rose*. But was this done as a matter of Right, to pay *Attendance* on the *Parliament?* Or was it for the Convenience of the Bishops and Clergy who were to meet there? Let the *Summons* of the other *Convocation* made by the *King* at the same time inform us; which was appointed by [9] Writ to meet upon the *Morrow* after the *Translation* of St. *Thomas* the *Martyr*; *July* the 8*th*, Six *Weeks* after ther *Parliament* was *Risen*. The Proceedure was Rational, and carries its own Evidence along with it: The *Clergy* of our *Province* being to meet at the *Parliament*, no *time* could be so proper to save their Trouble, and Expences, no *Place* so Convenient, as about the *time*, and near the *Place* of the *Parliaments* Sessions. But the *Clergy* of the *Other Province* being to come so far to *Parliament*, could not with any Convenience hold their *Provincial Convocation*, till after their Return; and therefore their *Session* was to be Adjourned till such a time as they might be supposed to have been got back to their own *Province*, in which they were to meet.

[5] Dugdal. Summonit. Parl. p. 319.

[6] Rot. Parl. 7 Ric. ii. par. 2. num. 11.

[7] Rot. Claus. 7 Ric. ii. m. 12. dorso.

[8] Registrum *Courtney* fol. 79. *a.*

[9] Rot. Claus. Supr. cit.

What

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What the Buſineſs of theſe *Convocations* was, for which the King called them, His [1] *Writs* ſpeak. He wanted *Money*, of them, and for that he Aſſembled them. They drew up their *Grievances*, and gave a *half Tenth*; and this is all that I can find was done by them.

On the Morrow after St. *Martin*, *November* the 12*th*, the [2] *Parliament* ſat again: and the [3] King Summon'd our *Convocation* to meet within a few days of it, *November* the 17*th*. The Archbiſhop put it off to the 1*ſt* of *December*: and yet even ſo they ſat for ſeveral Days together. The Great Tranſaction of this *Convocation* was the *Proteſtation* of Archbiſhop *Courtney* in full *Parliament*, againſt the *Condition* which the *Commons* had now the *Third time* been putting in to their *Grants*, in Derogation of the *Rights* and *Liberties* of the *Clergy*; namely, "that "they would give ſuch a *Subſidy* to the King, Provided that *Convocation* grant-"ed *ſo much*, or after *ſuch a manner*, as they thought fit to preſcribe. Againſt this the [4] Archbiſhop Remonſtrated in a very remarkable Manner; and becauſe I do not find any Entry of it in the *Rolls* of this *Parliament*, I ſhall the rather give it a place in my *Appendix*, as I find it Recorded in the *Archbiſhops Regiſter*, among the *Acts* of this *Convocation*.

The Archbiſhop being Gratified in what he deſired as to this matter; the *Convocation* Granted *two half Tenths*; the One *Abſolute*, the Other on *Condition* that the King himſelf went on the *Expedition* againſt the *French*. But the King's Neceſſities were not thus ſatisfied; and therefore a [5] *New Convocation* was called about the *middle* of *January*, for a farther ſupply of them, to meet before *Midlent*. The Archbiſhop being concerned at this, uſed all Poſſible [6] Endeavours to divert the King from Calling another *Convocation* ſo ſoon after the foregoing. He wrote to Him with Great Earneſtneſs to With-draw his *Writ*: He acquainted him how they had been forced to Refuſe any Contribution to the Pope, till after the *time* of their *Grant* to himſelf ſhould be Expired. He ſhew'd him that nothing New was offered to induce the *Clergy* to any farther *Grant* which had not been Conſider'd by them before. He wrote, in like manner, to the *Chancellor*, and *Treaſurer*; to the *King's Confeſſor*, the Biſhop of *Landaff*; and to the Biſhops of *London*, *Wincheſter*, and *Exeter*, who were then at Court; Exhorting them to do what they could to perſwade the *King* off from this *Convocation*.

But the King Perſiſted in his Reſolution; and as I conceive, by [7] New *Writs* dated *February* the 24*th*, Required the two *Archbiſhops* to Aſſemble their *Clergy* the *One* at *London*, the *Other* at *York*, the *Monday* before the *Feaſt* of St. *George*, *April* the 17*th*. The [8] *Archbiſhop* Obey'd; and called his *Convocation* accordingly to meet at St. *Pauls* the Morrow after the *Invention* of the *Holy Croſs*, *May* the 4*th*. But in Teſtimony of his Diſſatisfaction he came not to it, but Commiſſioned the Biſhops of *London*, and *Wincheſter*, to Preſide in his ſtead in it. They Continued the *Convocation* to the *Monday* after *Corpus Chriſti day*, and then, by order of the *Archbiſhop*, it was *Diſſolved* by them.

About the beginning of *June*, the King held a *Great Council* of his *Lords* at *Reading*. But the [9] *Archbiſhop of Cant.* being upon ſeveral Accounts diſpleaſed at the Kings's Proceedings, appeared not at that, any more than he had done at the *Convocation* before.

[1] In form of 1379. *Appendix.*
[2] Dugdal. Summonit. Parl. pag. 321.
[3] Regiſtr. *Courtney*. fol. 79.
[4] Appendix ad Ann. 1384.
[5] Regiſtr. *Courtney*. fol. 82. a. Teſte Reg. 15. die Januarii.
[6] Ibid. fol. 82, 83.
Sect. 74. 1385.
[7] Rot. Clauſ. 8 Ric. ii. m. 20. Dorſo.
[8] Regiſt. *Wickham* Par. ii. fol. 68. Regiſt. *Wakefield* Wigorn. fol. 110.
[9] *In* xla. —*W.* Courtney Archiepiſcopus Cant. *per quoſdam Dominos ſtimulatus et inductus, ut dicebatur, Dom. Regem de ſuis inſolentiis et mala Gubernatione — increpavit.* —— *Poſtea in* Congregatione Cleri London, *nec in quodam* Concilio *Dominorum & Prælatorum apud* Radyngham *Congregatorum, ad finem quod aliquod* Subſidium *Regi concederent, non Comparuit.* Continuat. Polychron. *MS.*

With theſe *laſt Convocations* no *Parliament* was Called, but they were Aſſembled by themſelves, for the King's Occaſions; and thereby ſhew Us, that when they met with the *Parliament*, it was only becauſe the *King* thought fit that they ſhould do ſo. The [10] *Fryday* before St. *Luke*. *October* the 20*th* a New *Parliament* was held: And to the Comfort of Dr. *A.* the King's Needs, (which in this whole Reign were very preſſing) prompted him to iſſue out his [11] *Writs* on the *ſame Day*, to *Call* a *Convocation* with it. Dr. *A.* has been pleaſed to affirm, concerning theſe *Aſſemblies*, that even when the King left the *Time* wholly to the Archbiſhop, ſo that by the Tenor of the *Royal Writ*, He might Summon his *Convocation* when he pleaſed, yet ſtill it was underſtood that the *Archbiſhop* was to be concluded to the *Time* of the *Parliament ſitting*; or as near to it as might be. This was the Reſult of his own Fancy; and not founded either upon *Law*, or *Hiſtory*. For indeed ſo far was the Archbiſhop from accounting himſelf confi-

[10] Dugdal. Summonit. Parl. p. 323.
[11] Rot. Clauſ. 9 Ric. ii. m. 43. Dorſo.

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ned in the *Time* of his *Summons* when the King left him at Liberty, that even when he *fix'd* a Day to him, he did not think himself obliged by it, but took any Other Day that he thought more Convenient for his *Assembly*.

I might have offer'd several Instances of this before; but it is not too late to do it now; and we have here a Sufficient Evidence to confute his Notion, and confirm my Assertion, in this particular. The King by his Writs assigned the Eve of St. *Simon and Jude*, *October* the 27*th* for the Day on which *both* the *Convocations* should meet; the one at *London*, the *other* at *York*. But the [1] Archbishop of *Cant.* deferr'd his till the *Sixth* of *November*; which being within the Session of *Parliament*, Dr. *A.* will not perhaps be very Angry at it. That which is more Cross to his Purpose, was the [2] *Archbishop* of *York*'s *Delay*; who went beyond the King's Day almost Three *Months*; and held not his *Convocation* till the Morrow after *Hilary*, *January* the 14*th*, above *five Weeks* after the *Parliament* had been *Dissolved*. I will only add that these Convocations were wholly called for *Subsidies*; and I know of no Other Business that they did besides Granting of Them.

[1] Registrum *Courtney*, fol. 83. b.

[2] Registr. ii. Dec. & Capit. Dunelm. Par. ii. fol. 60. a.

Sect. 75. 1386.

On the [3] 1*st* of *October* the next *Year*, a *Parliament* was held, which sate long; and did much; Not being Dissolved till the 27*th* of *November* following. About three Weeks after the *Writs* were sent out for this *Parliament*, [4] the *Convocation Writs* were dispatched to the two *Archbishops* to Assemble the *Clergy* of their Respective *Provinces* at *London*, and *York*, upon the xiii*th* of *October* following. What the *Archbishop* of *York* did in pursuance hereof, I am not able to say. But the Archbishop of *Canterbury*, enlarg'd the time to the 5*th* of *November*; so that his *Convocation* met not till above five Weeks after the *Parliament* was Assembled; and the *Parliamentary Convention*, by Consequence, begun. But 'tis enough for Dr. *A.* that it sate, however, within the *time* that the *Parliament* sate; let us see therefore how diligently it pay'd its *Attendance*, tho' late, upon it.

[3] Dugdal. Summonit. Parl. pag. 325.

[4] Rot. Claus. 10 Ric. ii. m. 43 Dorso. In festo Translationis S. *Edwardi* Reg. & Confessoris.

From the [5] 5*th* of *November* the Archbishop, after a little *treating* about the Business for which they were call'd, Prorogued them to the 8*th*. From thence by Commission, to the 10*th*; And from the 10*th* of *November*, to the 3*d* of *December*, a Week after the *Parliament* was *Risen*. So that in all this long *Parliament* of almost threescore Days, the *Convocation* met but *three times*, and that chiefly in Order to its being Prorogued to a farther *Session*. On the *third* of *December* they made their Grant to the King of a *Tenth*: One half absolute, the other with Conditions. And in the form of their Grant, having complain'd that the Clergy were more than ordinarily Oppress'd with these kinds of *Exactions*, they added; [6] "That nevertheless considering that they were assur'd "by their *Bishops* that there was a pressing Necessity which required their "Granting what they now gave, and withal, that the King upon the Ma- "ture Advice of his Noble Council in PARLIAMENT *lately* ENDED, at the Instance "of the COMMUNITY OF THE REALM OF ENGLAND, specially deputed by the "said King for the better Government of himself and his Kingdom, would "employ what they gave, to the Publick Use, the said Clergy, do Grant, &c.

[5] Registr. *Courtney* fol. 84. b.

[6] *Ibid. Nihilominus tamen pensato quod ut Vos Patres RR. asseritis, defensionis Regni necessitas tanta subest quod ad Eam Res Exigit, ut de bonis suis conferat idem Clerus; Considerato etiam quod Dom noster Rex cum maturitate sui Nobilis Concilii, in* Parliamento ultimo jam Elapso, *ad instantiam* Communitatis Regni Angliæ, *per Eundem Dom. nostrum Regem pro suo, & Regni sui Regimine meliori specialiter deputati, Summam, sibi nomine* Subsidii *concedendam, in Usus pro defensione Regni & Ecclesiæ* Angliæ *magis Necessarios & Utiles converti faciet & Expendi*—— *Concedit idem* Clerus, *&c.*

These are the Words, of the Clergy's Grant in this *Convocation*: and two things may I conceive be fairly inferr'd from them; That if the *Parliament* were now *Over*, notwithstanding the *Convocation* was still *sitting*, then the *Convocation* is no part of the *Parliament*, nor was so accounted by them: And 2*dly*, That if the *Commons* in *Parliament* be the *Community* of the *Realm of England*, then the *Convocation Clergy* are no part of it; but at most the *Community* of the *Clergy* of that *Province* by whom they are deputed, and for whom they Act.

Sect. 76. 1387.

On [7] *Munday* the day after the *Purification*, a Long and Violent *Parliament* began: which continued by *Sessions*, and *Adjournments*, from thence to the 4*th* of *June*. [8] Its first *Session* held till *Fryday March* the 20*th*. From thence it was adjourn'd to a *Fortnight* after *Easter*: and so continued on (with another *Adjournment*, as I conceive, for *Whitsuntide*) till the beginning of *June*. It is not my concern to Enquire what was done, in all this time there. One thing only

[7] Dugdal. Summonit. Parl. pag. 327.

[8] Rot. Parl. 11 Ric. ii. Num. 12, & 50.

only I muſt Obſerve, becauſe it will help to Clear a *Matter* of *Fact*, wherein the *Clergy* of the *Other Province* ought to have right done them.

The *Convocation* of the *Province* of *Canterbury* had the laſt Year granted *two half Tenths* to the King; but that of *York*, had, as I apprehend, refus'd to grant any thing at all. There was now a kind of Proportion Obſerv'd between the *Clergy* and *Laity* in theſe Matters; ſo that the One gave (tho' freely, and of their own accord yet) in ſuch a Meaſure as was anſwerable to what had been granted by the Other. I have before obſerved, at the beginning of this Reign, How the *Commons* endeavour'd to draw the *Clergy* by an expreſs Agreement thereunto. They put it as a *Condition* into their *Grants*, that they gave ſo much upon *Condition* that the *Clergy* ſhould give ſo much, as they thought proportionable to it. And tho' Archbiſhop *Courtney* juſtly Excepted, and proteſted againſt this, as an undue Impoſition upon the *Clergy*, and contrary to their *Liberty* which they had always enjoy'd of Giving as they thought fit; yet by a kind of tacit Conſent the *Clergy* did obſerve the Rate which the *Laity* ſet, and make their Conceſſions, in ſome meaſure, ſuitable thereunto.

In the *Parliament* of the *laſt Year* the *Laity* had granted one half *Diſme*, and one *Fifteenth* to the King; and another *half Fifteenth*, upon certain *Conditions*. The *Clergy* of *Canterbury* Gave *two half Tenths*, One Abſolute, the other Conditional. But the *Clergy* of *York* ſeem to have given nothing, notwithſtanding what both the *Parliament*, and the other *Convocation* had done. [1] Upon this the *Commons* preferr'd a *Petition* to the King againſt them in *Parliament*; Praying that *two half Tenths* might be *Levy'd* upon them to the *King's Uſe*; and that if they refus'd to pay them, the King would pleaſe to Command *Proclamation* to be made, that none of his Liege Subjects ſhould do Service to them, on pain of being put out of the King's Protection.

[1] Rot. Parl. 11 Ric. ii. num. 27.

The *Petition* was ſevere, and took a ſure way to oblige them to a Compliance: But yet Rigorous as it was, it does not once hint at any *Obligation* which lay upon them to do as the Province of *Canterbury* did before them; Or move for any formal Puniſhment to be inflicted upon them, for not Obeying the Direction of their Maſters on this ſide *Trent*. In ſhort; they went upon the Principle of *Common Equity*, that the *Burden* of the *Government* ought to fall equally on all parts of the *Kingdom*, and that One ſhould not refuſe to do, what the Others found it needful to Comply with, for the *Publick Good*.

But let us hear the King's Anſwer, "One *half Tenth*, ſays he, is already "Granted: And the *King* has wrote for the *Grant* of the *Other*: And in Caſe "that they Refuſe to give it, the *King* will order Remedy by the Advice of "his *Council*. The Province, it ſeems, underſtood its own Freedom: Firſt, it Gave nothing, notwithſtanding what the Other had done. Then being preſſed again, it gave but *half a Tenth*: And tho' the King had Written to them, yet the Other *half Tenth* was not given by them, when the *Clergy* of the *Other Province* made their *New Grant* this *Year*, as by the Declaration of that *Convocation*, we ſhall preſently ſee.

To paſs therefore from the *Parliament*, to the *Convocation*: By [2] Writs Dated *January* 12*th*. The Convocations of *Canterbury* and *York* were Summon'd to ſit the 10*th* of *February* following. The Archbiſhop of *Canterbury* enlarg'd the time to the [3] 26*th* of that Month: How that of *York* was held, or whether it was held at all, I cannot tell. The Archbiſhop could hardly Aſſemble it before he Came to the *Parliament*. In this *Parliament* he was *Challenged*, and *Convicted* of *High Treaſon*. That any Other *Writ* was iſſued out for a *Convocation* to the *Guardians* of the *Spiritualities*, do's not appear, neither by the *Rolls* of the *Tower*, nor by the *Regiſters* of that *Province*: And upon all theſe Accounts I am apt to think that the *Summons* fell, and the *Convocation* met not at all in purſuance of it.

[2] Rot. Clauſ. 11 Ric. ii. m. 22. Dorſo.

[3] Regiſtrum *Courtney* fol. 73. a.

As for the *Convocation* of our *Province*, It met, as I have before ſaid, *February* the 26*th*, Three *Weeks* after the *Parliament* began. It ſate but till the *Fourteenth* of *March*; and ſo Ended almoſt a *Week* before the *firſt Seſſion* of the *Parliament*: And I think by both ſhew'd its ſelf to be an Aſſembly utterly Independent upon it. That it Reſumed its *Seſſion* again after *Eaſter*, or Sate any of that time from the *Middle* of *April*, to the beginning of *June*, in which the *Parliament* again ſate; I cannot find: Tho' not only the Archbiſhop's Own *Regiſter* has preſerved the Minutes of this *Convocation*, but the Extracts of thoſe of

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of *five Other Churches* are now before me, which All make Mention of the *Seſſion* of it which I have now been accounting for.

Here therefore I muſt again implore Dr. *A*'s Aſſiſtance; Either to ſhew me that ſome *Convocation* Met, and Acted, with the Reſumption of this *Parliament*, for about *two Months*; Or to Acknowledge, which is the truth, that there was no ſuch dependance of, or Connexion between, the One and the Other, as he has Aſſerted; but is yet (and I doubt will always be) to prove by any ſufficient Argument either of *Law*, or *Fact* in this Particular.

The *Clergy* in this *Convocation* gave the King a *half Tenth*; but upon this Condition, among Others, which may further help to ſatisfy Dr. *A.* that the *Clergy* of *York* had no ſuch Servile *Dependance* as he pretends, or that of *Canterbury*;

[1] "That the *Clergy* of the *Province* of *York* ſhould contribute in like manner, "as well for the Year paſt, as for the preſent: Or otherwiſe that the ſaid *Cler-* "*gy* ſhould be as FREE as the CLERGY of the PROVINCE of YORK, leſt the ſparing "of them ſhould turn to the Grievance of the *Clergy* of the *Province* of *Can-* "*terbury.*

[1] *Ex Act. Convoc. Regiſt.* Courtney *fol.* 73. *a.* "*Quod* "*Clerus* Ebo- "racenſis Pro- "vinciæ, *tam* "*pro Anno præterito, quam præſenti, ſimili modo contribuat.* —— *Alioquin idem* Clerus *ſit* ITA LIBER SICUT "CLERUS Provinciæ Eboracenſis: *Ne Relevamen* Eorum *cedat* Clero Cant. Provinciæ *in Grævamen.*

Sect. 77. 1388.

On the Morrow after the *Nativity* of the *Bleſſed Virgin*, *September* the 9*th*, 1388 the next *Parliament* was held at [2] *Cambridge*. It ſate to the 17*th* of *October*, and gave the King a xv*th* for the ſupport of his Wars. The *Scots* were at this time entred in a Hoſtile Manner into *England*: To Oppoſe whom the Preſence of the *Biſhops* of the *Other Province* being thought neceſſary; the King by his *Writs* dated at [3] *Northampton Auguſt* the 20*th*, expreſly excus'd their coming to it.

[2] Dugdale Summonit. Parl. pag. 331. Where he puts *Weſtminſter* for *Cantebrigge*, by an Overſight.

[3] Rot. Clauſ. 12 Ric ii. m. 42 Dorſo.

The ſame Day that this *Parliament* was Summon'd, [4] Other *Writs* were iſſued out to the Archbiſhop of *Canterbury*, and the *Guardian* of the *Spiritualities* of the *Archbiſhoprick* of *York*, for holding a *Convocation* in either *Province*. The Day appointed was the *Munday after* the *Nativity* of the *Bleſſed Virgin*, *September* the 14*th*. The Place, the Church of St. *Mary* in *Cambridge*, or any other which the Archbiſhop ſhould chuſe. The [5] *Archbiſhop* appointed it to meet at *London October* the 12. almoſt five Weeks after the *Parliament* began, and but five Days before it roſe. Whether it be probable that he would have thus Exceeded not only the Term preſcribed by the *King's Writ*, but, as he might reaſonably have thought, the whole *Seſſion* of the *Parliament* too, had he been of Dr. *A*'s Opinion, and accounted the one to be a *Neceſſary Attendant* upon the *Other*; and which, for that Reaſon, ought to be held Concurrently with it; I ſhall ſubmit it to any Indifferent Perſon to judge.

[4] Rot. Clauſ. 12 Ric. ii. m. 48. Dorſo.

[5] *Regiſtrum* Courtney, *fol.* 73. *b.* 74. *a.* *Comp. Regiſtr.* Dunham *Epiſ.* Sarum. *fol.* 27. Regiſtr. Mag. Prior. & Capit. Wigorn. *fol.* 340. I put all theſe together, to ſhew the miſtake of the *Antiq. Brii.* which ſay, that it was held at the ſame time with the *Parliament*, at *Cambridge*. Such Authorities, without ſome Corroborating Proofs are not to be Rely'd upon in the *Beſt Authors*. pag. 268.

The Archiepiſcopal *See* of the Other *Province* was, tho' not properly Vacant, yet under a preſent *Suſpenſion*, Equal to a *Vacancy*. The Tranſlation of *Arundel Biſhop of Eli*, by the *Popes Authority*, to it, ſoon removed all Difficulties in that Particular. He was tranſlated thither in *September* this Year: and ſo prevented the *Convocation* of that Province ſitting by the *Writ*, directed to the *Guardian* of the *Spiritualities*, at the ſame time that the Other was ſent to the *Archbiſhop of Cant.* A [6] *New Writ* therefore was ſent to the *Archbiſhop* himſelf, Dated *December* the 18*th*, and in Vertue thereof, a *Convocation* was Called to meet at *York*, [7] *January* the 24*th*, more than *twelve Weeks* after the *Parliament* was riſen.

[6] Rot. Clauſ. ſupr. Teſte R. apud *Weſtm.* 18. die *Decem.*

[7] Regiſt. *Arundel* Arch. Ebor. fol. 8.

[8] In the form of 1379. See the *Appendix.*

On the 20*th* of *October*, three Days after the *Seſſion* of *Parliament*, the *Clergy* of our *Province* granted the King a *Tenth*. For this they were [8] Expreſly *Called* by the *King*; and this was the main, if not only, Buſineſs that they did, being met in *Convocation*. The *Clergy* here having made ſuch a *Grant*, the Archbiſhop of *York* thought himſelf concerned to take Care that his *Province* which had ſhewn its ſelf but too backward before, under its late *Archbiſhop*, ſhould not fail to Act to the Kings Satisfaction now. For this End his *Official* (the *Archbiſhop* himſelf being not at leiſure to attend upon it) prefaced his Mandate for the Convocation which was called to meet there in *January*, as I have ſaid, to this Effect, which for the better Aſſerting of the juſt Rights of that Province againſt

against Dr. *A*'s bye Attaques, I shall particularly Recite. [1] "Whereas our Vene- "rable Father and Lord, the Archbishop, has long since intimated to Us by his "Letters, that the *Prelates*, and *Clergy* of the *Province* of *Canterbury*, presently "after the *Parliament* held at *Cambridge*, did freely Grant a *Tenth* to the Illustri- "ous *Prince*, our Lord the King, out of their Ecclesiastical Benefices, and also of "their Temporalties annexed to their Spiritualties, for the Support of the "manifold Burdens which lie upon himself and his Kingdom, and that he was "troubled with daily Clamours upon the Concessions of this Tenth; and consi- "dering how the said *Clergy* of *Canterbury* did also EXCEED the *Province* of *York* "in the Payment of a *Half Tenth*, which has not YET BEEN GRANTED in ANY "Wise in the SAID PROVINCE; least any Perverseness of delay in the Granting "of this *Tenth* to our Lord the King, should hereafter redound to the Fault or "Injury of the said venerable Father (which God forbid) he has particularly "Order'd Us, who are his Vice-gerent, tho' unworthy, to Call together the "*Prelates* and *Clergy* of the said *Province*, in Order to the making of such a "Grant, that an Equality of the Gratitude of his *Clergy*, and especially in the "first beginning of the said *Venerable Fathers* administration, may be accounted "to make a full Recompence to our Lord the King,

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[1] "*Cum dudum "Ven. Pater "& Dominus "noster Domi- "nus* Archie- "piscopus *per "suas Literas "nobis intima- "vit quod "Prælati & "Clerus Cant. "*Statim post* "Parliamen- "tum *Canta- "brigiæ* cele- "bratum, *de "suis Beneficii- "is Ecclesiasti- "cis, & etiam*

"*Temporalibus Spiritualibus annexis, illustrissimo Principi & Domino nostro Regi ad* [Onerum] *Supportationem sibi, "& Regno Suo multipliciter incumbentium, Unam* Decimam *liberè concesserunt, quod super hujusmodi Concessione* Deci- "mæ *in sua Provincia concedendæ Clamoribus turbatus Cotidianis; attendens qualiter dictus* Clerus Cantuarien*s. in "Solutione* Medietatis *unius* Decimæ Provinciam Ebor. *Præcesserunt, quæ nedum in* Provincia prædicta *adhuc quovis "modo est Concessa; Ne* hujusmodi Decimæ *concedendæ dicto Domino nostro Regi Retardationis Protervitas in dicti "*Ven. Patris *culpam seu injuriam, quod absit, redundari poterit in futurum; Nos, qui Ejus Vices, licet immerito, ge- "rimus, specialiter* Ordinavit *ad Convocandum* Prælatos *&* Clerum *dictæ Provinciæ super hujusmodi Concessione fa- "ciend. ut Æquipollentia Gratitudinis Provincial' & præcipue in dicti* Ven. Patris *primordius ipsi Domino nostro "Regi plenarie Recompensari Censeatur.*

This is the Sense, and almost the very Words of the Archbishop's *Mandate*; and they clearly shew the Case of the Two *Provinces*, as to the matter of *Subsidies*, to have been this; That the *Clergy* of both were wont to *Act* upon *Equal Terms*, and to *Give alike* to the *Government*: And that either *Province* thought it had a just Reason to complain of the Other, if being alike concerned in the Welfare of the Realm, and alike obliged to Promote its Peace, and Security; the one should Refuse to give its Share, or go about to Ease it Self, by casting a greater Burden upon the Other. But for any *Obligation* of *Right*; for any *Custom* fixed, or established in the time of King *Edward* the III*d*, that the Province of *York* should be bound, in any wise, to follow the *Example* of that of *Canterbury*, any more than that of *Canterbury* the Example of the Other, 'tis a piece of Dr. *A*'s Kindness and Civility to that *Province*, for which they Owe him their particular thanks. No *Author*, that I know of, ever pretended any such thing before; nor will any *Antiquary* that understands the true *History* of these Matters, ever pretend to do it hereafter.

The next Year the [2] *Parliament* met on *Munday* after the Feast of *Hilary*, about the Middle of *January*. It sate till the [3] *Second* of *March*, and made among others, two *Brisk Laws* in Derogation to the *Popes Authority*: The One against *Provisions*; the Other against bringing over of any *Summons*, *Sentences*, or *Excommunications*, upon the Account of the Making or Executing the said *Statute*. To cover themselves against the Proceedings of the *Court* of *Rome*, or else in Secret Compliance with its Excesses, the *Archbishops* in their *Own*, their *Prelates*, and *Clergies Name*, made *Protestation* in open *Parliament* against all such *Statutes* as were pass'd in Restraint of the *Papal Power*, or contrary to the *Liberties* of the *Church*. [4] Their Protestation was *Admitted*, *Read*, and *Enrolled* by the King's Command; notwithstanding it was made in direct Opposition to the *Authority* of the *Crown*, and the *Acts* of that *Parliament*.

Sect. 78. 1389.

[2] Dugdal. Summonit. Parl. p. 333, 334.

[3] Rot. Parl. 13 Ric. ii. Num. 20. & Ult.

[4] Ibid. Num. 24.

Here now we have a Long, and a bold *Parliament*; but where shall we find the Concurrent *Convocations* of *Canterbury* and *York*? Let Dr. *A*. point them out to us; for tho' we have here as full and exact Entries both upon the *Rolls* of the *Tower*, and in the Registers of our *Archbishops* and *Bishops*, and their Cathedral *Churches*, as in any part of our *History*, yet I have not met with the least intimation of any.

The same was the Case the Year following: The [5] *Parliament* met of the 12*th* of *November* 1390. It continued till *Saturday December* the 3*d*. Yet in all this Year, any more than in the last, I can meet with no *Convocation* in either *Province*; and do therefore conclude, that none at all was held either with *this*, or the *fore-*

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[5] Dugd Summonit. Parl. p. 336.

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going *Parliament* in either. On the 12*th* of *February* [1] *Jo. de Malvern*, a diligent Observer of these kind of *Assemblies*, tells us a *Great Council* was held at *Westminster*, and continued to the 15*th* of the same Month, which being not elsewhere taken notice of, that I know of, I thought it not amiss to give this short hint of it here.

[1] XII. *Feb.* tenuit Rex suum *Concilium* apud *Westm.* duravitq; usq; in xv. Ejusdem Mensis. pag. 205.

Sect. 79. 1391.

We have now pass'd two Years without any *Provincial Assembly* of *the Clergy* to meet either *Concurrently* with the *Parliament*, or upon any Other Occasion. We must begin this with a *Provincial Council*: And that [2] tho' call'd without any *Writ* from the *King*, or upon any *State Designs*, yet consisting of the same *Members* that our *Convocations* were wont to consist of. This Dr. *A.* ought to be pleased with; it being one of the *First* plain *Instances* of this kind of *Summons* that I have met with. But the Reason of it is obvious: The main Business of this *Council* was to deliberate upon a *Subsidy* for the *Pope*, which being to come out of the *Revenues* of the *Lower Clergy*, they were therefore to be called to *Assent* to it, as well as to be Obliged to the *Payment* of it. That therefore the *Lower Clergy* were cited to this *Council*, we are not to ascribe it to any *Right* they had of being present in such Assemblies, or rather to any *Obligation* (for so they accounted it) that lay upon them to be Constrained to Come to them; but to the particular Business which was here to be done in favour of the *Pope*; which could not be done without their *Consent*, nor their *Consent* be any where so *Effectually Given* as in a *Provincial Synod*.

[2] Regist. *Courtney* fol. 75. In Marg. Absq; Brevi Regio, tantum ex Monitione Domini.

This *Council* the *Archbishop* Summon'd to Assemble at St. *Pauls London*, [3] *April* the 17*th*: A *Subsidy* was Granted to the *Pope* by it; and a *Constitution* Renewed against [4] *Stipendiary Priests*, by the Archbishop, with the *Consent* of his *Synod*.

[3] Regist. *Courtney*, Ibid.

[4] Apud Spelm. Concil. Tom. ii. pag. 640. Ibid. 641. aliud decretum. q. v.

On the [5] *Morrow* after *All-Souls* the King held his *Parliament* at *Westminster*, and ordered the *Convocations* of both *Provinces* to meet about the same time with it. Had the Archbishops duly observed the *day* which the [6] King appointed, the *Clergy* had met in *Convocation* within Ten Days after the *Laity* in *Parliament*; and so might have sate almost *Three Weeks* concurrently with them. But all went Cross in this Particular, to the utter Ruine of the *Doctrine* of *Attendance*. [7] The *Archbishop* of *York*, being Lord *Chancellor* of *England*, and not in a Condition of Presiding in his *Convocation*, Ordered it to meet, by his *Vicar-General* the *Munday* after St. *Clement*, *November* the 27*th*; but by the * Proxy of the Church of *Durham* dated *November* the 28*th*, it seems not to have been held, before the 4*th* of the next Month. The [8] Archbishop of *Canterbury* delay'd his yet longer; till the 9*th* of *December*; a *Week* after the *Parliament* was *Dissolved*. So little Regard had either the One, or the Other, of these Great *Primates*, to the *Session* of the *Parliament*, in their Execution of the *King's Writs*, and the Issuing out of their *Own Mandates* thereupon.

[5] Dugd. Summonit. Parl. p. 337.

[6] Lun. prox. post festum S. *Martin*. Brev. Reg. dat. apud Westm. vii. die Octob. Regni. xv. Regist. *Braybrook*, Lond. fol. 24 b.

[7] Regist. *Arundel* Arch. *Ebor.* fol. 33.

* Regist. ii. Dec. & Cap. Dun. par. 2. fol. 125.

[8] Craft. Concept. S. Mariæ Virg. prox fut. Reg. *Braybrook*. l. c.

The Cause of these Convocations was meerly to Grant an Aid to the King: [9] So the Writ of Summons declares, let Dr. *A.* be never so angry at it. Accordingly being met, they gave, in *Each Province*, a half *Tenth* to him; and did nothing else that I know of in them. When these Grants pass'd, I cannot precisely tell; but the *Convocation* of *York* being held Thirteen Days before that of *Canterbury*, I may venture to Say that here the Lesser *Province* set the *Example*, which the *Greater* (without any Derogation to its *Rights*, or *Liberties* let me speak it) as much followed, as at Other times that of *York* was wont to do.

[9] *Quia Sicut clare Scitis ad Subeund. & Supportand. Sumptuosa & Immensa Onera quæ Nos pro defensione ac Salvatione Regni nostri & Ecclesiæ Sanctæ post præsentes treugas & Guerrarum abstinentias inter Nos & Adversarios nostros nuperrime initas & firmatas facere Opportebit, de Bonis nostris absq; fidelium Ligeorum nostrorum adminiculo non sufficimus nec Valemus, Vobis in Fide, &c. —— Convocari faciatis, & ipsos in hâc parte ex Causâ prædictâ ad Subsidium in hoc Casu Competens & Necessarium, in Supportationem dictorum Onerum nobis Concedend, &c. —— Brev. Reg.*

Sect. 80. 1392.

The *Convocation* of our Province Sate not the Last Year, till some Days after the *Parliament* was *Dissolved*: This Year the Doctrine of *Parliamentary Concurrence* and *Attendance* fail'd in both *Provinces*, and that more Eminently than it did in that One, on our Side, the Year before. [1] On the 23*d* of *July*, the King issued out his Writs for a *Parliament* to meet at *York* the day after the *Translation* of St. *Edward* the King, *October* the 14*th*. This by [2] *Second Writs* of *September* the 8th, was put off till a *New-Summons*: Which accordingly the King not long after sent out for a [3] *Parliament* to meet at *Winchester* on the *Octaves* of *Hilary*, *January* the 20*th*. This Met, and continued till [4] *February* the 10*th*. and then was Dissolved.

[1] Dugd. Summonit. Parl. p. 341.

[2] Ibid. pag. 343.

[3] Ibid. p. 339.

[4] Rot. Parl. 16 Ric. ii. num. 35.

About

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About a Month after theſe *Writs* went out for this *Parliament*, two [1] *Provincial Writs* were ſent; To the *Archbiſhop* of *Canterbury*, to Aſſemble his *Convocation* at *Wincheſter*, or elſewhere, on the *Morrow* after the *Purification*: To the *Archbiſhop* of *York* to hold his at St. *Peters York*, the *Munday* before the *Feaſt* of St. *Peter* in *Cathedrâ*, *February* the 17*th*. The Purport of theſe [2] *Writs* was for *Aid* to the King; The Conſtant avow'd *Cauſe* of his Aſſembling of them.

Upon the Receipt of theſe *Writs*, the [3] Archbiſhop of *Canterbury* according to his uſual Cuſtom Summon'd his *Convocation* to meet, not at WESTMINSTER, but at *London*; Not the *Day* after the *Purification*, *February* the 3*d*; But on St. *Matthias*'s Day, *February* the 24*th*. But before the Sitting of this *Convocation*, He ſeems to have Adjourned it yet farther: For by the [4] *Proxy* of the *Chapter* of *Worceſter*, Signed there, *February* the 23*d*; it appears that the *Convocation* was not to ſit till *March* the 3*d*, a Week Later ſtill.

If this Account be true, we muſt then conclude that the *Convocation* of our *Province* met not till three Weeks after the *Parliament* was Riſen. But the *Convocation* of *York* ſat yet Later: It was called by the *King's Writ* to meet, *February* the 17*th*; a Week after the *Seſſion* of *Parliament* was ended. And the [5] Archbiſhop appointed it, the *Munday* after the Feaſt of St. *Gregory*, *March* the 17*th*, and ſo put no leſs then five Weeks diſtance between them.

Here therefore what ever *Attendance* Dr. *A.* may fancy there was in this Caſe, to be ſure there was no *Concurrence*: The One Convocation was not called to ſit by the King till a *Week* after the *Parliament* was diſſolved, and the Archbiſhops ſo order'd Matters, that they both ſate at a much Greater Diſtance from it.

Nor was the Caſe much different the *next Year*: when the [6] *Parliament* met a *Fortnight* after *Hilary*, and continued till about the *Sixth* of *March*: The [7] *Convocation* of our *Province*, ſate not till the Middle of *May* 1394. above two Months after: And that [8] of *York*, ordered by the King's Writ to meet on the 1*ſt* of *March*; the Week that the *Parliament* Roſe; I ſuppoſe, came not together at all before it.

The Year following the Fortunes of Dr. *A.* are ſomewhat bettered: The *Archbiſhops* who commonly delayed the time of holding their *Convocations*, and by that means brake their *Concurrence* with the *Seſſions* of *Parliament*, now conſpired to bring them All together; and that after a very unuſual manner. A [9] Fortnight after *Hilary* the Parliament ſate this Year, as it had done the laſt. It continued till about the Middle of *February*, and was then Diſmiſs'd. The [10] *Convocation* of our *Province* called by the *King's Writ* to meet on the 5*th* of *February*, on the Feaſt of St. *Agatha*, met preciſely on the day appointed; above a Week before the *Parliament* Roſe. It out-ſate it but three Days; and, ſo was in a very great Meaſure *Concurrent* with it. That of *York* was called by the King to meet the day after *Matthias*; and had it met accordingly, would have been altogether held *after* the *Parliament* was Riſen. But the *Archbiſhop*, this Year, by an extraordinary Conduct, [11] anticipated the day which the King Appointed, and Ordered it to meet the *Tueſday* after the *Purification*, in the middle of the *Parliamentary Seſſion*.

Which of theſe *Convocations*, this time, ſet the Example to the Other, 'tis not hard to Gueſs: The *Convocation* of *York* as it met firſt, ſo it undoubtedly concluded ſooneſt. The *Clergy* on our ſide not finiſhing their *Grant* till the 17*th* of the Month, two days after the *Parliament* was ended. I ſhall not need to obſerve that the [12] *King* called the *Convocations*, both of this and the laſt Year, ſolely for Aid: That had been the Courſe throughout this whole Reign; without any one Inſtance that I know of to the Contrary. But from the Acts of our *Convocation* Dr. *A.* will give me leave to tranſcribe this ſhort Minute: [13] That "being aſſembled in the Chapter Houſe at *Pauls*, the ſecond Day of their Meeting, they treated together *ſuper* PRINCIPALI CAUSA *hujus Synodi*; of the PRINCIPAL CAUSE of their SYNOD; and at length diſmiſſing the Clergy to the "Cloyſter under the Chapter-houſe, the Clergy cauſed a *Schedule* to be written "concerning the Manner and Form of Granting *One Tenth* to the King.

habuerunt: "*Et demum ſeperato* Clero *ad Clauſtrum ſubtus eandem Domum Capitularem, idem* "*dam Cedulam de Modo & Forma concedendi Domino Regi Unam Decimam ſcribi fecerunt.* Arch. fol 196.

[1] Rot. Clauſ. 16 Ric. ii. m. 23. Dorſo.
[2] See Append. ad Ann. 1392.
[3] Regiſtrum. *Braybrook* Lon. Epiſc. fol. 243. b.
[4] Regiſt. Mag. Wygorn. fol. 365. Dat. Wygorn. Febr. 23. 1392.
[5] Regiſt. Decan & Capit. *Dunelm* ii. fol. 122. par. ii.

1393.

[6] Dugdal. Summonit. Parl. p. 344.
[7] Regiſtrum *Braybrook* London. 245.
[8] Rot. Clauſ. 17 Ric. ii. m. 21. Dorſo. Sect. 81.

1394.

[9] Dugd. Summonit. Parl. p. 346.
[10] Rot. Clauſ. 18 Ric. ii. m. 20. Dorſo.— In feſto S. *Agathæ* Virginis. Comp. Regiſt. iv. Archi. fol. 195. a.
[11] Regiſt. *Arundel.* fol. 49.
[12] The *Writs* of both Years are in the form of 1392. See the Appendix.
[13] *Febr.* 6.— *Super* PRINCIPALI CAUSA *hujus Synodi tractatum invicem* Clerus *quam* Regiſtrum iv.

K. RICHARD the II.d.

This was the Language of the *Convocation*, as well as of the *King*, in thoſe days. The *Granting* of a *Tenth* was allow'd by them to be the *Principal Cauſe* of their *Aſſembling*, even when they had another, which no doubt they thought a very Great Affair, before them; Namely, a *Petition* to the *Archbiſhop of Canterbury* their *Primate*, and to the *Archbiſhop* of *York*, at that time *Lord Chancellor* of *England*, for the *effectual Proſecution*, and *Puniſhment*, of the *Lollards*; the chief Objects of the Clergies hatred in thoſe *Days*. When *Kings*, and *Convocations*, ſpeak after this Manner: When the *One* in their *Writs* Call the *Clergy* together purely for *Aid*; and the *Others* Own *That* to be the *Principal Cauſe* of their *Aſſembling*; under the Shelter of ſuch *Authority*, I may hope to cover my ſelf from Dr. *A*'s. *Paſſions*; or if I cannot, yet at leaſt may be allow'd to put no more *Value* than they *deſerve* upon them.

*Regiſtr. Dec. & Cap. Dunelm ii. par. 2. fol. 125. a.

But I muſt not conclude this Year, without taking notice of ſome other* Meetings of the Convocation of *York*; antecedent to that which ſate with the *Parliament*, and has been already Mentioned. On *May* the 23*d* a Proxy was iſſued out from the *Church* of *Durham* to Three Perſons to appear for the *Convent* in the *Convocation*, to be held at *York June* the 1*ſt*. On the 11*th* of *July*, another was Granted for the *Prior* and *Convent*, in another *Convocation* to be held there, the 20*th* of the ſame Month. And again on *Michaelmas* day, *September* the 29*th*, a 3*d* went out to the ſame Effect; for a *Convocation* of the Clergy to be held at *York*, the 1*ſt* of *October* following. What theſe Aſſemblies were held for, or what they did; I am not able to ſay. But having this, tho' but a ſhort Account of them, I could not proceed without making ſome Mention of them.

Sect. 82. 1396.

The next *Year*, we have nothing to ſtop us; Neither *Parliament* nor *Convocation*, that I can find, being called within the compaſs of it. It was towards the End of the Year 1396 that the King Summon'd his *Parliament* to meet on the [1] Feaſt of St. *Vincent*, *January* the 22*d*, which held till about the 11*th* of *February* following.

[1] Dugdal. Summonit. Parl. p. 348.

By Writs directed to [2] the *Dean* and *Chapter* of *Canterbury* firſt, and afterwards to the [3] New *Archbiſhop of Canterbury*, and by Mandates iſſued out from both of them; The *Convocation* of the *Province* of *Canterbury* met at *London*, *February* the 19*th*, about a *Week* after the *Parliament* ended. But it did but barely meet that day: For the *Archbiſhop* being now to be Enthroned, *Prorogued* the *Convocation* another Week by the Biſhop of *Exeter* his *Commiſſioner*, and at the ſame time Lord *Chancellor* of *England*, till the 26*th* of the ſame *Month*. In this *Convocation*, the *Univerſity* of *Oxford* preſented its *Grievances* to the *Archbiſhop*: Some *Concluſions* of *Wickliffe* were alſo tender'd by its *Doctors*, and the ſenſe of the *Synod* deſir'd upon them.

[2] Regiſt. Eccleſ. Xti. Cant. E. Mandat. Epiſ. Lond. Dat. 5. die *Januarii*.

[3] Rot. Clauſ. 20 Ric. ii. p. 1. m. 13. Dorſo. Brev. dat. xi. *Januarii*.

How theſe *Matters* proceeded, the *Acts* of the *Convocation* breaking off here, I am not able to ſay. *Half* a *Tenth* was granted to the *King* by the *Clergy*; as by the *Writs* for *Collecting* of it does appear. The Convocation of the Other Province was Summon'd by the *King* to Aſſemble at *York*, on *Munday* after the *Feaſt* of St. *Matthias* the *Apoſtle*, *February* the 26*th*, a Fortnight after the *End* of the *Parliament*; tho we ſhould ſuppoſe it to have ſate on the very day that the King preſcribed; ſo that neither this Year were the *Parliament*, and *Convocations* at all Concurrent with one Author. If Dr. *A.* ſhall pretend, that however they had a Relation to the *Parliament* which met the Month before, he will give me leave to ſay, that not a Word of this appears in the *King's Writ*: And the *Archbiſhop's Mandate* ſpeaks quite contrary to it. He tells the [4] Clergy that "tho' he earneſtly deſired at his firſt coming among them to keep the *Prelates* "and *Clergy* of his *Province* from Chargeable Labours, yet he was forc'd by the "Difficult Affairs which concern'd the *Church* and *Realm*, now newly ariſing, to "Call them together againſt his Will; and that to this End he had alſo received "the *King's Writ*.

[4] *Licet in noſtris Primordiis affectamus attente* Prælatos & Clerum *noſtræ* Cant. Provinciæ *à Sumptuoſis Laboribus Præſervare, Arduis tamen Negotiis Eccleſiam & Regnum tangentibus de* Novo Emergentibus, Prælatos & Clerum *hujuſmodi Convocare impellimur* ALITER quam VELLEMUS: *Ad hoc etiam Breve Regium Recepimus in hæc Verba.*

What a ſtrange ſort of Preface would this have been upon Dr. *A*'s. *Principles*? Did not the *Archbiſhop* know that a *Parliament* being *Summon'd* in *November* before, and almoſt ready to meet e're his *Mandate* went out, the *Convocation* was, of *Courſe*, to ATTEND upon it; and therefore that no *Apologies* were to be made for

for a Matter which both *Customs*, and the *Constitution* of our *Government*, had before this rendred *Sacred*, and *Unalterable*? Or could he think that his *Clergy* should read without Smiling, such an Affected, and Unseasonable Declaration of his Tenderness to them, in a Point in which their CHIEFEST RIGHTS were at Stake; and when *not* to have been *Call'd* to *Convocation*, would have been *One* of the GREATEST CRIMES that a *New Archbishop* could have Committed against them? This I think must be allow'd to have been reasonable upon Dr. *A*'s *Principles*. Yet the *Archbishop* we see declared his Unwillingness to *hold* his *Convocation*, even when a *Parliament* was to *Sit*. He made an *Apology* for it; and shew'd the Necessity he was under, not for *Attending* on the *Parliament* (that never entred into his Thoughts) but for the necessary Affairs of the *Church* and *Realm*, and in *Obedience* to the *King's Writ*, of doing of it: And by all this has sufficiently intimated that this *Necessary Conjunction* of *Parliaments* and *Convocations*, was a Mystery yet unknown to him. The late *Practice* had indeed brought them oftentimes very near to one another in *Fact*; but He was not aware of any *Law*, or Obligation, that lay, either upon upon the *King*, or *Himself*, so to Continue this Practice for the time to Come. K. RICHARD the IId.

But to return to what Remains of the *History* of this *Reign*: The Year following the [1] *King* Summon'd his *Parliament* to meet at *Westminster* on *Munday September* the 17*th*. There it [2] continued to sit till *Saturday*, *September* the 29*th* and then adjourn'd to *Shrewsbury*, on the *Quindene* of *Hilary* following. There it proceeded till the [3] *last* of that *Month*, and so was finally Dissolv'd. About [4] a *Month* after this *Parliament* was first Summon'd, the *King* by his *Writs* commanded the *Archbishops* to *Call* the *Convocations*, tho' not at any Great Distance from it, yet neither at all *Concurrently* (as Dr. *A*. would have us believe) with it. For that of *Canterbury* he assign'd St. *Pauls London*, *October* the 1*st*. For that of *York*, St. *Peters York*, *October* the 10*th*. Both after the Rising of the Parliament; which was on *Michaelmas* Day, *September* the 29*th*, as I have before observ'd. Sect. 83. 1397.

[1] Dugdal. Summonit. Parl. p. 349.
[2] Rot. Parl. 21 Ric. ii. Num. 35, 36.
[3] Rot. Clauf. 21 Ric. ii. p. 1. m. 22. Dorso.
[4] Rot. Parl. 21 Rich ii. par. 2. Num. 54, 79.

By the Procuratorial Letters of the *Church* of *Durham* it appears that the *Convocation* of *York* met upon the same day that the *King* had appointed for it. There was another *Convention* of the *Clergy* held in the same place, *five days* before, as appears by the same *Proxy*; which enabled the same Persons to serve for the *Convent* in both. It is probable that the *One* was a *Provincial Council* for *Church Affairs*; as the other was certainly a *State Convocation*, called by the Authority of the *King's Writ*, for *Aid* and *Assistance*. That of our *Province* [6] the Archbishop put off till the 8*th* of *October*: before which time his Troubles in the *Parliament* coming on, and his Banishment closely following thereupon, I suppose the *Convocation* fell with him, and did not meet at that time at all.

[5] Regist. Dec. & Cap. Dunel. ii. par. 2. fol. 127. b.
[6] Regist. *Braybrook* fol. 250.

The [7] *Clergy* of *York*, had in their *Convocation* granted *half a Tenth* to the *King*. To get the like or a greater Supply of our Province, the *King* by a *New Writ* (as I conceive) to his *New Archbishop*, caused the * *Convocation* of the *Province* of *Cant*. to be held *March* the 2*d*, and obtained a *Tenth* and a *Half Tenth* of it. In none of these *Sessions* was any Regard had to those of the *Parliament*; which at its first Assembling rose *Eight days* before Our *Convocation*; *Ten* before that of *York* were to meet. In its second had no *Convocation* at all to Sit near it in One *Province*; nor did any in the Other, meet, till above a Month after its *Session* was at an *End*.

[7] Regist. *Scrope* Ebor. Arch. fol. 149.
* Rot. Clauf. 22 Ric ii. p 1. m. 1. Dorso. See the Appendix ad Ann. 1398.

It was necessary for me to observe with some Exactness the times of this *Parliaments*, and these *Convocations* Sitting, not only for the better setling of the point in hand, but to shew withal the Disingenuity of an Instance, which after many Others as little to the purpose, Dr. *A*. has alledg'd to prove this Proposition [8] "That (in our antient Rolls) the CONVOCATION CLERGY are represented as OF "the *Parliament*, and ACTING in it. On these he lays great Weight: and tells us that "*the very* STRESS OF THE DEBATE lies here. Let us see therefore what his "present *Instance* speaks to this purpose. [9] "21 *Ric*. 2. the *Clergy* of *both Pro*-"*vinces* appoint a Common *Lay-Proctor* to Consent for them to some matters "done in *Parliament*, which they could not lawfully be present at.— This In-"strument is by Order Enroll'd; and the Right therefore which the PRELATES "and INFERIOR CLERGY there Claim, of being of Every *Parliament*, and *Acting* "in it, is by the *King*, and his *Great Council*, who order'd this Enrollment, *Ad*-"*mitted* and *Affirmed*.

[8] Rights, &c. P. 335.
[9] Ibid. pag. 340, 341.

This

K. RICHARD the IId.

This is Dr. *A*'s Proof; now to make it Pertinent to his Purpoſe, we muſt thus Explain it from the *Terms* of the *Propoſition* which was to be prov'd, and which we have ſeen was this; "that the *Clergy* here *meant*, and *Spoken* of, in "this *Roll* were the CONVOCATION-CLERGY: And therefore the *Right* of the *Con-* "*vocation* to be OF the PARLIAMENT, and to ACT IN IT, is hereby *Admitted*, and "*Affirmed*. This Dr. *A.* muſt allow to be the only way to make this Paſſage any thing to his Purpoſe; For as to the *Biſhops* and *Clergy* called by the *King's Writs* to *Parliament*, He well knows that I am ſo far from denying them a Right to be OF that *Great Body*, and to ACT IN IT; that I contend againſt him, that they ſtill continued both to be Summon'd, and to Come to it; and had not yet exchang'd their Right of *meeting Nationally* with the *Temporalty* in *Parliament*, for a Solitary *Provincial Aſſembling* by Themſelves, in their own ſeveral *Convocations*.

But now this the Circumſtance of the time when this *Proxy* was made, com-
[a] Rot. Parl. 21 Ric. ii. pared with that of the *Convocations Aſſembling*, ſhews to be impoſſible. [a] On *Munday*, *September* the 17*th* the *Parliament* met: On *Tueſday* the 18*th*, the *Speaker* required that the *Clergy* ſhould conſtitute a *Proctor*, and the *Prelates* agreed to it. This being done, they immediately impeach'd the *Archbiſhop* of *Canterbury*, and made ſuch diſpatch in it; that on the 25*th* of the ſame Month, They demanded Judgment againſt him. This Proxy then was made the 18*th* of *September*. But the *Convocation* was not Summon'd to *meet* till the 8*th* of *October* following; that is, till *Twenty days* after this *Proxy* was Agreed to. And how the *Convocation-Clergy* ſhould be OF the PARLIAMENT, and ACT IN IT, *twenty days* before they came together, I ſhall leave it to Dr. *A.* upon farther Conſideration to tell us.

To add yet more: The *Convocation-Clergy* by the *Nature* of their *Summons*, and Dr. *A*'s own Confeſſion, met *Provincially*: That of *Canterbury* at St. *Pauls London*; That of *York*, at St. *Peters York*. But this *Proxy* was made by the *Clergy* in a *National Aſſembly*; the *Archbiſhops*, *Prelates*, and *Clergy* of both *Provinces* joyn'd in it; and therefore the *Clergy* who made it could not have been the *Convocational*, as he pretends, but muſt have been the *Parliament Clergy*, as I affirm.

Will Dr. *A.* give me leave to add but One thing more in Contradiction to the Uſe he makes of this Inſtance, and I ſhall trouble him no farther at this time about it. I do not doubt but that the *Inferior Clergy* have at this day a *Right* to be *Called* to *Parliament*: I am perſwaded that at the time of which we are now ſpeaking, they did *Actually Come* to it; but yet, for all that, I very much Doubt, whether they had any thing to Do in the Buſineſs of this *Proxy*, to which Dr. *A.* makes bold to Intitule them, and that for theſe following Reaſons.

1*ſt*. The Ground on which the *Speaker* Required that the *Prelates*, and *Clergy*,
[b] Rot. Parl. 21 Ric. ii. Par. 1. num. 9. ſhould Conſtitute a *Proctor* to *Act* for them, was this, [b] "That Divers *Judg-* "*ments*, and *Ordinances*, had been *Repeal'd*, and *Annull'd*, for this Reaſon that "the *State* of the *Clergy* was not Preſent in *Parliament* at the making of them. Now the only Caſe in which the *State* of the *Clergy* were wont to leave the *Parliament*, was in the Caſe of *Judicial Proceedings*: Where any thing was to be try'd that might reach to *Life*, or *Blood*; and at which they alledged that by the *Law* of the *Church* they could not be preſent. Such therefore of the *Clergy* only can here be reaſonably underſtood, as by the *Nature* of our *Conſtitution* ought to have been preſent in ſuch Caſes, and had a Right to *Judge in Parliament* in ſuch matters. But now this, I am ſure, Dr. *A.* will not ſay the *Lower-Clergy* ever had: And therefore he muſt allow that they could not be meant by the *Clergy* ſpoken of in this *Roll*, who were to Conſtitute a *Proctor* for that End.

Now to this, 2*dly*, The whole Proceſs of this Matter agrees: For the *Speaker* having, upon the Ground before mentioned, Pray'd that "the *King* would "Command the *Prelates* and *Clergy* to make a *Proctor*, with ſufficient Power to "Conſent in their Name to All *Things*, and *Ordinances* to be *Juſtified* in this "Parliament, the *Roll* adds; that thereupon ever *Spiritual Lord* ſhould fully "declare his Opinion: Upon which the LORDS SPIRITUAL being ſeverally Ex- "amin'd, did Generally Agree to Commit their full *Power* to One *Lay Perſon*; "Namely, Sir *Thomas Piercy* Knight, and Delivered a *Schedule* to the *King* Con- "taining their ſaid Powers. Here we ſee who the *Prelates* and *Clergy* before ſpoken of were; They were the *Lords Spiritual*; No Others are once mention'd or hinted at on this Occaſion. But it may be they acted for the *Lower Clergy*

as well as in their *own Right?* At Other times they often did ſo; but upon this Occaſion, I think, they did not: Let us go on with the *Roll*, and ſee in what *Quality* they now *Acted*, and upon what they founded their *Right* of *making* ſuch a *Proctor*, as they were here Allow'd to do. "We *Thomas Archbiſhop* of *Canterbu-*"*ry*; and *Robert Archbiſhop* of *York*, and the *Prelates*, and *Clergy* of *both Provinces*, "having, a *Right* by Virtue of our *Churches*, and the *Temporalties thereof*, to be "Preſent in Singular the *Parliaments* of our *Lord* the *King*, and *Realm* of *Eng-*"*land*, and of *Treating*, and *Acting* in the *ſame*, do Give full *Power*, *&c.* This I take to be a Plain *Declaration* of the Ground on which they founded their *Right*: That it was by Virtue of their *Temporal Baronies*, annexed to their *Churches*, that they Claim'd a Common Power of *Judicature* with the Other *Lords* in *Parliament*, and thereupon now appointed Sir *Thomas Percy* to Act for them, in ſuch a *Judicial Capacity* in which their *Dignity* in the *State*, gave them a Right to *Act*; but the *Canons* of the *Church* forbad them to Exerciſe that Right.

K. RICHARD *the* IId.

But tho I do therefore doubt, upon the Grounds before mention'd, whether Sir *Thomas Percy* were Deſigned in this Caſe to *Act* for the *Lower Clergy* at all, yet I will not deny but that the *Words* of His *Proxy* may have been ſo framed as to reach to the *Lower Clergy* too; ſo that ſhould he have done any thing, on that Occaſion, in which they might have had a *Right* to *Conſent*, He ſhould have been Empower'd to *Conſent* for them. It has been always uſual in ſuch kind of *Inſtruments*, to Grant *Powers* in a much *larger Manner*, than the immediate Occaſion of them perhaps required. The *Biſhops Commiſſion'd* him in the *Name* of the *Clergy*, as well as of the *Prelates*: And the *Commons* Required a *Proctor* for the *Eſtate of the Clergy*; of which *Eſtate*, it cannot be doubted, but that the *Lower-Clergy* were a Part. And if he did conſent not only to *Judgments* but *Ordinances* too, (as the *Roll* Speaks) in which the *Conſent* of the *Clergy* was to be given, I ſhall not deny but that he therein Acted for them as well as for the *Prelates*. All that I affirm is this, that in *Voting* in ſuch *Judicial Caſes*, as were tranſacted in that *Parliament*, and for which this *Proxy* was made to Him, He *Acted* for the *Biſhops*, and *Prelates*, only, not for the *Parliament-Clergy*; and yet much leſs for the *Convocational Clergy*, who had nothing to do with ſuch Matters.

Upon the whole then; theſe two things may, I conceive, be juſtly Replied to this Inſtance of Dr. *A.* Firſt that it is at leaſt a Diſputable Queſtion, whether the *Inferior Clergy* were Really at all concerned in the *Proxy* to which he Refers. But ſhould that be Otherwiſe (for I preſcribe to no Mans Judgment in theſe Matters) yet that, *Secondly*, It is out of all doubt, that the *Clergy* there ſpoken of muſt have been the *Parliamentary*, not the *Convocation-Clergy*: The *National Convention* of the *Clergy* of the whole *Realm*, Summon'd by the *Premunitory Clauſe* to *Parliament*; not the *Provincial* Aſſembly, of either part of it, which met not till about *Three Weeks* after this *Proxy* was Granted.

Sect. 84. 1398.

The next Year we find no *Parliament* ſummon'd, nor any *Convocation* of the *Province* of *Canterbury*: Yet on the [1] *Second* of *January*, the King by ſpecial *Writs* called a Select *Eccleſiaſtical Council* to meet at *Oxford*, the *Munday* after St. *Paul's Day*, to debate of ſome things which touch'd the *State* of the *Church*, and to give the *King* their *Advice*, together with the *Univerſity*, Concerning them.

[1] MS. Cotton Cleopatra E. 2. fol. 224. Appendix ad Ann. 1398.

But to leave this *Council*, and conſider the *Convocation* of the Other *Province*, which was *Summon'd* not long after it. The *Clergy* of thoſe parts, had (as I before Obſerved) Granted to the King a *Half Tenth* in their laſt *Convocation*; but thro' the death of the *Archbiſhop*, and ſome Other Interruptions, the *King* it ſeems had not yet been *Legally* certified of it. And therefore on the [2] *1ſt* of *Auguſt*, He Iſſued out a *Writ* to the *New Archbiſhop*, Reciting his former Order for a *Convocation*, and Requiring him, if the *Convocation* had met, and Granted any thing to him, to make *Certificate* of it; Or, if not, to call one to meet on the *1ſt* of *September*, and to induce them to Agree to a Competent Supply for him.

[2] Rot. Clauſ. 21 Ric. ii. p. 1. m. 30. Dorſ. Append. ad Ann. 1398.

The *Archbiſhop* made his *Return* as Commanded; and upon the Receit of it, a new Writ was iſſued out to him dated *January* the *27th*, to cauſe the ſaid *Subſidy* to be ſpeedily *Collected*, and *Paid*, according to the Tenour of their Grant in that behalf.

[3] Regiſt. *Scroop* Ebor. Arch. fol. 149.

On the ſame day another [4] Writ was made out for a *New Convocation* to be held at *York*, on *Munday* in the *3d Week* in *Lent*. The *Archbiſhop* deferr'd it a *Week* later, and Order'd it to meet at *Beverley*, *March* the *11th*. The Buſineſs of

[4] Rot. Clauſ. ib. m. 1. Dorſ. Appendix ad Ann. 1398.

K. RICHARD the IId.

of This, as of all the Reſt, was for more Money. Thoſe of our *Province* had at their laſt *Meeting* Given a *Tenth* and *Half*, to the *Half Tenth* only of the *Clergy of York*. They were therefore a *Tenth* behind in their *Grants*; and tho' the *King* did not charge them, as if Dr. *A.* had been of his Council he would not have faild to have done, to Conſider their *Duty*, and the *Cuſtom Eſtabliſh'd* in the time of his *Grandfather* King *Edward* the IIId. for thoſe of *York* to *do always* whatever the *Clergy* of *Canterbury* ſhould think fit to do before them; Yet they knew that both the *King*, and the *Clergy* of *Canterbury*, did Expect that they ſhould bear an *Equal Share* of the *Publick Burdens*, and not Eaſe themſelves, at the Expence of their *Brethren*. This was the true Reaſon why the *Convocation* of the Other *Province* was now Aſſembled, at a time when neither any *Parliament* met, nor were the *Clergy*, on this Side, *Called* together: And it ſhews withal the Freedom of the *King* in *Aſſembling* of theſe *Conventions*; that he had a *Legal Right* to do it whenever he thought Convenient, whether at the time of the Parliament, or at any Other; And that again, The Convocations either of *Both* the *Provinces* together; Or only of *One* by its ſelf; as he ſhould judge it moſt Expedient for him to do.

But I muſt not cloſe up this Year without Obſerving that there was another *Convocation* of the *Clergy* of that *Province* held at *York*, antecedent to any which I have yet mention'd, and of which all the Account I can give is this: That by *Procuratory* Letters dated *June* the 16*th* 1398, the *Prior* of *Durham* empowered one of the *Reſidentiaries* of the *Church* of *York*, with Others, to appear in his ſtead the 20*th* of the ſame Month, before the Honourable Mr. *Richard Clifford Dean* of *York*, and *Keeper* of the *Privy Seal*, who was to be ſent thither by the King, to treat of certain *Matters* and *Affairs* which concerned the State of the *King*, the *Realm*, and *Church* of *England*; together with the *Other Prelates* called and *Premoniſhed* to come thither by the *King's Letters* under his *Privy Seal*. This is all that I know of this Meeting; and the Inſtrument from which I took this, the *Reader* will find in the * *Appendix*; being the only Information I have met with for this *Convocation*.

* Appendix ad Ann. 1398.

To draw to an End of this unfortunate Reign: All was now in Confuſion, and the King himſelf but an Honourable *Priſoner*; Subject to the Direction of thoſe who had him in their Hands. In this State, [1] *Writs* were Iſſued out for a *Parliament* to meet on the laſt of *September* 1399, in which he was to Reſign his Crown. [2] A Fortnight after this *Parliament* was Called, the *Convocation* of our *Province* was Summon'd to meet, tho' I do not find that there was ſo much as any Pretence of a *Royal Mandate* for it. Archbiſhop *Arundell* tho' he were returned with *Lancaſter* into *England*, and had the chief Menagement of the *Great Work* which was then to be done; yet being not put into Poſſeſſion of the Adminiſtration of his *Archbiſhoprick*, which the *Pope*, as well as *King*, had Given to another; the *Mandates* for it went out in the Names of the *Prior* and *Chapter* of *Canterbury*. The pretence of Summons was "*pro utilitate Reipub. & "tuitione jurium & libertatum Eccleſiæ atq; Regni.* And the Order to the Clergy ran, to appear before *Themſelves*, or before the *moſt Reverend Father* in *God*, the *Archbiſhop* of *Canterbury*, who was then in their Eye, and gave the Secret Directions for this *Aſſembly*. What the Deſign of this *Convocation* was, it is not hard to Gueſs: And I ſhall hereafter give a more particular Account of it. I ſhall only now obſerve that it was Summon'd to meet on the 6*th* of *October*, The very day on which King *Henry* the IV*th*'s *Firſt Parliament* was to be held: And we need not doubt but that it was from the firſt deſign'd, in Dr. *A*'s New-Phraſe to ATTEND upon the *Parliament* of the *Riſing Prince*, not to accompany that of an Unhappy King, who was in one Day both to *Open* his *Parliament*, and to be *Depoſed* by it.

[1] Dugdal Summonit. Parl. pag. 353.
[2] Mandat. Dat. Lond. 3 Sept. Regiſt. *Braybrook.* fol. 253.

To come therefore to that *Great Council*, with which I ſhall cloſe up this *Chapter*: It met, as appointed, the Morrow after *Michaelmas*, and ſate but One day; but in that Day it did a great deal of Buſineſs: It *Depoſed* One *King*, and *Made Another*; and by a *New Summons* was Ordered to meet again, under its new *Prince*, the 6*th* of *October*, the very *ſame day* to which the *Convocation* had at firſt been Called. Here therefore was a moſt exact *Concurrence* between the *State*, and the *Church Aſſembly*: Tho' the latter being ſummon'd ſo long before, it may be queſtioned to which of theſe *Parliaments* its *Attendance* ought Legally to be aſcribed; whether to that for which it was *Called*; or to that with which

which it *Sate* and was, I believe, deſigned from the beginning to Sit? But we will Suſpend theſe Speculations till we come to the Survey of theſe Matters: And, at preſent, take only a ſhort Review of what paſs'd in this Reign, and ſo conclude this *Chapter*. K. RICHARD *the* IId.

And 1*ſt*. From the *Hiſtory* of this *Reign*, it plainly appears that the *Lower Clergy* ſtill continued to come to *Parliament*, and had not, as Dr. *A*. is pleaſed to tell us, exchanged their *Right* of *Sitting Nationally* in that *Great Council*, for his imaginary *Attendance* in two *Provincial Convocations*. This is clear from the *Parliaments* of 1377, and 1379; (to ſay nothing of that of 1397) and to them I refer for the truth of it. Sect. 85.

'Tis true, their Buſineſs was now reduced to a meer matter of *Conſent*. Their *Writs* which heretofore cited them to Do as well as to CONSENT to what ſhould be DONE by Others, from the 5*th* Year of this King, Ran only in the form of CONSENTING, without any allowance of a *Power* to ACT as before. But ſtill for this *Conſent*, they were not only *Summon'd* to *Parliament*, but they *Came* too; and, by their *Biſhops*, did *Conſent* to what was done there.

2*dly*. Tho' Dr. *A*. be certainly deceived Himſelf, or I am ſure would Impoſe upon Others, in what he advances concerning the ſtrict *Concurrency* in point of Time between the *Parliaments* and *Convocations* of theſe Reigns: Yet thus far he muſt be allow'd to be in the Right, that under this *Weak*, and *Neceſſitous Prince*, they came nearer to One another, than ever they had before been wont to do. Great were the Wants of this King; and Conſtant his Demands both upon the *Clergy* and *Laity* for the Supply of them. For this *Parliaments*, and *Convocations* were frequently *Aſſembled*; and often times very near to, tho' not intirely at the ſame Time with, One Another. But ſtill even under this *Government*, Weak as it was, the *Rights* of the *Crown* were preſerved; and, the Independency of the One of theſe *Aſſemblies* upon the Other, to the Confuſion of D. *A*'s. Hypotheſis, abundantly demonſtrated.

To Recapitulate this Matter in ſhort, as it ſtands in the Hiſtory before delivered, and as I do conceive it truly paſs'd, during this Reign.

1. In the *Two Twenty* Years of this *Prince*, SEVEN *Parliaments* there were with only *One Convocation Concurrent*; and that oftentimes but in a very little Part of the *Seſſions* too; In the Years, 1377, 1379, 1380, 1384, 1385, 1388, 1391.

2. With NINE Other *Parliaments* there was no *Concurrent Convocation* at all, in *Either Province:* Namely in the Years 1381, 1382, (TWO *Parliaments*) 1383, 1392, 1393, 1396, 1397, (TWO *Parliaments.*)

3. FIVE *Parliaments* were held, and No *Convocation* held in the ſame *Years* with them: *Viz. Ann.* 1378, 1381, 1389, 1390, 1393.

4. FOUR times *Convocations* were held, and No *Parliaments* called with, or near them: *Ann.* 1377, 1385, 1394, 1398.

In the TWO *and* TWENTY Years therefore of this Prince, Dr. *A's Hypotheſis* fails FIVE *and* TWENTY times; And that I think is abundantly Sufficient to Shew, that it was no *Rule* in this *Reign*, much leſs the ſettled *Eſtabliſhment* of our *Conſtitution*, for the *Parliament*, and *Convocation* to Sit *Concurrently* with One Another.

But 3*dly*. That the Deſign of this *King* in *Calling* theſe *Convocations* was wholly, and purely, on the Account of *Money*, to get *Supplies* from the *Clergy*, is ſo Evident, that let Dr. *A*. turn himſelf into whatſoever Forms he pleaſes, 'tis not in his Power either to *Miſtake*, or *Miſ-repreſent* it. The King's [1] *Writs* ſpeak it fully and openly to Us: The *Acts* of our *Convocations* ſhew it: And both demonſtrate the intemperate Revilings of this Un-chriſtian Writer againſt me for affirming of this *Certain*, and *Evident Truth*, to have as little of *Juſtice*, as they have of a *Spirit* either of *Charity*, or *Integrity*, in Them. This therefore I do here Once more *Affirm*, and I *Affirm* it with all that *Aſſurance*, that *Truth* and *Innocence* oblige me to do; That this was the *main End* for which our *Kings* were wont to *Call* theſe *Convocations*; and this was the *main Buſineſs*, that was generally done by the Clergy at theſe *Meetings*.

[1] See the *Appendix* throughout this Reign.

And theſe are ſuch Aſſertions as are directly Oppoſite to the *Scope*, and *Tendency* of his *Hypotheſis*: I add, in Oppoſition to One of his *Bye-Points* as he calls it; 4*thly*. That from what has been before obſerved in this Reign it appears, That the *Convocation* of *York*, is not at all Dependant either in its *Aſſem-*

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bling or *Acting*, upon that of *Canterbury*; so that it should be Obliged to Do, whatsoever our *Province*, thinks fit to Do before it. This is a *Servitude* which no *Writer*, that I know of, ever before pretended to impose upon that *Venerable Body*; and the Grounds of it are so Weak, that I am confident no *Writer* hereafter will ever Joyn with him in the like Attempt. And this very Reign affords us three *Instances* at least, to Confute his Pretences; *Ann.* 1377, 1387, 1388: And to them I refer for the Confirmation of what I here Assert on their behalf.

To conclude this whole *Chapter*: We have now Examined the State of our *Parliaments*, and *Convocations* for above a *Hundred* Years. We have Seen at what *times* they have Both been held; and tho' I dare not say that no *Sessions* of Either have escaped me; yet as I have not been wanting in my Diligence to discover them, so I do hope, that but few have. However, from what has been Observed, this *Conclusion* I will be bold to draw, let Dr. *A.* Refute it, if he can; "That, in all this time, there was no manner of *Dependance* of our "*Convocations* upon the *Parliament*; but the King was at Liberty to *Call Both* "whenever he pleased; and lay under no Obligation either of *Law*, or Custom, "to *Assemble* the *One*, as *Often* as he should think it fitting to *Call* the *Other*.

CHAP. VIII.

The History of the Assemblies of the Clergy *pursu'd, from the first of King* HENRY *the* IV*th, to the* 25*th of King* HENRY *the* VIII*th. That neither during this* Period *did the* Convocation ATTEND *upon the* Parliament, *as Dr.* Atterbury *affirms: Whose farther* Arguments *in Proof of it, which fall within the present* Period, *are Examin'd and Answer'd.*

Sect. 1.

HItherto we have enquir'd into that part of this *Period* in which Dr. *Atterbury* tells us the *Two Convocations* were the Closest *Attendants* upon our *Parliaments*; and in which indeed, according to his Principles, we had Reason to have expected that so they should have been. For if this were the Ground of their *Attendance*, as he pretends it was, [1] that the *Clergy* desir'd to Exchange their coming *Nationally* to *Parliament*, according to the *Premunitory Summons*, for a *distinct Assembling* of themselves, in *each Province*, at the same *time*; and the King Accepted the One in lieu of the Other: If in Consequence hereof, they were accounted, even when they met in their own several *Convocations*, to sit no less by the [2] Kings *Parliamentary Writs*, than by the Archbishops *Provincial Mandates*; and to be tho' not a [3] STATE of the PARLIAMENT, yet an ESTATE of the REALM ASSEMBLING *with the* PARLIAMENT: What could we Conclude less than that we should have seen them as *Constantly*, and *Closely*, *Attending* upon the *Body* to which they were thus nearly related, as these Principles require; and as indeed the very Notion of a PARLIAMENTARY ATTENDANCE does of its self imply.

[1] Rights, &c. pag. 42, 43, 44.
[2] Ibid. pag. 18, 75, 251, 259.
[3] Ib. p. 62, 64, 75.

And accordingly all the Other Principles which Dr. *A.* so industriously advances, and so often inculcates, lead to the same Opinion. [4]* That the *Clergy* mention'd in the *Parliament Rolls*, are to be understood of the *Clergy* in *Convocation*. [5]* That the same *Rolls* speak of the *Convocation Clergy* as OF the PARLIAMENT, and ACTING IN IT. [6]* That the *Convocation* is a *Word* of *Art* signifying a MEETING of the CLERGY in TIME of PARLIAMENT. [7]* That as such it has been held to be an *Assembly*, [8] ESSENTIAL to our CONSTITUTION. [9]* That, at first, it met *very near at the same Time with the Parliament*: And tho afterwards [10] (about the time of King *Henry* the IV*th*) a greater Liberty was indulged, and taken; yet in *Henry* the VIII*th*'s time, things came about again into their ORIGINAL COURSE; which therefore must have been at first, as we know it has been since, for the PARLIAMENT and CONVOCATION WRITS, to Go *out* TOGETHER; and for *both* to *Sit* within a *few Days* of, and so continue to *sit* in *Concurrence*, with one Another.

[4] Rights, &c. pag. 57, 58, 60, 332, 333.
[5] Ib. 60, 335.
[6] Ib. 65, 75.
[7] Ib. 214, 276, 457.
[8] Ib. 353.
[9] Ib. 75, 259.
[10] Ib. 48.

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Nor is this any more than what Dr. *A.* himſelf elſewhere in plain Terms tells us; when ſpeaking of the firſt beginning of the *Convocation Writs*, he has theſe moſt remarkable Words to this purpoſe: [1] "This gave birth to the "*Cuſtom* of iſſuing out Two CONVOCATION WRITS when a NEW PARLIAMENT "was to be choſen: Which tho' ſet on foot before, yet SETTLED NOT INTO A "RULE till ſome Years after *Edward* the IIId was in the *Throne*; and then it was "PRACTISED AS DULY and REGULARLY, and in much the *ſame manner*, AS IT IS "AT THIS DAY. The Conſequence which, if true, muſt I am ſure be this, that from King *Edward* the IIId's time, to King *Henry* the IVth's, whenever a *Parliament* was *Summon'd*, the *Convocation* was *duly*, *and regularly*, Called with it; and *met*, as it now does, either exactly at, or at leaſt *very near*, the *ſame Time* that the *Parliament* Aſſembled.

[1] Rights p. 44. Compare pag. 258. "*Theſe* "*Writs for a* "full Convo- "cation *Grew* "*now the Com-* "*mon form; it* "*being a mat-* "*ter of* Ordi- "nary Prac- "tice *to ſend*

"*them out* CONCURRENTLY *with* Thoſe *for a* Parliament; *in* Edward *the* Third, *and* Richard *the* Second's "*Reigns*: *And ſtill* [Addit. p. 56. *Whenever they went out*] *the* Convocation *was (as in the Preceding Inſtances)* "*Generally order'd to* ATTEND *a* FEW DAYS SOONER, *or* LATER *than the* Parliament *did, and not Preciſe-* "*ly on the Spot, where the* Parliament *Open'd, but at ſome Church, or Chapter Houſe near it. Thus Dr.* A. *But leaſt his new Addition of (whenever they went out) ſhould be extended farther than we may ſuppoſe he deſign'd it; take his own Interpretation of that*, Rights, &c. p. 250. *Where ſpeaking of the ſame* Writs, *he tells us.* "*That they* "*have been* Regularly *iſſued out, as* often *as a* New-Parliament *was Called, from the* Latter End *of* Edward the "IId *till Now, with* FEW EXCEPTIONS *to the Contrary; and with* NONE *from the firſt dawn of the* Refor- "mation *in* Henry *the* VIIIth's *Reign down to this Preſent. And from* THIS ANTIENT CUSTOM *(as antient* "*as the* Compleat Settlement *of our* Conſtitution) *the* Clergy *think themſelves intitled to be* Summon'd *to* Aſ- "ſemble, *and to* SIT PROVINCIALLY, WHENEVER *a* NEW PARLIAMENT MEETS.

Sect. 2.

How truly Dr. *A.* has herein repreſented the Cuſtom of the Preceding Reigns as to theſe Matters, the plain Deduction which I have made of theſe Two *Aſſemblies* from Year to Year; and the ſhort *Table* wherein I ſhall at one View preſent the *Reader* with a Proſpect of this whole *Period*, when I have gone thro' thoſe which yet remain to be conſidered, may ſuffice to ſhew. In the mean time to the Confuſion of this *bold Pretender*, let me once more repeat here what I have before abundantly prov'd, That after the beſt Enquiry I have been able to make, but *twice* only can I find that in the long Reign of that very *Edward* of which he ſpeaks, the *two Convocations* met at the ſame time with the *Parliament*; and in the Reign of his Succeſſor *King Richard* the ſecond, not many more. So DULY, and REGULARLY were theſe two *Aſſemblies* call'd together, during thoſe Seventy Years! And ſuch a *Wonderful* CONCURRENCE was there in the Meeting of them; "*with* FEW EXCEPTIONS to the Contrary.

Sect. 3.

I now proceed to the latter part of this Period, in which Dr. *A.* tells us, that theſe *Conventions* were held [2] WITH A LATITUDE: pag. 75. And again; "*That a greater Liberty was indulged and taken*, p. 259. The meaning of which he thus elſewhere diſcovers to us, with the *Time* from which he dates this change: p. 48. [3] "This was the uſual diſtance (between the Meeting of the *Parlia-* "*ment* and *Convocation*) throughout *Edward* the IIId, and *Richard* the IId's "Reigns; till *Henry* the IV*th* began to Enlarge it: In, and *After* whoſe time, "the *Clergy* held their *Aſſemblies* DURING, *and* (he would have ſaid, *Or*) NEAR "the *Seſſions* of *Parliament*, but not *Thoroughly Concurrent* with Them: The "*Archbiſhop*, it ſeems, affecting *Independency*, and the *King*, who above all things "deſir'd to ſtand well with the *Clergy*, *favouring Him*, and *Them*, in that reſpect; "and giving way to their being CALL'D LATER, or DISMISS'D SOONER, than the "*Laity*. This is the Account which Dr. *A.* Gives us of the Remainder of this Period. Many are the Remarks which might juſtly be made upon it, but I ſhall content my ſelf with this One; that if this be true, then we muſt conclude, that Archbiſhop *Arundell*, and his *Clergy*, were ſo far from thinking this *Doctrine* of *Attendance* to be a *Right* or a *Priviledge*, that they us'd all their *Intereſt* to break off from it; and even Dr. *A.* himſelf is ſo far from Cenſuring them therein, that, as if he were of the ſame Mind, He tells us, that the *King* FAVOUR'D *Him*, and *Them*, in that reſpect: That is, He gave them leave to depart from their *Great Right*, and *Priviledge*, of *Parliamentary Attendance*. *A Royal Condeſcention*, which I never thought Dr. *A.* would have *Eſteem'd*, or *Call'd* a FAVOUR!

[2] Rights, &c. pag. 75. 259.

[3] Ibid. pag. 48.

But to leave the Reflection, and come to the Thing its ſelf, which we are to examine: The *Convocations*, He tells us, from henceforth met, tho' not *Concurrently* with the *Parliament*, as before; Yet DURING, or NEAR the SESSIONS of it. The *Former* of theſe *Limitations* carries no difficulty with it; For we gene-

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rally know when the *Parliament Roſe*, as well as when it began; and ſo ſhall eaſily diſcover how far the *Matter* of *Fact* is true, in that reſpect. But what ſhall we ſay as to the *Latter* of them? Or how ſhall we determine when a *Convocation* ſits *near* the *Seſſion* of *Parliament?* That I dare not undertake to determine; but muſt leave it to every One to judge of it as He thinks fit. Only I would ask Dr. *A.* if he pleaſe, Whether when the *Convocation* ſate not at the SAME TIME with the *Parliament*, but only NEAR it; (Perhaps a *Month*, *Two*, or *Three*, before, or after it;) It ſtill, nevertheleſs, continued to ATTEND UPON IT? And to what *Ends*, *Purpoſes*, or *Advantages*, to the *Church* or *Realm*, it did ſo ATTEND? Here therefore Dr. *A.* and I ſhall more eaſily agree; than we have yet done. I affirm that the *Convocation* in theſe times, was no ATTENDANT upon the PARLIAMENT; nor did either conſtantly, or neceſſarily *ſit* at the *ſame time with* it. That the *King* and the *Archbiſhops* had an undetermin'd Power over both; and might, as they thought fit, either Summon both together; Or call the *One*, without being Oblig'd, by the Nature of our *Conſtitution*, to *Aſſemble* the *Other*. Dr. *A.* agrees that this is ſo far true, that from *Henry* the IV*th*'s time, the *Convocation* met ſometimes, DURING the SESSIONS of PARLIAMENT, and ſometimes only NEAR it, that is to ſay, at ANOTHER TIME, and NOT DURING the SESSIONS OF PRLIAMENT: So that as far then as 130 Years Deſuetude can break a *Cuſtom*; ſuppoſing that there had been ſuch a *Cuſtom* before (which yet I have prov'd there was not) this *Cuſtom* muſt have been deſtroy'd: And what a *Cuſtom* diſuſed for above a 100 Years is Good for in *Law*, I ſhall humbly ſubmit it to the *Learned* in our *Laws* to determine.

But however this Dr. *A.* ſtands to, that there was ſtill tho' not a *ſtrict Attendance* paid by the *Convocations* upon the *Parliament*, yet ſuch a *near Relation* kept up between them; that whenever a *New-Parliament* was Call'd, a *Convocation* was to meet, either preciſely *at the ſame time* with it; or, at leaſt, within a *little Diſtance* of it: And that by the very *Nature* and *Terms* of our Conſtitution. Here therefore I take to be the point wherein Dr. *A.* and I ſhall ſtill continue unfortunately to diſagree: For he, unleſs he will give up his *New Principle*, muſt affirm that at every *Seſſion* of *Parliament* a *Convocation* was *Neceſſary* to be *held*, either Concurrently *with* it, or at leaſt very *Near* to it; ſo that without breaking in upon the *Conſtitution* of our *Government*, the One could not be called without the Other: And I, on the other ſide, muſt be permitted to Aſſert, till I ſhall be better Inſtructed, That our *Kings* were no more confin'd in their *Prerogative* on this ſide, than 'tis at laſt, I conceive, agreed, they were on the Other; but that they might, and did often hold their *Parliaments*, without calling any *Convocation* at all either *with* them, or *near* Them; as well as 'tis Allow'd they might, and did often *Summon* the the *Convocation*, without Aſſembling any *Parliament* to ſit with it.

Sect. 4.

This therefore is the great Point, which I am here to purſue: And for the better clearing of which, there is yet one thing in which I ſhould be glad that Dr. *A.* would a little further enlighten me. It is his own Obſervation, [1] *p.* 18. that "till Archbiſhop *Chichley*'s time, *Convocations* were frequently held even "while *Parliaments* were ſitting, without any Other *Writ* from the *King* but what "was contained in the *Biſhop's Summons*, with the Clauſe *Præmunientes*. Which *Clauſe* being a Summons to the *Time*, *Place*, and Aſſembly of *Parliament*; Dr. *A.* may as well ſay the *Clergy* were called to their *Biſhop's Viſitation* in Virtue of it; as to their *Archbiſhop's Convocation*. But to let that paſs; and take what is, or I am ſure ought to be his meaning; That in *Arundel's*, and *Chichley's* time (to look no farther) *Convocations* were often *held* by the ſole Authority of our *Metropolitans*, without any *Writ* from the *King* for the *holding* of them. The Queſtion which I would ask, upon this Suppoſition, is this: Whether in ſuch Caſes where the *Metropolitan*, of his own accord, Summon'd his *Convocation*, without any *Writ* from the *King*, He did it by *Authority* of any *Law*, or in purſuance of any *Obligation*; which, by the *Nature* of our *Conſtitution*, lay upon him, to *hold* his *Convocation*, as often as the King *Called* his *Parliament?* Or whether *He freely Summon'd* it at his *Own Pleaſure*, becauſe he thought it *Expedient* ſo to Do?

[1] Rights, &c. p. 18.

If Dr. *A.* ſhall ſay that He held it *freely*, when he might have *Omitted* it; becauſe he thought it *Expedient*, not becauſe he was *bound* to do it; Then I conceive it will follow, that All thoſe *Convocations* which we ſhall hereafter meet with, (whether of thoſe *Two Archbiſhops*, or any *Others*) which were *Summon'd*

mon'd by the *Metropolitan alone*, without the *King's Writ*, are not to be com- K. HENRY *the* IV.*th.*
puted among thoſe *Parliamentary Convocations* of which we are now diſcourſ-
ing; Which he tells us are *Eſſential* to our *Conſtitution*; neceſſary to be held in time of Parliament, or near to it; and to the *Calling* of which therefore, at ſuch times, either the *King*, or the *Archbiſhop*, or *ſome body*, ſhould be Oblig'd.

If to avoid this Inconvenience Dr. *A.* ſhall think fit to affirm that in Caſe the *King* did not iſſue out his *Writs* for *Summoning* the *Convocations*, whenever he *Called* a *Parliament*, the Archbiſhop of each *Province* was, by our *Conſtitution*, Oblig'd to *Summon* them without it; then I would beg leave to Enquire farther; How our *Archbiſhops* came to be ſo forgetful of their Duty in this Particular, as in all the Preceding Reigns, it is evident that they were? When nothing was more common than to ſee *Parliaments* held, without any *Convocations* Called either by the *King*, or by the *Archbiſhops*, to *Attend* upon them? How One *Archbiſhop* came oftentimes to *Call* his *Convocation*, and the Other at the ſame time, not to Aſſemble his; ſince both lay under the ſame *Legal Obligation?* Nay, which is yet worſe, How when the *King* appointed the proper time for its Aſſembling; ſometimes *within* the *Seſſion* of *Parliament*, at others *very near* it; The *Archbiſhops*, as if they had reſolved to be perverſe, on purpoſe, to break in upon our *Conſtitution*, put off their ſeveral *Convocations* at their own Pleaſure, till the *Seſſion* was over; it may for ſome *Weeks*, or *Months* after it; of all which I have given ſeveral Inſtances already, and ſhall add many more in the Proſecution of this Period.

Till therefore it ſhall be ſhewn that our *Archbiſhops* lay under a *Legal Obligation* to *Aſſemble* their *Convocations* by their *Own Authority*, as often as the *Parliament* met, if the *King* fail'd to iſſue out his *Writ* to them for that End; I muſt be allow'd to conclude, that whenever they did *Aſſemble* them, at their Own Motion, and not by the *King's Writ*; They did it Freely, and Voluntarily; not becauſe they were Obliged, but becauſe they thought it Convenient ſo to do: And that all ſuch *Convocations* therefore are to paſs for nothing in this diſpute, as not meeting to *Attend* upon the *Parliament*, but in Obedience to the Archbiſhop's Authority; becauſe their *Primates* thought fit, of their own Choice, to *Aſſemble* them, when it was in their Power, without any *Offence* againſt our *Laws*, or *Government*, either in *Church* or *State*, to have let it alone.

Having ſaid thus much both to ſhew what the *Great Point* which I am here to Sect. 5.
conſider is, and to prepare the way for the Proſecution of it; I ſhall need add very little with Relation to thoſe *Secondary*, and *Subordinate Queſtions*, which I have before ſaid, are no leſs in diſpute between Us. Theſe continue in great meaſure the ſame ſtill, that they were before; and therefore what I have before obſerv'd, may ſuffice for the *Stating* of them.

Dr. *A.* affirms that the *Clergy* left off to *come Nationally* to *Parliament* about the beginning of *King Edward* the III*d*'s Reign: I have Proved already that they continu'd to come to it till the End of *King Richard* the 2*d*: And ſhall go on to prove that they came in like manner, (tho' in leſſer Numbers every Year than Other) to the time of *King Henry* the VI*th*. How much longer, if at all longer, I ſhall hereafter Enquire.

Dr. *A.* denys that the chief End which our Kings had in *Calling* theſe *Convocations*, was for their *Aid*; ſo the *Writs ſpeak*; that is to get *Mony* of *Them*, as well as of their *Lay Subjects*. He puts himſelf into the higheſt Indecency of Paſſion that it was poſſible for him to do, upon the very Mention of it: And Excells even his Own ſelf in a way, of which tho' I may hereafter give ſome *Specimen* to my *Reader*, I ſhall forbear to call by its *proper Name*. Yet this I have before ſhewn to be undoubtedly true; and I muſt beg leave ſtill to Continue in the Aſſertion of it.

Dr. *A.* in his Zeal, not for the *Church* of *England*, but the *Church* of *Canterbury*, Labours to bring the *Other Province* into a *Servile Subordination* to, and *dependance* upon Our *Convocation*; for what Reaſon I cannot Imagine more than for this One, that ours is Bigger than theirs. But this I have already proved to be an Unwarrantable Invaſion of their *Provincial Rights*; and ſhall, as I proceed, ſtill continue to ſhew by more and more Arguments that it is ſo.

But theſe are only our leſſer Differences: The *Main Points* on which the Sect. 6.
Cauſe between us turn, are; Whether the *Two Convocations*, are by our *Conſtitution* a *Neceſſary Attendant* upon our *Parliaments*, and have for theſe Four Hundred

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dred Years paſt been ſo accounted? Whether in Conſequence hereof, whenever a *Parliament* has been *Summon'd*, the *Convocations* have been conſtantly *Call'd* at the *ſame time*; and ſate either *during* the *Seſſion* of the *Parliament* (as in *Edward* the IIId, and *Richard* the IId's *Reign*, He affirms that they did) or *Near* it; which is all that he will venture to affirm of the following times, to King *Henry* the VII*th*, or VIII*th*; for he does not very well know, which of the two to pitch upon. In Oppoſition to both, I affirm, that there never was any ſuch *neceſſary* Relation between the *Parliament* and *Convocation* by the *Rules* of our *Conſtitution:* That they were *Aſſemblies* not only intirely *Diſtinct* from, but *Independent* upon *One Another*: Which our Kings Called at their own Pleaſure, either *at the ſame Time with*, or *at a different Seaſon from Each Other*, as Themſelves thought fit; and as the Urgency of their Affairs prompted them to do. Let us ſee which of theſe Opinions the *Hiſtory* of the *Times*, which we are now about to Purſue, will beſt Agree withal.

King HENRY *the* IV*th.*

Sect. 7. 1399.

I before took notice how the laſt *Parliament* of that Unfortunate *Prince* to whom King *Henry* the IV*th* ſucceeded, was held at *Weſtminſter* the day after *Michaelmas*; and a *Convocation* called, by the Authority of the *Church* of *Canterbury*, to meet at St. *Pauls London* the Week following. The *Parliament* being met and all the *Eſtates* of it having agreed to the *Depoſition* of that *Prince*, the day of their Meeting; they reſolved upon certain *Commiſſioners*, as their *Proctors*, to be ſent to Him to the *Tower*, in the Name of *All the Eſtates*, to acquaint him with what they had done, and to give back their Homage and Fealty to him. On the part of the *Clergy* two Perſons were appointed; and that, as Sir *William Thyrning* told the King when he was come with the Other Commiſſioners to Him, in this manner; [1] "The Biſhop of Seint *Aſſa* for *Erchbyſhops* and *Byſhops*, "and the *Abbot* of *Glaſtenbury* for *Abbots* and *Priours*, and All *Other Men* of *Holy* "*Church*, *Seculers*, and *Rewelers*. That theſe *Other Men* of *Holy Church* muſt have been the *Clergy* [2] Summon'd by the *King's Writs* to that *Parliament*, and together with the *Biſhops*, and the *Parliamentary Abbots* and *Priors*, conſtituting the *Eſtate* of the *Clergy* of the whole *Realm* there; is too plain to need any Proof. For as for the *Convocation* of *this Province*, that was not yet Aſſembled; but was to meet a Week after: And it does not appear that any Convocation at all was *call'd* at this time in the Other. The Perſons then whoſe *Proctor*, upon this ſolem Occaſion, the *Abbot* of *Glaſtenbury* was, muſt have been the *Parliamentary Abbots* and *Priors*; the *Deans* and *Priors* of the *Cathedral Churches*, the *Archdeacons*, and *Capitular*, and *Dioceſan Proctors*: Who by the *King's Writ* were call'd to this *Parliament*; and either *Actually* were, or were look'd upon to have been *Legally* preſent at it.

[1] Rot. Parl. 1 Hen. iv. num. 59.

[2] Dugd. Summonit. Parl. pag. 353.

And yet as plain as this is, Dr. *A.* has not doubted to bring this very inſtance to prove this *raſh* and *dangerous Aſſertion*; [3] "That the *Convocation Attended* "*ded* the *Parliament* as *One* of the *Three Eſtates* of the *Realm*. An *Aſſertion* which Himſelf thought it neceſſary in the next Leaf to qualify; yet ſtill leaves it as bold as it is falſe: [4] "That the *Inferior Clergy* tho' Meeting and Conſulting apart "from the *Parliament* (in *Convocation*) yet were ſtill reckon'd to belong to it; "and to be (in *ſome Senſe*, and to *ſome Purpoſes*) a *Member* of it: And together "with the *Prelates* of the *Upper Houſe* to compoſe (not indeed *One* of the *Three* "*Eſtates* of *Parliament*; but however) an *Eſtate* of the *Realm Aſſembling* Joyntly "with the *Parliament*, and *Oblig'd* by the *Rules* of our *Conſtitution*, to *Attend* "*Always* upon *it*. This is a Notion intirely New; ſuch as, I believe, neither our *Antiquaries*, nor our *Lawyers*, ever met with before: And according whereunto that *Great Council* is Compoſed, of the *Three Eſtates* of *Parliament*, the *Lords*, *Clergy*, and *Commons*; and of the *two Convocations*, as *Another Eſtate*, not indeed *of Parliament*, but *of the Realm*, *Aſſembling joyntly* with the *Parliament*, and *Oblig'd*, by the *Rules* of our *Conſtitution*, to *Attend always* upon it.

[3] Rights, &c. pag. 62.

[4] Ibid. pag. 64.

What ſtrange Extravagances would this *Author* put upon Us for *Hiſtory* and *Law?* That the *Clergy* are a *State*, the *Chiefeſt Eſtate*, of *Parliament*, and *properly a Member* of it, we have hitherto been told; nor does this *Author* himſelf (altogether) deny it. For what End or Purpoſe ſhould the ſame *Clergy* be another *Eſtate*, not *of the Parliament* but *Attending upon it?* Let us hear how

else

elſewhere Expounds, and Comments upon this Jargon. [1] "The Words *Mem-*
"*ber of Parliament* may be taken differently, as they ſignify either an *Eſſential*
"*part* of the *Legiſlature*, whoſe *Conſent* and *Authority* is neceſſary to *All Laws:*
"Or a part of the *Great Body* of *Parliament Aſſembled* by the *ſame Writs*, at the *ſame*
"*time* with it; but to ſome *Special Intents* and *Purpoſes* preſcrib'd by our *Con-*
"*ſtitution.* In the former *Senſe* the *Clergy are not*, nor for ſome *Hundreds of*
"*Years have been*; In the latter, as they *Always were*, ſo they ſtill, I preſume,
"*are*, a *Member* of *Parliament.*

[1] Rights, &c. pag. 273.

O worthy *Defender* of the *Rights*, *Liberties*, and *Priviledges* of the *Engliſh Clergy!* Thus at once to Give up the *Greateſt* of all their *Civil Rights*, and pronounce them neither *now to be*, nor for ſome *Hundred of Years* to *have been*, an *Eſſential Part* of the *Legiſlature.* But will this Author then tell me, to what purpoſe Our *Statutes* are ſtill ſaid to be Enacted by the *Lords Spiritual*, as well as *Temporal*, and *Commons*, in *Parliament* Aſſembl'd? Do not They *Sit*, and *Vote*, and *make Laws*, in their *Eccleſiaſtical Capacity*; and as the great Remainder of the *State* of the *Clergy*, ſtill more fully *Call'd*, tho' not ſtill *Aſſembling*, and *Acting* in *Parliament?* Now this was the Common Stile even when the *Lower Clergy* continued to come thither. The *Biſhops* conſulted with them apart, and in *Their Votes*, the *Suffrages* of the *whole State* were look'd upon to be included. And either there are not now Three *Eſtates* in *Parliament*; or I am ſure if there be, the *Clergy* muſt be allow'd to be ſtill, as they ever were, *One* of *Them.* The whole *Body*, by the *King's Writs*, have a *Continu'd Right* to be *there.* The Biſhops, by their conſtant Exerciſe of it, have *practice* as well as *Right*, on their ſide; and, as *Biſhops*, do both *Sit* and *Act* there. But ſome Men think that the *whole Eſtate* of the *Clergy* is included in *Lower Dignitaries*, and *Proctors*: And that becauſe the *Biſhops* alone *Sit* in *Parliament*, the *Clergy* cannot be ſaid to be ſo much as a *State* of it.

Well! to admit of this *Treacherous Stab* from the *Pen* of a *true Churchman*; How ſtood the Caſe heretofore? Then, at leaſt, I hope the *Inferior Clergy*, were an *Eſſential part* of the *Legiſlature.* So his words imply; and ſo I preſume he would be underſtood. But how then does he tell us, that the ſame *Clergy* *Always were* a *Member* of the *Parliament* in his *Other Senſe*, in which they ſtill *are ſo?* Was the *State* of the *Clergy* at once both an *Eſſential Member* of the *Parliament*, and *no Eſſential Member?* A *part* of the *Legiſlature*, whoſe *Conſent*, and *Authority*, was *Neceſſary* to *All Laws*; and at the ſame time, no ſuch *part*, but only *Aſſembled*, at the ſame time with it, to ſome *ſpecial Intents* and *Purpoſes* *preſcrib'd* by our *Conſtitution?* This is his *Scheme*; but I am pretty ſure could never be the Model of *Ours*, or of any other *wiſely Eſtabliſh'd Conſtitution.*

But we will proceed with his Account of this Matter; for indeed it is very Entertaing. [2] "In the *Former Senſe* the *Clergy are* not, nor for ſome Hundred
"of Years have been; In the *latter*, as they *Always were*, ſo they ſtill, I preſume,
"are a *Member of Parliament*: Not an *Intrinſick Member*, if I may be allow'd ſo
"to ſpeak, or an *Eſtate of Parliament*; but *only* an *Extrinſick part* of it; or
"an *Eſtate* of the *Realm*, Call'd with the *Parliament Always*, and *Attending upon*
"*it.* Now this, ſuppoſing the *Clergy* not to be (as he kindly ſuppoſes, or rather affirms that they are not) a proper *Eſtate* of the *Parliament*, I can make a ſhift to underſtand. But what ſhall we do with it again in the *Elder Times* of our *Conſtitution*; when the Clergy were an *Intrinſick Member* of *Parliament* by his own Confeſſion: How were they then, *only* an *Extrinſick* part of it? Yet this he Aſſerts; For, as they now are, ſo they *Always were* (they are his own Words) in *this Senſe*, a *Member of Parliament.* Let him interpret this Riddle that can: For my own part I look upon it to be nothing but meer *Banter*; a Heap of Words, without either *truth* or *meaning.*

[2] Rights, &c. p. 273.

In the mean time tho' we cannot decypher his Notions, we can eaſily ſee thro' his Aims; and what it is he would be at. He told us before, *p.* 64. That the *Clergy in Convocation* were not only *in ſome Senſe*, but to ſome *Purpoſes* *too*, a *Member* of *Parliament.* And what thoſe Purpoſes are we are elſewhere more fully informed. [3] "They have a *Particular right* of *Petitioning*, and *Ad-*
"*viſing*, within their *Proper Sphere.* With them *Decrees* about *Matters Spiritual*
(and who can tell what *Matters* ſome Men may account *Spiritual?* Or how far that Pretence may be Carried?) "ought *regularly* to *begin.* And thus the *Cler-*
"*gy* tho' *no part* of the *Legiſlature* (for in his good Affections to them on that ſide

[3] Rights, &c. pag. 273.

K. HENRY the IVth. side He is most religiously constant) "nor concern'd *Directly* in the *Great Affairs* of *State* transacted in *Parliament* (in *Ordine ad Spiritualia* I suppose they may have a *Concern*, in his Opinion, in them also) "may yet in *Other Respects*, and to Other Purposes, be properly reputed, and stiled, a *Member* of *Parliament*.

Shall we take his meaning yet more plainly from another place? It is this: [1] That "the *Parliamentary Interest* of the *Lower Clergy* is now reduc'd (as to say the truth he tells us, it was fit it should be) to *Matters Ecclesiastical*; "and such things as concern either *Religion*, or their *Order*. This if Dr. *A.* will give me leave to use a *Philosophical Term*, as he before did in the same case; is the *Object* of the *Clergies* still remaining *Parliamentary Power*; and is large enough, as it may be menaged. Let us see how far their Interest goes in these Matters? "And, in this *Sphere*, I conceive, they still move, and are still "a *Parliamentary Assembly*; whose *Consent* is *Regularly* to be *had* to *All Laws* "*Relating* to *Faith* or *Church-Discipline*, whenever the *Parliament* shall please to "*Enact* Any. Dr. *A.* goes on with Other *Rights* of a lesser Rank; but I shall leave the *Reader* himself to peruse them. It is enough that we are told thus much plainly, that without the Consent of the *Lower House* of *Convocation*, the *two Houses of Parliament* cannot, *Regularly*, pass any *Laws* which have any *Relation* to *Faith*, or *Church Discipline:* A Priviledge which I shall then believe we have a Right to, by our Constitution, when I shall see my *Lords* the *Judges*, or rather the *Lords* and *Commons* in *Parliament*, *Authoritatively Affirm*, what, I doubt, this *Writer* had no *Commission* from them to *Declare*.

[1] Ib. pag. 351.

But I have been led too far, with these *Notions*; and must return to the *Fact* that gave Occasion to the Pursuit of them. Dr. *A.* at large reciting the Speech of the Chief Justice *Thyrning* to King *Richard*, which I before mention'd, wherein he takes Notice of the *Commissioners*, which together with himself were deputed from the *Parliament* to him; [2] pretends that the *Abbot* of *Glastenbury* was *Proctor*, not for the *Clergy* Summon'd by the *King's Writ* to *Parliament*, but for the *Convocation Clergy*; and from thence Infers that the *Convocation Attended* the *Parliament*, as One of the *Three Estates* of the *Realm*; and that this is the Language of our *Publick Records* as to this Matter. Now this I affirm, in the present Instance, to be utterly false, whether we consider the *Record* its self which he here Alledges, or his Own Notion in this particular.

[2] Rights, &c. pag. 62, 63.

[3] King *Richard* the II*d* having at *Conwey* in *North-Wales*, promis'd to Resign the Crown; and this *Parliament* being Summon'd in Order to his so doing, the day before it was to Assemble, prepar'd to settle all things against the next day. [4] On the *Morrow* after *Michaelmas* the *Parliament* being met in the Great Hall at *Westminster*, and the *Three Estates* of the *Realm* there together Assembled; the *Archbishop* of *York*, and *Bishop* of *Hereford*, the King's Commissioners for that purpose, declar'd to the *Parliament* in the King's Name, the Cession, and Renunciation which he had made, and of which he had sign'd the Instrument the day before.

[3] Rot. Parl. 1 Hen. iv. num. 10.

[4] Ib. num. 15.

The *Archbishop* of *Canterbury*, [5] "*Cui Ratione Dignitatis & Prærogativæ Ecclesiæ* "*suæ Cantuar. Metropoliticæ, in ea parte competit Primam Vocem habere inter Cæteros Prælatos & Proceres Regni*, demanded of the *States* whether they thought good to admit of this *Renuntiation?* They Accepted of it, and farther agreed that for avoiding of all Scruples, and Sinister Suspitions, the chief Articles against the King, should be publickly read at large, in open Parliament. [6] Which being done, and the Crimes, and Defects, therein contain'd seeming to *All the States*, who were generally, and particularly, interrogated thereupon, to be a sufficient Ground for the *Deprivation* of the *King*; *Omnes Status prædicti*, *All* the *States aforesaid*, unanimously Agreed to proceed to his *Deprivation*.

[5] Ib. num. 16.

[6] Ib. num. 51.

In order hereunto, *Status & Communitates prædicti*, the same *States of Parliament*, unanimously constituted, and Deputed, certain *Commissioners* to pronounce the *Sentence* of *Deposition* against him. [7] This being also done; the *said States* (*dicti Status*) being willing that nothing should be wanting that might, or ought to be required, in this Case; Unanimously Nominated the same Persons, whom they had made their *Commissioners* before, now their *Proctors*, to Go to the *King*, and to Resign up their Homage, and Fealty, to him.

[7] Ib. num. 53.

Upon this Occasion, the *day following*, (the *Parliament* being now Dissolv'd, and a New One Summon'd the same day) those *Commissioners* went to the late *King*

King in the Power; and in the *Name* of them All, the Lord Chief *Juſtice* made that Speech, the beginning of which Dr. *A.* has recited, to Him. K. HENRY the IV.

"Sire: It is wele knowe to zowe, that there was a *Parliament* Somond of "*All* the *Eſtates* of the *Reaume* for to be at *Weſtmynſter*, and to begynn on "the *Tueſday* in the Morne of the Feſt of Seint *Michel* the *Archaungell*, that "was Yeſterday; bycauſe of the which Somons *All* the *Eſtates* of this *Lond* "were there *Gadyr'd*.

Will Dr. *A.* give me leave before we go farther to obſerve: that the *States* of the *Realm*, and the *States* of the *Parliament*, in the Opinion of this Grave *Judge* were all One: *All* the *Eſtates* of the *Reaume* were *Summon'd* to *Parliament*; and, by virtu of that Summons, *All* the *Eſtates* of this *Lond* were there *Gadyr'd*. 'The diſtinction of an *Eſtate of Parliament*, and an *Eſtate* of the Realm Call'd with the *Parliament*, but not *Part* of the *Parliament*; was it ſeems not yet made, or at leaſt not yet underſtood by the Greateſt *Sages* of the *Law*. But I proceed. ' Rights, &c. pag. 273.

"The *whiche States hole* made thos ſame Perſones that comen here to zowe "Nowe her *Procuratores*.

What can be more plain than this Declaration? The *Eſtates* of the *Realm Summon'd* to *Parliament*; The *Eſtates* of this *Land* Coming to *Parliament* by virtue of this *Summons*; Thoſe *Eſtates* who in *Parliament*, the day before, *Depoſed* the *King*, by theſe very Perſons, whom they made their *Commiſſioners* for that *End*; now ſent them, as their *Proctors*, to the *King* to acquaint him with what they had done, and to give back their Fealty to Him.

But where all this while are our *Convocation Clergy?* The King Call'd no ſuch Meeting to Aſſemble with this *Parliament*. In the Province of *York* there was none at all Aſſembl'd. In that of *Canterbury*, a *Convocation* was indeed Summon'd by the *Church* of *Canterbury*; but it was *Summon'd* to meet *October* the *6th*. And all this was done at *Weſtminſter*, *September* the 30*th*, Six Days before the *Clergy* of this *Province* were appointed to Aſſemble in their *Synod* at *Pauls*, and where they cou'd not have aſſembled then, by Virtue of their Firſt Summons, had that depended on the concurrent Summons of the Parliament, that Parliament being Diſſolv'd.

It is plain then that the *Record* is againſt Dr. *A*'s new Pretenſions: Nor are his own *Principles* any leſs. The *Convocation Clergy* were not (he tells us) a *proper Eſtate* of *Parliament*. But the *Eſtates* which Commiſſion'd theſe Men, were certainly, in the utmoſt Senſe, a *proper Eſtate* of it. The *Convocation Clergy* were only an *Extrinſical Member*: ('Tis a New Term found out to Expreſs a *New Notion* by;) but the *Clergy* here ſpoken of were an *Intrinſical One*; or they could never have met with the Other *Eſtates* at *Weſtminſter*, and there have done, what in that *Parliament* was done by them. The *Parliamentary Power* of the *Convocation Clergy*, is limited by him to *Things Spiritual*; to ſuch as concern *Religion*, or their *Order*. Whether the *Depoſing* of *Kings* comes within the Compaſs of either of theſe, I muſt leave it to him who *ſet* the *Bounds*, to Interpret; as one that beſt knows the true *Extent* of Them: But I ſhould think that to be a Matter, if not beyond the skill of a *Convocation* to adviſe in, Yet certainly of too *high* a *Nature* for their *Juriſdiction* to Extend to it.

But to leave this Melancholly ungrateful Subject; and proceed to the Affairs of the *New King*. [2] On the *6th* of *October* the *Parliament* met; but the King being not yet Crown'd, it was, on the ſame day, adjourn'd to the *Tueſday ſevennight* following; the day after the *Coronation*. Then it Re-Aſſembl'd, and continu'd to ſit till the 19*th* of *November*; the laſt day that I find mention'd in the *Rolles*, and which the [3] *Writs* of Expences ſhew to have been the *laſt* of the *Parliament*. Sect. 9. [2] Dugd. Summonit. Parl. pag 357. [3] Pryn. Regiſt. Par. 4. p. 455.

The ſame day on which the *Parliament* began, [4] the *Convocation* met according to its Summons; but the *Archbiſhop* being Employ'd in the former, the latter was continued by the *Prior* of *Canterbury* till the Morrow after. Being then Aſſembled, the Earls of *Northumberland* and *Weſtmorland*, with Sir *Thomas Erpingham* the Kings *Chamberlain*, came to them; "not (ſay they) as Other Commiſſio-"ners have been wont to do, to Demand a *Subſidy* for the King; but to thank "them for their *Prayers* on his *Behalf*: To promiſe them that he would not *Ask* "any *Aid* of them but in Caſe of an Evident Neceſſity; and then, he hoped, "they would ſhew themſelves liberal, and kind to him. And that for himſelf "he ſhould endeavour ſo to behave himſelf towards the *Clergy*, as to give them "Cauſe to love him ſtill more, and to pray more devoutly for him. [4] Regiſt. *Arundel.* 1. Par. fol. 51. a.

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In this Convocation [1] the *Archbiſhop* declared to the *Clergy* how that there were ſeveral *Knights* of the *Houſe* of *Commons* who were not well affected towards them. That he chiefly fear'd their *Speaker*, Sir *Jo. Cheney*: and therefore adviſ'd, and deſir'd, that they ſhould ſo menage themſelves, as not to give them any juſt Cauſe of Complaint againſt them. Upon this the Acts for *Reſidence*, and againſt *Pluralities*, were made.

[1] Chron. MS. S. Alban. ad Ann.

[2] Upon *Wedneſday* the 8*th* of *October*, the *Archbiſhop* and *Biſhops*, debated by themſelves ſeparately from the other *Prelates*. And becauſe it ſeem'd difficult to the ſaid *Archbiſhop* and *Biſhops*, to *Aſſemble* All the *Prelates* and *Proctors*, "to draw up ſuch *Articles* of *Grievance*, as might be fit to be Offer'd on behalf "of the Clergy; *He Deputed* Five Perſons for that Work.

[2] Regiſt. *Arundel.* fol. 52. a.

At their next Meeting, *October* 11*th*; The Archbiſhop, Biſhops, Prelates, and Proctors of the *Clergy* being Aſſembled in the *Chapter-houſe* at St. *Pauls*, the *Archbiſhop*, and *Biſhops*, withdrew to the *Chappel* of the *Bleſſed Virgin*; and there treated together of certain *Articles* of what was to be Reform'd both by the *King* and the *Pope*; whoſe *Collector* they ſent for to them, to be preſent at their Deliberation. Then they ſent for the *Reſt* of the *Clergy*, to Open their Grievances before them. [3] This they did, by one of their Body, Mr. *Jo. Maydenheth*, who humbly, in their Names, beſought the *Archbiſhop* and *Biſhops*, to provide ſome ſeaſonable Remedy therein.

[3] Regiſt. *Arundel.* loc. cit.

The *Archbiſhop* Prorogued the *Synod* to the 15*th* of *October*. And becauſe the *Articles* of *Grievance* were not yet fully finiſh'd, He commanded that "in the mean time, the ſaid *Proctors* of the *Clergy* ſhould deliberate farther upon "them; and at their next Meeting, if they would, propoſe them fully to Them.

[4] This was the common Method of proceeding in thoſe times, and not peculiar to this Aſſembly. In the *Convocation* of 1402, we find much the ſame Courſe taken that was here done: "Becauſe the *Archbiſhop* (ſay the Acts) "thought it would be too hard a Task for the *Prelats* and *Proctors* of the Cler"gy to be gathered together (for drawing up their *Articles* of *Grievance*) *De*"*mandavit eis*; He Ordered them to go together in *ſome private place*, and "there chooſe out certain fitting *Perſons* to draw up the the ſaid *Articles*. They "obey'd: and ſo the *Inferior Prelates* and *Proctors* of the *Clergy* being gather'd "together in the Room under the *Chapter-houſe*, choſe Thirteen Perſons for "that Purpoſe: And then the Archbiſhop continued the *Convocation* from the "30*th* of *October*, to the 6*th* firſt, then to the 8*th*, and 10*th* of *November*; "theſe Twelve only *meeting*, in the *mean time*, for the Purpoſe for which they "were choſen.

[4] Convoc. An. 1402. Regiſt. *Arundel.* ib. 1 Par. fol. 54.

But I return to our *Preſent Convocations*: What was farther done at this Meeting, or how long it continued I cannot tell. At the next *Seſſion*, the *Articles* of *Grievance* were propos'd, and an Entry is made of them in the *Regiſter*. But the *Acts* of the *Synod* break off here, and ſo leave us, for the reſt, in the dark, Only the Chronicle of St. *Albans* tells us, that it was Agreed to *Petition* the *King* that the *Courſe of Law* in the *Eccleſiaſtical Courts* might not be hindred by *Prohibitions* and *Writs* of *Quare Impedit*, ſo that probably the *Articles* of *Grievance* being ſettled, were by the *Archbiſhop* and *Biſhops* preſented to the King; and this was all that was done at that Meeting.

It cannot be doubted but that here Dr. *A.* will look big upon Us, and tell us that this was a perfect *Concurrent*, *Attending*, *Convocation*. I do agree that there was a *Provincial Aſſembly* of the *Clergy* held at the ſame Time with the *Parliament*; but I muſt withal put Him in Mind too, that it was Call'd only by the *Eccleſiaſtical Authority*; and that before the Summons of the Parliament it concurr'd with, ſo that it could have no legal Dependance upon it. And as for the *Other Province* no ſuch *Convention* was held in it, at leaſt the *Records* of that *Province* have not yet afforded me any hint that there was.

In the laſt *Convocation* the King demanded no Money of the *Clergy*, [5] but if the *Chronicle* of St. *Albans* my be rely'd upon, it was not long before he did it. He ſent out *Supplicatory Letters* to all the *Clergy* for a *Subſidy*, Equal to *One Tenth*; and it being his firſt Requeſt, the *Clergy* thought it neceſſary to Comply with it.

[5] Chron. S. Alban. ad Ann. Sect. 10. 1400.

Upon the 9*th* of *September*, *Anno* 1400, another Parliament was [6] Summon'd to meet at *York* the *Wedneſday* next before the Feaſt of *All-Saints*. But by [7] Other *Writs* Dated *October* the 3*d*, was Prorogued to the *Octaves* of *Hilary*, and then

[6] Dugdal. Summonit. Parl. pag. 354.
[7] Ib. pag. 359.

then Order'd to meet at *Weſtminſter*. It continued till the [1] 10th of *March*; what It did in Matters pertaining to the Church, I ſhall in ſome meaſure have Occaſion hereafter to Enquire into.

[1] Rot. Parl. num. 44, 47.

About the ſame time that this Parliament met, the Archbiſhop of *Canterbury* Summon'd his *Provincial Synod* to Aſſemble at *London* for *Church Affairs*; And which therefore I look upon to have been properly an *Eccleſiaſtical Council*, not a *State Convocation*. [2] In the *Mandate* for Summoning it, we find nothing of the Affairs of the *King* and *Kingdom*; but all turns upon the Foot of *Church Buſineſs*. At the Opening of the *Synod*, the Archbiſhop Expounding the Cauſes and Affairs, for which he celebrated his *Provincial Council*, commonly called a *Convocation* of the *Clergy*; mentions theſe two; [3] "*Pro Reformatione Defectuum*, ac "præcipue *pro Inquiſitione Hæreticorum*. Accordingly upon theſe two, the chief Buſineſs of the Council terminated: [4] Firſt *Sautre* was Sentenced and Degraded; [5] and by Order of the King, at the Advice of the Lay Lords in Parliament, was burnt. Then others were Conven'd, and Try'd for *Hereſy*: After that ſome *Conſtitutions* were made in Matters relating to the *Church*: [6] * *Againſt the Violators* of *Churches*: About the *Habits* of *Clerks*, &c. There was indeed a *Tenth* and *Half* given to the King; but that we know was after done in *Church Councils*, as well as in *State Convocations*. In ſhort, the *Aſſembly* was held by the *Sole Authority* of the *Archbiſhop*; And in the Other *Province*, no ſuch Meeting at all appears to have been had. For all which Reaſons I look upon this *Synod* to have been a proper *Eccleſiaſtical Council*; held only for the *Convenience* of the *Biſhops* and *Prelates*; and the better diſpatch of the *Churches* Affairs, at the ſame time that the *Parliament* met. And therefore ſhall not doubt to affirm, till I can ſee ſome Reaſon to change my Opinion, that whatever the laſt did in Fact, this *Parliament* ſate without any *Convocation*, in either *Province* to Attend upon it.

[2] *Quamvis Prælatorum & Cleri noſtræ Provinciæ Congregationes hactenus ex Arduis & Urgentibus Negotiis fieri dicebantur; propter tamen magis ardua & Urgentia, ac Inſolita, & multorum Auribus inaudita; quæ, ut ſperamus, Bonum Univerſale contingent, & prius non fuerant Retroactis Temporibus cum diligenti Efficaciâ pertractat. Noſtram jam Eccleſiæ utili-*

inſtantem Convocationem, in quâ nullius volumus abſentiam Excuſatam habere, impellente Univerſalis ate Speratâ, decrevimus Celebrare, &c. Regiſt. Arunud. par. ii. fol. 178. a. [3] Regiſt. Arundel. Par. ij. f. 179. a.
[4] Ibid. fol. 181. [5] Rot. Parl. 2 Hen. iv. num. 29. [6] Regiſt. Eccleſ. Cant. M.

But this Notion will not pleaſe Dr. *A.* he has other Uſes to make of the Concurrence of theſe two Aſſemblies; and what thoſe are I proceed to Enquire. Now the Firſt is indeed a very ſtrange one; namely to prove that the *Convocation Clergy*, upon ſolemn Occaſions, during the *Seſſions* of *Parliament*, came to the *Houſe of Lords*, and *Attended* upon the King, together with the *States* of *Parliament*. And this he pretends [7] "the following Paſſage implies; Whereupon "the King's declaring the Biſhop of *Norwich*'s Pardon from the *Throne*, it is ſaid "that the *Archbiſhop* with *his Brethren*, the *Abbots*, and *Priors*, and the *Clergy* "there Aſſembled, moſt humbly Kneeling, thank'd his Majeſty for his Royal "Grace and Goodneſs. —— By which whether the *Convocation Clergy* be meant "cannot (ſays He) I think well bear a doubt: It being very Improbable that "thoſe few *Inferior Clerks*, who were of the *King's Council*, or Otherwiſe Call'd "up to the *Houſe* of *Lords* ſhould be only intended.

[7] Rights, &c. pag. 57, 58.

I have already taken Notice of this Inſtance; and ſhewn Dr. *A.* ſuch a Defect in it, as will not eaſily be accounted for. The *Convocation* for the ſake of the *Parliamentary* Affairs, was Prorogued by the *Archbiſhop* from *January* the 29*th*, to *February* the 12*th*. *Eleven* days after this *Prorogation*, and *Three* before the *Clergy* were to meet again; upon *February* the 9*th* this Tranſaction in the *Parliament* fell out. How could the *Convocation Clergy* be Call'd to the *Parliament*, who were under an *Actual Suſpenſion* of their *Aſſembly*; and, as appears by the *Acts* of that *Synod*, met not till the day Aſſigned them by the *Archbiſhop*?

But who then were the *Clergy* of which the *Roll* ſpeaks? The Record tells us, —[8] *la Clergie illeoqes eſteamtz*, the *Clergy there being*, and Gives no other Character of them. At the the hearing of ſuch a Cauſe it cannot be doubted but that a great many *Clergy-Men* of all ſorts; Some out of reſpect to the *Biſhop*, Others for Curioſity, were *preſent*: tho' not *Call'd thither*, nor therefore properly ASSEMBLED there. The *Lower Clergy* were *Premoniſh'd* to come to that *Parliament*: and being Summon'd at the ſame time to the *Archbiſhop*'s *Council* we cannot doubt but that a Great Part of them muſt have been near at hand; and ready to Attend upon the Affairs of Either, as they ſhould be directed by the *Archbiſhop* and *Biſhops* to do. To theſe, for ought we know, ſome Intimation may have been given, that they ſhould appear in a Conſiderable Number at the hear-

[8] Rot. Parl. Num. 14.

HENRY the VIth. ing of this Cauſe. However it were; all the *Clergy* who were there when the King thus freely forgave the *Biſhop* of *Norwich*, joyn'd with the *Archbiſhop* and *Biſhops* in thanking the King for it: But for the *Clergy* of the *Convocations*, being *Aſſembled* in the *Upper Houſe*, 'tis all Dr. *A.*'s Fancy: They had nothing to do there, nor does the *Roll* ſpeak one Word of their Coming thither.

In the mean time, here we ſee again a *Separate Priviledge* for the *Convocation* of *One Province*, that in which the *Parliament* Sate; and that ſuch as the *Clergy* of the *Other* could never enjoy: It being impoſſible for the Clergy aſſembled in Convocation at *York* concurrently with the Parliament, to attend the Parliament at *London*, or to attend it in that Capacity, ſuppoſing they ſhould ſuſpend their Meeting at *York*; which yet it is very unlikely they ſhould do for the ſake of attending at ſuch an inconvenient Diſtance.

Sect. 11. There is yet another Uſe which Dr. *A.* makes of this *Convocation* and *Parliament*: He affirms the *Convocation Clergy* to be ſpoken of by our *Rolls* as OF the PARLIAMENT, and ACTING in it. And for this he brings, among Others, the following Proof. "2 *Henry* the IV*th. c.* 15. [1] The Statute againſt the *Lollards* "ſprung from a Remonſtrance made to the King, *Ex parte Prælatorum & Cleri Regni Angliæ, in præſenti Parliamento*: as the Preamble ſpeaks. And again it is ſaid "in the Body of it, *Super quibus quidem Novitatibus & Exceſſibus ſuperius Recitatis "Prælati, & Clerus ſupradicti, ac etiam Communitates dicti Regni, in eodem Parliamento exiſtentes dicto Domino Regi Supplicaverunt.* [2] And at their Requeſt, the "King enacts *Ex aſſenſu Magnatum, & aliorum Procerum ejuſdem Regni, in dicto "Parliamento exiſtentium* —— So that the *Prelates* and *Barons*, the *Commons* and "*Lower Clergy*, are alike here ſaid to be preſent in *Parliament*. Let us allow it: Even that alone will ſhew that the *Clergy* here ſpoken of were not the Clergy of the *Convocation* of *Canterbury*, but the *Clergy* of the Realm, Summon'd to this *Great Council*; and poſſibly (by the accident of the *Archbiſhop's Synod*; if not otherwiſe) preſent in ſome conſiderable Numbers at it.

[1] Rights, &c. pag. 335, 341.

[2] Conſt. Provinc. ad finem Lynwood. pag. 62, 63.

But Will Dr. *A.* give me leave to ask him, why, in his report of this Caſe, He left the *Original Roll*, quoted by him in the Other inſtance, to recur to one of the moſt Unaccurate *Copies*, that perhaps he could have choſen of it. [3] Sir *Robert Cotton* had Obſerv'd (and that too was a *Book* which he had by Him when he Wrote) "that the Prints of this Order did far ſwerve from the Record, not "only in *Form*, but in *Matter* alſo. And this One would have thought ſhould have been a Caution to any Ingenious Writer not to have truſted to them, Eſpecially when the *Record* was at Hand to him. Shall I be excuſed if I ſay that it was Intereſt miſled him; the *Record* would not come up to his *Deſign*, and therefore he was rather for a *Faulty*, but *more pertinent Copy* of it.

[3] Abridgment of the Records. pag. 409.

To ſet then this Matter too in its true light; The matter of *Fact* was this. A Petition was preſented to the King [4] in *Parliament* "*Ex parte* (ſays the *Roll*) "*veſtrorum humilium Oratorum* [5] *Prælatorum & Cleri veſtri Regni Angliæ.* Who preſented it we are not told; This we know that the *Prælati* & *Clerus Regni Angliæ*, were the Perſons in whoſe Name it was preſented; and thoſe could not be the *Prelates* and *Clergy* of the *Convocation* of *Canterbury* (who alone ſate with this *Parliament*) but muſt be underſtood of the whole *Body* of the *Prelates* and *Clergy* of *England.*

[4] For ſo indeed, it is even in Dr. *A's* own Copy, not *Prælatorum & Cleri —— in præſenti Parliamento*; as He reports it: Theſe Words [*in Præſenti Parliamento*] refers not to the *Prælates* and *Clergy*, but to the *Place* and *Aſſembly* in which the Petition was Preſented, on their behalf; *Cum Domino Regi, & ex parte* Prælatorum & *Clero Regni fui* Angliæ *in* Præſenti Parliamento *ſit Oſtenſum*, &c.

[5] The Roll 11 Hen. 4. n. 9. Speaks after the ſame manner. It calls it *L'Eſtatute fait l'an de vre Regne Secunde, al' Requeſte des Prelatz & Clergie de vre Roialme d'* Engleterre.

[6] The Petition thus framed, ſet forth to the *King* the great Encreaſe of thoſe whom they there call'd *Hereticks*: What their Grievances were with reſpect to them; and what they deſir'd for the Redreſs of them. It was all along in the Name of the *Clergy* as it began, no mention of the *Communitates Dicti Regni*, joyning with them; no Hint of their being in *Eodem Parliamento Exiſtentes*: On which Dr. *A*'s Old Proof, and [7] new Comment, lays all its Streſs.

[6] Rot. Parl. 2 Henr. iv. num. 48.

[7] See his Additions pag. 57, 58.

Having recited the Petition of the *Prelates*, and *Clergy* of the *Realm*; The *Record* goes on, to this effect; [8] That theſe *Petitiones* "*Prælatorum & Cleri*, our

[8] Note: that according to the Record, the *Prelates* and *Clergy* firſt Petition "*Quod nullus de Cætero* —— *ſub Gravi Pœna per* "*dictam* Regiam Majeſtatem, *ex* Aſſenſu Magnatum *& aliorum* Procerum *in dicto* Parliamento *exiſtentium ordi-* "*nand. prædicare præſumant*, &c.

Sove-

Then it follows: "*Quas quidem Petitiones* Prælatorum *&* Cleri *D. noſter Rex de Conſenſu* Magnatum *& aliorum* "Procerum *Regni ſui in Preſenti* Parliamento *exiſtentium conceſſit* ——— *Et Statuit*, &c. Rot. Parl. 2 Hen. iv. num 48. As for the Words on which Dr. *A.* founds his Argument, they are not at all in the Roll.

"Sovereign Lord the King, by the *Conſent* of the *Great Men*, and the *Other Lords* in the preſent *Parliament*, Granted, &c. This is the Sum of that Matter, let Dr. *A.* now ſay how he will frame any Argument to his purpoſe upon it. K. HENRY *the* IVth.

The next Year the King [1] Summon'd not his *Parliament* till the *Munday* next before the *Purification* of the *Bleſſed Virgin*. [2] It ſate not then; but by Other *Writs* dated the 12*th* of *January*, was abſolutely Diſſolv'd. Sect. 12. 1401.

[1] Dugd. Summon. Parl. p. 361.

[2] Regiſt. *Arundel.* Par. 1. fol. 552. b.

The laſt Year the *Archbiſhop* of *Canterbury* having Aſſembled his *Provincial Council* at the ſame time that the *Parliament* was ſitting; the King got a *Subſidy* of a *Tenth* and *Half* of them. But the Province of *York* had not yet been conven'd ſince he came to the Crown; nor had he yet obtain'd any ſuch *Grant* of them. To ſupply this Defect, no ſooner was the *Parliament* well Riſen, and the *Biſhops* and *Prelates* of that *Province* return'd home, but the King follow'd them with a [3] *Writ* for a *Convocation* to be Call'd before *Aſcenſion-day*, and that expreſly to grant a *Competent Aid* and *Subſidy* to Him. I ſpeak the *Words* of the *Writ*; and Dr. *A.* muſt be content, whether he will or no, to bear with them. The *Archbiſhop* Obey'd as to the Subſtance of the *Writ*, tho' he Exceeded the Time of it. [4] He called his *Clergy* to meet at *York*, the day after *Corpus Chriſti*; the beginning of *June*; where being aſſembled, they departed from Dr. *A*'s. rule; and Granted a *Tenth* only; tho' our Province had given a *Tenth and Half* before.

[3] Rot. Clauſ. 2 Hen. iv. m. 1. Dorſo. — *Quia ſicut dare ſcitis ad Subeundum & Supportandum ſumptuoſa & immenſa Onera* —*abſq; Fidelium Ligeorum noſtrorum Adminiculo non ſufficimus nec Valemus*, &c. The King Requires the Biſhop to call the Clergy of his Province to *Convocation*; *Et ipſos in hoc Parte, ex Cauſa prædicta, ad Subſidium in hoc Caſu Competens & Neceſſarium, in Supportationem dictorum Onerum nobis Concedendum, eò Specialius & Efficacius quo magis Sciveritis aut poteritis Sollicite inducatis*, &c.

[4] Regiſt. *Scroope* Arch. Ebor. fol. 119.

I have already obſerved how that the King had Summon'd his *Parliament* to meet at *Weſtminſter* the *Munday* before the *Purification*. By Other [5] *Writs*, dated the 4*th* of *January*, He required the Archbiſhops to Aſſemble their ſeveral *Convocations* upon *Munday* the *firſt Week* in *Lent*; What was done in our *Province* in purſuance hereof I cannot tell: But in the Other, I find a *Convocation* was held the [6] *Thurſday* Fortnight after *Eaſter*: and was either adjourn'd to, or met again the *Tueſday* before the *Nativity* of the *Bleſſed Virgin*; the beginning of *September* following.

[5] Rot. Clauſ. 3 Hen. iv. p. 1. m. 14 dorſ.

[6] Regiſt. 3m. Decan. & Capit. Dunelm. fol. 4. b.

1402.

The Year following another *Parliament* was Summon'd to meet at *Weſtminſter* [7] the *Morrow* after the *Exaltation* of the *Holy Croſs*; *September* the 15*th*. But by Other *Writs* dated [8] *Auguſt* the 14*th* was Prorogued till the *Morrow* after *Michaelmas*, the laſt day of the ſame Month.

[7] Dugd. Summonit. Parl. pag 362.

[8] Ibid. p. 364.

Having thus Summon'd his *Parliament*, the King the Next Month iſſued out his *Writ* to [9] the Archbiſhop of *Canterbury* to Aſſemble his *Convocation* ſometime before the *laſt* of *September*, a Fortnight after the *Parliament* was then intended to begin. The Archbiſhop Summon'd his *Convocation* to meet the 21*ſt* of *October*, three Weeks later then the King appointed, and as much after the beginning of the *Parliament*. In the Mandate for this *Convocation* the *Archbiſhop* took not the leaſt notice of any *Writ* from the *King*; but Call'd it wholly by his *Own Authority*, and as it ſeem'd upon his *Own Motion*. The meaning of which I conceive was this: The *Archbiſhop* deſign'd now again, as at the laſt *Parliament*, to hold a proper *Eccleſiaſtical Synod* of his *Province*, for *Church Affairs*. This he knew would anſwer the *King's* End as well as a *State Convocation*; and therefore laying aſide the *Writ* which he had received, He Aſſembled a *Council* about the ſame time that the King had order'd the *Convocation*; and that, as we ſhall ſee by and by, did his Buſineſs as effectually as the Other could have done it.

[9] Appendix. ad Ann. 1402.

Let me for this Appeal to the [1] *Mandate* by which this *Synod* was Aſſembled; the beſt Evidence in this Caſe; which is thus prefac'd; "That it had been, "and ſtill was the *Wiſh* of the *Archbiſhop* to preſerve the *Prelates*, and *Clergy* of his "*Province*, from Laborious and Chargeable Vexations; and to cheriſh them in "quiet; that ſo they might the more freely devote themſelves to the Service of "the moſt high, the King of Kings. But that now, the Urgent Affairs, which "concern'd the State of the *Univerſal Church*, forced him *this Time*, almoſt "againſt his Will, as well as againſt the Reſolution he had taken up to call together the *Prelates* and *Clergy* of his *Province*. This is an Introduction that I

[1] Regiſt. *Arundel.* Par. 1. fol. 54. a.

ſuppoſe

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ſuppoſe ſufficiently beſpeaks the Nature of the *Aſſembly* which the Archbiſhop intended to Convene. It regards not the *Parliament*; nor the *Affairs* of the *Realm*: It mentions no Duty Incumbent upon him to *Call them*; nor any *Right* in them to be *Call'd*, *as often* as the *Great Council* of the *Realm* was to meet. But, on the contrary; it declares the Senſe which the Archbiſhop had of his *Clergy's Charge*, and *Trouble*; what diſturbance it gave them in the proper Buſineſs of their Function, to be thus frequently Summon'd by him to his *Council*: but that the Affairs of the *Univerſal Church* Required him at *this time* to do it; and therefore he was forc'd, tho Unwilling and againſt his own purpoſe, to Summon them.

This therefore I conceive to be the true Account of this Meeting: But if Dr. *A.* will have it to be a *Convocation*, and a *Convocation Attendant* upon the *Parliament* with which it ſate, I muſt ſubmit; and ſhall only obſerve that all this while the *Archbiſhop* of *York* neither Aſſembled any ſuch *Synod* in his *Province*, to wait upon this *Parliament*; nor ſeem'd at all aware of any Obligation which lay upon him to do ſo. But the *King* had Occaſion for *their Aid*, as well as that of *Our Province*: And therefore the *Parliament* being riſen *November* the 25*th*; and our *Council* Diſſolved *two days* after: [2] On the 12*th* of the next Month, he iſſued out his *Writ* to the *Archbiſhop* for the Holding of it, within the Octaves of *Hilary*. The *Archbiſhop* was forced to Obey: [3] ſo he Aſſembled them accordingly, *January* the 15*th*; at the time which the King had appointed.

[2] Rot. Clauſ. 4 Hen. iv. m. 32. dorſ.
[3] Regiſt. 3. Decan. & Capit. Dunelm. fol. 5. b.

Hitherto the *Doctrine* of *Attendance*, as far as concerns the *Convocation* of the *Province* of *Canterbury*, on which Dr. *A.* chiefly, if not alone, founds his *Hypotheſis*, has gone on with ſome ſhew of Succeſs: And the *Parliaments* of this *King* had ſome kind of Meeting, or Other, of the *Clergy* to ſit Concurrently with Them. But this Year all went amiſs; In the One Province no *Convocation* at all; in the Other, One at ſuch a remote Diſtance from the *Parliament*, that it cannot be in any Wiſe look'd upon to have met, with any reſpect to it.

Sect. 13. 1403.

By Writs dated [4] *October* the 20*th*, the King ordered his *Parliament* to meet at *Coventry*; *December* the 3*d* [5]: But conſidering the Inconvenience of the Place, He chang'd both that and the time too; and appointed it to aſſemble at *Weſminſter*, upon *Munday*, the day after *Hilary*, *January* the 14*th*. But tho' this *Parliament* met, and ſate *Sixty ſeven* days, yet no Aſſembly of the *Clergy* of either Province was held during all that time, or in any wiſe near thereunto. In ſhort the only Aſſembly of this Year, that I can meet with was, either a *Council*, or *Convocation*, held by the *Archbiſhop's* Own *Authority* without any Writ from the King, [6] *October* the 6*th*, above Three Months before the *Parliament* ſate: in which at the earneſt requeſt of the Archbiſhop, a ſmall *Subſidy* was granted; as by the [7] *King's Writ* for collecting it, does appear.

[4] Dugd. Summonit. Parl. pag. 366.
[5] Chron. S. Alban. ad Ann. a *Circa feſtum Omnium SS. convocavit Rex Parliamentum Coventriæ.* —— *Sed tamen quia multis grave videbatur eo tempore quod procelloſum fuit, & ad Locum quia Victualibus & Hoſpitio caruit Commigrare, Rex mutato propoſito differri juſſit Parlimentum uſq; poſt dies Natalitios,* —— *de Novo Summonens Univerſos ut Lundonia convenirent ad Parliamentum prænotatum.* *Read.* Ciceſt. fol. 11.
[6] Regiſt. *Wickham.* Winton. Par. ii. fol. 212. Regiſt.
[7] Regiſt. *Arundel.* par. 1. fol. 556. Comp. Chron. S. Alban. loc. Supr. Citat.

1404.

But the King's Neceſſities call'd for a Greater ſupply than this: In order whereunto, He the next Year [8] Summon'd his *Parliament* to *Coventry* *October* the 6*th*, where it met, and ſate till the [9] 14*th* of *November* following. He had here a large Supply Granted to him of two *Tenths* and two *Fifteenths*, beſides certain Taxes upon *Wool* and *Skins*, for two Years next to come.

[8] Dugd. Summonit. Parl. pag. 370.
[9] Rot. Parl. num. 32.

The *Archbiſhop* of *Canterbury* being deſirous to get the King ſome larger ſupply of his *Clergy*, than he had done in his laſt *Convocation*; [1] the beginning of this Year held another *Synod* at *London*, *April* the 21*ſt*. There he Obtain'd One *Subſidy* and One *Tenth*; and ſo broke up the Meeting, *May* the 6*th*. This *Subſidy* was a Rate of 2 *s.* in the Pound upon all *Offices*, and *Profits*, out of which the *Tenth* was not wont to be paid; which therefore took in all the reſt.

[1] Regiſt. *Arundel.* Par. 1. pag. 57.
[2] Br. Reg. pro Colligend. Append. ad Ann. 1404.

Having obtain'd this Supply of the *Clergy* of *our Province*, the King on the ſame day that our *Convocation* roſe, iſſued out [3] his *Writ* for that of *York* to meet, ſometime before the Feaſt of St. *John Baptiſt*: The *Writ* beſpoke his Deſign in it: That he *wanted* their *Aid*, and therefore required their Aſſiſtance of Him. The Archbiſhop [4] Summon'd his *Clergy* to meet the *Munday* after *Corpus Chriſti day*, within the time which the King had appointed; and being Aſſembled, they granted a *Tenth* to Him, as our Clergy had done; but of any *Subſidy* beſides, I find no Mention.

[3] Rot. Clauſ. 5 Hen. iv. Par. 2. m. 9. Dorſ. Append. ad Ann. 1404.
[4] Regiſt. *Scroope* Arch. Ebor. fol. 130.

But

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But tho' the *Clergy* had already done so much, yet the King was resolved to press them to do still more. In order whereunto by his [1] *Writ* dated *November* the 2d. while he was yet with his *Parliament* at *Coventry*, He ordered the Archbishop of *York* to Call his *Clergy* again together. Whether the *Archbishop* of *Canterbury* had the like *Writ*, I am not able certainly to affirm: It is most probable that he had. [2] "This himself acknowledges, that he Summon'd it at "the King's Desire, and at the Earnest Instance of the *Lords* and *Nobles*; and "for the *Urgent Affairs* of the *Common Wealth*, and the Profit of the *Church* and "*Realm*.

[1] Regist. *Scroope* fol. 131.

[2] Regist. Arundel. fol 62. b. *Ex assumpta Sollicitudine pastoralis Officii multotiens cogimur invitè pro Varietate temporum & urgentibus Ecclesiæ & Regni negotiis, cum Prælatis & Clero nostræ Prov. Communem habere Tractatum. Instans enim Reipubl. magna Necessitas, Eorundemq; Ecclesiæ & Regni Angliæ Sperata Utilitas, quas super Agend. & Tract. in Communi ad Præsens versari Credimus; Precium etiam Domini nostri Regis, ac Procerum & Nobilium dicti Regni Angliæ excitatio & instantia, inevitabiliter Nos impellunt, Prælatos & Clerum nostræ Provinciæ antedictæ in proximo Convocare.*

It is methinks a wonderful thing, that if our *Convocations* had been oblig'd, as Dr. *A.* pretends, to *Assemble* of *Right*, whenever the *Parliament* met; among so many various *Reasons* as our Archbishops have given in their *Mandates*, and *Excuses* as they have made, for their *frequent Assembling* of them; it should never come into their Minds to Alledge this for One; which, upon this Supposition, would have been of more weight than all the rest; That the King having *Summon'd* his *Parliament*, the *Clergy* were, by the *Rules* of our *Constitution*, to be Assembled of course together with it; in Pursuance of their great *Right*, *Power*, and *Priviledge*, of *Attending upon* it. Yet of this in all my Search, I have not met with so much as One singe Instance; if Dr. *A.* has been more fortunate, He will I hope Favour the World with his Discoveries in this Particular.

The *Parliament* sate at *Coventry*, *October* the 6th, and rose *November* the 14th. On the [3] 24th of the same *November* our *Convocation* met: and after four days Sitting, Granted to the *King* a *Tenth* and *Half Tenth*: beyond what it had given the *May* before. The [4] *Clergy* of *York* came not together till the 11th of *December*, and then, to the Confusion of Dr. *A*'s. Pretensions, they Granted a *Tenth* only, notwithstanding the *Generous Example* which our *Province* had set them; and which this *Author* would make us believe they were Oblig'd to follow.

[3] Regist. *Arundel.* 1. Par. fol. 62. b.

[4] Regist. *Scroope* fol 131.

Sect. 14. 1405.

After the large Supplies which both the Clergy and Laity had granted to the King the last Year, we ought not to wonder, if we find neither *Convocation* nor *Parliament*, called upon for some time to renew their Grants. It was towards the latter end of the Year 1405: before the King issued out any *Writs* for either of those Assemblies: And then he Summon'd a [5] *new Parliament* to sit at *Coventry February* the 15th. This he soon Adjourn'd by other [6] *Writs* from *Coventry* to *Glocester*, upon the same day. And by third Precepts changed both place and time, and appointed it to sit at *Westminster* the *first Munday* in *Lent*, which was that Year the 1st of *March*.

[5] Dugd. Summonit. Parl. pag. 372.

[6] Ibid. pag. 374.

Being thus Assembled, it continued to sit till the [7] *Third* of *April*; and then was Adjourn'd to the 25th of that Month; till the Solemn Feast of *Easter* was over. On the 25th of *April* it resum'd its *Sessions*, and continued to [8] *June* the 9th. Then it was again *Adjourn'd* to *October* the 25th; when it met and sate to *December* the 22d; and so was Dissolv'd.

[7] Rot. Parl. 7 & 8 Hen. iv. num. 27.

[8] Rot. Parl ibid. num. 53.

Here then we have a long, and a *Remarkable Parliament*; Held at *three* several *Sessions*; and twice *Adjourn'd*. If by our *Constitution*, the *Convocations* were then thought to have been a Necessary *Attendant* upon the *Great Councils*; we cannot doubt but that they must have more or less been held with this *Parliament*, throughout this whole Year. We cannot suppose but that the *King*, the *Clergy*, the *Lords*, and *Commons*, must needs have known what was *Essential* to the *Form* of the *English Government*, in their Own times, as well as any little Pretender to *Antiquity* now, under the Disadvantage of Three Hundred Years Distance. If therefore neither the *King* did then *Call* the *Clergy* to *Attend* the *Parliament*; nor the *Lords* and *Commons* require their *Attendance*; nor the *Clergy* themselves complain (as some now a-days do) that they were not *Obliged* to *Attend*; nor do any Marks occur from whence we have but any Colour of a Reason to believe that they had any such Notions; we ought, I think, without all doubt to conclude, that these are only the late Inventions of a Modern Writer; not the setled *Constitutions* of former times.

And

K. HENRY *the* IV*th.*

And first; It is remarkable that tho' this Parliament was first called in *December*; and its *last Appointment* fixt to the time at which it met, *March* the 1*st*, yet the King issued not out any [1] *Writs* for the *Two Convocations* to Assemble till the 19*th* of *March*, almost three Weeks after the *Parliament* sate.

[1] Rot. Claus 7 & 8 Hen. iv. m. 17. Dors.

When these Writs were issued out, the time limited for the King for the meeting of the *Convocations* was within the first of *May*: But the first *Session* of this *Parliament* was over a Month before that, so that here could be no *Attendance* design'd at this time of the One upon the Other.

The *Archbishop* of *Canterbury* having received his *Writ*, [2] appointed his *Convocation* to meet at *London*, *April* the 26*th*; three Weeks after the *First Session* of *Parliament* was Ended; and the next day after the *Second* was to begin. But before that time came, the *Archbishop* put it off still longer to the 10*th* of *May*; tho' the *Parliament* was then resum'd, and actually sitting. [3] On the *tenth* of *May* the *Convocation* met; but it met only to be *Prorogued* first to the 14*th*, then to the 17*th*, of the same Month. When the Archbishop coming to them, told the *Clergy*, that for the *Business* of the *Parliament* the *Convocation* must necessarily be farther Prorogued to the 21*st* of *May*; A strange Reason, as well as an Odd Proceeding; according to Dr. *A*'s. Principles that the *Sitting* of the *Parliament*, and the Affairs thereof, should be the Ground on which to Prorogue a *Necessary* and *Essential part* and *Member* of it.

[2] Regist. *Arundel.* 1 Par. fol. 65. a.

[3] Ib |Et fol. 66.

But tho' he Prorogued the *Convocation*, yet he set the *Lower Clergy* to work in the mean time. He Order'd them to meet every day in the Interval, and to *Labour* about such things as needed *Reformation* in the *Province* of *Canterbury*; and to draw them up into *Articles* to be hereafter considered when they should come together.

In this State our *Extrinsical* part of the *Parliament* continued; till the 8*th* of *June*; that is till a few days before the *Parliament* concluded its *Session*: Call'd indeed by the *Archbishop*; but not suffered to sit; and that for fear of interrupting the Business of that *Body*, of which we are told it is a *Member*, and for whose sake it was to meet whenever the other did. [4] On the 8*th* of *June* some of the *Members* of the *House* of *Commons* were sent to the *Convocation* to represent to them the *King's Needs*, and the Inability of his *Lay Subjects* alone to relieve them; and thereupon to desire their help in that particular. The *Clergy* complied, and Granted a *Subsidy*, and a *Tenth*; and so the *Convocation* was Ended, *June* the 18*th*, the day before the *Parliament* was *Adjourn'd*. [5] Of this *Subsidy* Great Complaints were made, and that as well for fear of the Future Example, as upon the account of its present Burden. For it brought the *Stipendiary Priests*, and *Friars Mendicants* in, together with the Other Religious, who had not been wont to be tax'd before: And who justly apprehended that from henceforth they should bear an Equal Burden with the Other *Clergy*.

[4] Regist. Ib. fol. 66, 67.

[5] Chron. S. Alban. MS. ad Ann. 1406. *Eo tempore concessa fuit Regi per Clerum nova Taxa Levanda de Presbyteris Stipendiariis, & Fratribus Mendicantibus, ac aliis Religiosis qui Annalia Celebrant, ut unusquilibet Talis Solveret Regi dimid. Manam in Supportationem Cleri qui sempr Onus portaverat Eorundem. Quia Causa fuit murmur inter Presbyteros & hujusmodi Religiosos, maxime pro Novitatis introductione, quia in posterum timebant Consimiliter se Taxandos.*

Such was the Case of the *Convocation* of this Province. In the Other of *York* the *Clergy* met still later, [6] *July* the 12*th*, and Granted in like manner a *Tenth* and *Subsidy* to the King. They made but a short *Session*: The *Certificatory* of their Grant being dated the 18*th* of *August*: so that probably a very few days Ended the Assembly.

[7] Regist. Dec. & Cap. Ebor. sede Vacant. fol. 271.

The *Convocations* having thus made their *Grants*, which was all the *King* desired of them, or needed their Assembling for; He took no farther Notice of them all that Year; tho' the *Parliament* again Assembled in *October*, and sate till *Christmas*; An Omission that can never be accounted for upon Dr. *A*'s. Principles. So that to put together then, in short, the whole of this Matter; of these three Long *Sessions* of *Parliament*; *two* were without any *Convocation* at all concurrent with them; and the *third* had only One of the *Convocations* Call'd, for I can hardly say, that even that *Sate* with it.

And now, would not one wonder, that after all this Dr. *A.* should tell us that the *Convocation Clergy* joyn'd with the *Lay Commons* in a *Petition*; *December* the 22*d*; when 'tis certain that both the *Convocations* were risen, the One in *June*, the Other in *July*, or at the latest the beginning of *August* before? [8] "The Com-
"*mons of the Realm as well* Spiritual *as* Temporal *most humbly Pray*. And then

[8] Rights, &c. p. 58.

Commons were the *Lower houſe* of *Convocation.* But, Sir, pray ſhew us firſt that any *Lower Houſe* of *Convocation* at all was Sitting at that time, or for ſome Months before; Or do not put ſuch *Gloſſes* upon Us as being Examined, prove nothing but the Ignorance or Inſincerity, with which they were made.

There may perhaps ſeem to be ſome greater ſhew of Reaſon, in the other Inſtance which he next alledges from this Parliament, to prove [1] The Intereſt (as he ſpeaks) which the *Convocation Clergy* at that time had in *Parliament.* I ſhall therefore ſtate the Caſe in his own Words. "The Great Deed of En-"tail in the 8*th* of *Henry* the IV*th.* by which the Crown was ſettled on his "Heirs Male, and which was witneſs'd by the *Great Men*, and by Sir *Thomas* "*Typtot* the *Speaker*; in behalf of the whole Body of the Commons recites; "*Quod in* Parliamento noſtro *apud* Weſtminſter 7° *die* Julii *Anno Regni noſtri* vii° "*per Nos de Conſenſu & Aviſamento omnium* Prælatorum, Magnatum & Proce-"rum, *ac* Cleri & Communitatis *Regni noſtri* Angliæ *fuerit ſtatutum & ordinatum.* "— And proceeds to make void what had been ſo ordain'd in theſe Memo-"rable Words; *Nos igitur — ad Inſtantem Petitionem Eorundem* Prælatorum, "magnatum, Procerum, *Cleri &* Communitatis *ſupradictæ*, & *de Eorum omnium* "*& Singulorum Voluntate & Aſſenſu expreſſis*, *nec non* noſtra & *Præſentis Parliamen-"ti noſtri Auctoritate*, *Statutum & Ordinationem Predictam Caſſamus*, *& Adnulla-"mus.* — *Nec non ad eorundem* Prælatorum, Magnatum, Procerum, CLERI, & "Communitatis *Prædictæ Petitionem & Rogatum*, *ac de Eorum Conſenſu concordi &* "*Auctoritate*, &c. And this too *Pryn* (He ſhould have ſaid *Cotton*) has A-"bridged in his way without taking notice of theſe Paſſages which are ſo "Material and Inſtructive. The Original *Record* with all its appendant Seals "intire (tho the Deed it ſelf be cancell'd) is preſerved ſtill in the *Cottonian* "Library; and Affords a Manifeſt Proof of the *Intereſt* which the CONVOCA-"TION CLERGY, at that time, had in *Parliament.* For it would be RIDICULOUS "to imagine that by CLERGY in this Inſtrument, thus plac'd between the *Lords*, "and *Lay Commons*, Any other than the CONVOCATION-CLERGY are intended.

[1] Ibid. pag 61, 62.

Theſe are Dr. *Atterbury*'s Words; and in Anſwer to them, I do affirm that the CLERGY ſpoken of in that Record *were not*, nor *could have been*, the CON-VOCATION-CLERGY, but the CLERGY Called by the *Premunientes* to *Parliament*; and Conſtituting with the *Prelates* the whole *Eccleſiaſtical Eſtate* of it. For

1*ſt.* Dr. *A.* himſelf allows that the *Clergy* in this Affair, acted as a part of the *Legiſlative Body* in *Parliament.* He cenſures a * *Great Perſon*, for aſſerting that the 21 of *Richard* the II*d was the only Time in which the* Clergy were *mentioned as bearing a Share in the* Legiſlative Power. "And in Anſwer to his Aſſertion re-"plies: [2] I muſt beg leave to believe the *Records* before him: One of which "[the Inſtrument of Succeſſion in *Henry* the IV*th*'s time] has been [3] already "produc'd. And his Lordſhip upon a View of the Words cannot I dare ſay, "doubt whether the CLERGY were in that *Inſtance* allow'd a *Share* in the *Legiſ-"lative Power*; for the Succeſſion is ſaid to be ſettled not only *with* their CON-"SENT, but *by* their AUTHORITY. I do agree with Dr. *A.* The Clergy in this Caſe did certainly Act as a part of the *Legiſlative*, with the *Lords* and *Commons* in *Parliament*; But then for that very Reaſon I do Affirm that the Clergy ſo acting muſt have been the *Parliamentary*, not the *Convocation Clergy*; which he himſelf at the begining of that Chapter [4] acknowledged "to be no "part of the *Civil Legiſlature*, *nor to be concern'd*, *directly* in the *Great Affairs of* "*State tranſacted in Parliament:* as the *Clergy* here ſpoken of Apparently were.

* The Biſhop of Salisbury.

[2] Rights, &c. pag. 350.

[3] Ib. p. 61, 62.

[4] Rights, &c. pag. 273, 274.

But 2*dly.* If the *Clergy* mention'd in this *Record* were the *Convocation Clergy*, they muſt have been the *Clergy* of the *Convocation* of *Canterbury* only: For the *Convocation* of *York* met not with any of the *Three Seſſions* of this *Parliament*, but in the Interval between the 2*d* and 3*d*, as I have ſhewn before. Which being ſo I ſhall leave it to Dr. *A.* to judge what a ſtrange Conſtruction muſt be put upon this *Record*, after his way of Interpretation; that the *Entail* of the *Crown* was made *by* the *Authority* of the *Prelats*, *Lords*; *Convocation* of *Canterbury*, and *Commons* of the *Realm* of *England*, in *Parliament Aſſembled.*

Yet farther: 3*dly.* By the *Acts* of this *Convocation* it appears that the *Clergy* were not *Sitting*, but under an *Actual Prorogation*, at the Time that the *firſt Entail* here ſpoken of was made; *June* 7*th.* And employ'd by the Archbiſhop upon other Buſineſs; namely to conſider of ſuch things as needed Reformation in the

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Church; not to come, and *make Laws* with the *Parliament* for the *State*. Let Dr. *A.* therefore conſider; had the *Clergy* of that *Convocation* joyn'd in ſuch an *Act* as this, cou'd we have had a large *Diary* ſtill remaining upon Record of what was done by them in that *Synod*, and not the leaſt hint given of ſo Great, and Famous a Tranſaction; in which were his Aſſertion true, they muſt have been in ſo Extraordinary a Manner concern'd?

In ſhort; 4*thly*. And to have done: It is certain that the *Clergy* who joyn'd in the *firſt Entail*, were the very ſame that afterwards concurr'd in the *Annulling* of that, and in *making* the *Second* in its ſtead. Now this *Second Entail* was made in the *Third Seſſion* of this *Parliament*, a Fortnight after *Michaelmas*: But the *Convocation* which met with the *Preceding Seſſion*, was *Diſſolv'd* the 18*th* of *June* before; and not Reſummon'd to meet with this *Parliament*, at the time when the *Entail*, produc'd by Dr. *A.* was finiſhed. The *Clergy* therefore mention'd in that *Record* could not be, in this laſt Inſtance, the *Convocation-Clergy*, becauſe that at that time no *Convocation* was ſitting in either Province. And for the ſame Reaſon neither were they the *Convocation-Clergy* before; becauſe the *Record* expreſly ſays, they were the ſame *Clergy* that Concurr'd in both; *Eorundum Prelatorum —Cleri*, &c. *viz.* The *National Body* of the *Clergy* Summon'd to *Parliament*; and making up with the *Prelates*, the *Eſtate* of the *Clergy* there.

It is certain then that Dr. *A.*t is utterly out in his Application of this Record: Give me leave to add that he is no leſs in his Cenſure too upon the induſtrious Mr. *Prynne* for the *Abridgment* of it. And I appeal to his own Conſcience whether he did not know that [1] Learned Man Publiſh'd the Work of Another, not his own Performance: And that the reputed, if not real *Abridger* of thoſe Records, was the Honourable Sir *Robert Cotton*; from whoſe *Treaſury* he drew this Remark, had he known how to make a Right Uſe of it. For that very Reaſon, if for no Other, He ſhould have ſpar'd his Cenſure at this time: To paſs it on that *Worthy Perſon*, who was chiefly concern'd, was too odious, even for Dr. *A.* himſelf to appear openly in it. To ſtabb him thro' Mr. *Prynne*'s Sides, only added the Crime of Falſeneſs, in Condemning an Innocent Perſon, for anothers Performance, but did not at all Shelter the Memory of Sir *Robert Cotton*; whoſe Inſcription the *Book* Carries, and whom therefore every body muſt know was the Perſon aim'd at, tho' under another's Name.

[1] This *Exact Abridgment* being *Licenſed for the Preſs*, before the Stationer brought it me to Peruſe, I thereupon diligently Read over the Copy — wherein I corrected ſeveral miſtakes verbal of the Clerk in Tranſcribing — Without any *Alteration* (except in the Clerk's Miſpriſions) *in*, or *Additions to the Text its ſelf*, to avoid the Cenſure of being an *over Officious Critick* in Another Deceaſed Honourable Perſon's Poſthumus Work. *Pref. pag.* 2, 3.

[2] An Exact Abridgment of the Records — Collected by Sir *Robert Cotton* Knight and Baronet.

Sect. 15. 1407.

The next Year, the *Parliament* was call'd to ſit at [3] *Glouceſter* the *twentieth* of *October*. There it [4] continu'd till the 2*d* of *December*; and ſo was Diſſolv'd. In this *Parliament* among [5] other *Petitions* of the *Commons* one was preferr'd in the Name of the *Knights*, and *Gentlemen* of the *Counties* of *Oxford* and *Berks*, and of the *Mayor* and *Burgeſſes* of the *City Oxford*, againſt certain Priviledges which had been granted by the King to the *Univerſity* of *Oxford*. The Reſult was, that a due Examination ſhould be made of the Matters complain'd of, and the report be laid before the King and his Lords, the next *Parliament*; and that in the mean time the *Charter* ſhould be ſuſpended, as to what concern'd the *New Franchiſes* complain'd of by the Commons.

[3] Dugd. Summonit. Parl. pag. 379.
[4] Rot. Parl. num. 21.
[5] Ib. Rot. Parl. 9 Hen. iv. num. 31.

While this *Parliament* was *Sitting*, the *Archbiſhop* of *Canterbury* at the inſtant Deſire of the *King*, and his *Lords*, Summon'd [6] a *Provincial Council* to meet at *Oxford*. The Occaſion of it was the Encreaſe of *Hereſy*, of which the *Archbiſhop* made a large recital in the Preface to his *Letters Mandatory* for the Aſſembling of it. The *Place* he choſe for its ſitting was *Oxford*; becauſe of the Aſſiſtance they might there have at hand, of the Learned Men of that *Univerſity*. The *time* was as near as he could compute at the riſing of the *Parliament*; before the *Biſhops*, *Prelats*, and *Clergy* which were come thither ſhould be ſeperated, and return'd to their reſpective Dwellings. What they did their *Conſtitutions* ſhew, which were review'd, and agreed to again the next Year, where I ſhall therefore have Occaſion to take ſome farther notice of them.

[6] Regiſt. *Clifford* London. fol. 33.

Theſe Meetings being both over, the King iſſued out [7] his *Writs* to the Guardian of the Spiritualties of the *Archbiſhop* of *York*, to Aſſemble the *Convocation* of that Province, not for any *Parliamentary Attendance*; (that he never thought of) but for a new Supply; the 10*th* laſt Granted being now coming to an End.

[7] Rot. Clauſ. 9 Hen. iv. m. 26. dorſ.

The

The ſame, I ſuppoſe was done to the *Archbiſhop* of *Canterbury* tho' the Writ does not appear in the *Clauſe Rolls* with the *Other*. However it were, the *Archbiſhop* of *Canterbury* [1] Summon'd his *Convocation* to Sit at *London March* the 6*th*. That of *York* was not Held till [2] *May* the 4*th*: the One Three, the Other Five Months after the *Parliament* was Diſſolved.

[1] Reg. *Maſcall* Hereford. fol. 59. Sect. 16. 1408.

The Convocation of *York* not meeting at the time appointed by the *Writ* dated to the *Guardian* of the *Spiritualities* in the *Vacancy* of that See; a [3] New one was iſſued out *May* the 8*th*, to the *New Archbiſhop* to aſſemble his *Clergy* ſome time before the Feaſt of St. *Peter*, and St. *Paul*, *June* the 29*th*. The *Archbiſhop* obey'd, and aſſign'd the day before, [4] *viz*. *June* the 28*th* for the Meeting of it. The *Clergy* were not to be induc'd to make any Grant, at that time; ſo the *Convocation* was continued to the 10*th* of *December*; at which time they conſented to *One Tenth*; the *Archbiſhop*, who had before treated with them by his *Commiſſioners*, being then *Perſonally preſent*, and prevailing with them.

[2] Reg. 3. Decan. & Capit. Dunelm. fol. 26. b.

[3] Rot. Clauſ. 9 Hen. iv. m. 13. dorſ.

[4] Reg. *Bowet* Arch. Ebor. fol. 288.

In this Interval the *Archbiſhop* held his [5] *Provincial Council* by his own *Metropolitical Authority*, *Auguſt* the 20*th*. The Occaſion of it was to treat about the *Papal Schiſm*, and Other Matters which concern'd the *State* of the *Church*. For this the Archbiſhop Order'd not only the Uſual Members to be *Summon'd* to it; but ſuch other Perſons of *Great Learning*, as the *Biſhops* ſhould think uſeful in that Caſe, to come *Perſonally* to this *Synod*. But to this, as I take the *Provincial Council* of *Canterbury* to have given the Occaſion, ſo will the deſign of it be beſt underſtood, by what I come now to obſerve concerning that Synod.

[5] Reg. *Langley* Dunelm. fol. 22. a.

On [6] *July* the 23*d* the Archbiſhop of *Canterbury* held a *Provincial Synod* for the *Union* of the *Church*, and in Order to make up the breach between the *Pope* and *Cardinals*. For this Cauſe, and no other, He tells his *Clergy* he then called them together. At the [7] ſecond *Seſſion*, the *Cauſe* of the *Convocation* being declar'd, and the *Inferior Clergy* (they are the Words of the *Regiſter*, leſt Dr. *A*. ſhould think I dealt too Familiarly with them) being ſeparated from the *Greater Prelates* in the *Schools* of *Divinity* under the *Chapter Houſe of St*. Pauls; *juxta Aſſignationem Domini Archiepiſcopi*; The Upper Houſe choſe ſix *Boſhops*, and twelve *Abbots*, to deliberate about the *Union* of the Church: The *Clergy*, at the ſame time, choſe Twenty Four of their Body; "*& ejuſdem* Electionis proceſſum "*Statim*, *ut decuit*, domui Superiori *retulit*; as the *Regiſter* ſpeaks.

[6] Regi *Arundel.* Par. 1. fol. 71. a. b. See the Mandate. *Append.* ad Ann. 1408.

[7] Reg. ib. fol. 72, 73.

Upon *Sunday July* the 29*th*, being agreed on their expedient, the *King* came to the *Chapter Houſe*, and the *Archbiſhop* there declared the *Reſolution* of the *Synod* to Him. The King, as much as in him Lay, approved of, and confirmed it, and ordered that it ſhould be publiſh'd by the *Archbiſhop* before Sermon at *Paul's Croſs*, as corroborated by him. [8] The concluſion was that the King ſhould in his own Name, and in the Name of all the *Prelates*, and *Lords*, *Clergy* and *Commons* of the Realm ſend ſolemn *Ambaſſadors* to the *Pope* with their Reſolutions, not to ſuffer any more Mony to be tranſmitted out of *England*, while the *Schiſm* laſted; for whoſe Charges a *Penny Farthing* out of every Pound of their *Eccleſiaſtical Beneſices* was agreed to be paid. This being thus ſettled *July* the 29*th*; was, I conceive, ſent down to Thoſe of the Other Province, who I make no doubt at their meeting in *Auguſt* agreed to it.

[8] Reg. *Repyndon.* Lincoln. fol. 31.

It was not long after this, before the Cardinal of *Bourdeaux* came hither, with Letters and Authority to invite our Biſhops and Prelates to the Council of *Piſa*, to be held upon *Lady-day* next, in order to the Concluding of the ſo much deſir'd Union, in the (then acknowledged and ſuppoſed) *Head* of the *Church*. [9] This Obliged our *Archbiſhop* to hold another *Synod* the Morrow after *Hilary*, *January* the 14*th*. In this they agreed upon the *Perſons* who ſhould go to the *Council*, out of this *Province*; and upon the Allowance that ſhould be made to them for their Expence. And having thus diſpatcht what they principally met about, the *Archbiſhop*, with the *Council* and *Aſſent of the Prelates*, at the *Petition* of the *Clergy*, *publiſh'd* the *Provincial Conſtitutions*, which he had before ſet forth in his *Provincial Council* at *Oxford*. The manner of which being remarkable, I ſhall give a brief Account of it.

[9] Reg. Arundel. Par. ii. fol. 7, 8. See the (Reg. Beauford. Wint. fol. 6.) Mandate, Append. ad Ann.

"[10] Whereas in our *Provincial Council* lately held at *Oxford*, we *ſet forth* cer-
"tain *Provincial Conſtitutions* with you, and the reſt of our *Brethren*, and *Suf-*
"*fragans* Counſel and Advice, at the *inſtant Petition* of the whole *Clergy* of
"our *Province* of *Canterbury*; and afterwards in our *laſt Council*, Celebrated
"in the *Church* of St. *Paul London*, the ſaid *Conſtitutions* there rehears'd before

[10] Reg. *Arundel.* ii. Par. fol. 8.

K. HENRY the IVth. "you, and our Venerable Brethren and Clergy aforesaid, did by a *repeated Promulgation Publish*; We considering that *Laws* are in vain made, unless they "be also put in due *Execution*, do herewith transmit the said *Constitutions*, to be "*publish'd* by you, that no One may pretend Ignorance of them: Willing and "Enjoyning you to send, under your Seal, and with your Letters (containing "the Tenour of these) *Copies* of the said *Constitutions* to All and Singular our "Venerable *Brethren* and *Suffragans* of our said *Province*; and to Enjoyn them, by "our Authority, as by these Presents we do Enjoyn them, to *Publish*, or cause "to be *Publish'd*, in Every their *Cities*, and *Dioceſſes*, as it shall appertain to "every one, the aforesaid *Constitutions*, in their *Synods* and *Chapters*, according "to the *Canonical* and *Provincial Constitutions* set forth for that purpose. This was the Substance of the *Archbishop's* Mandate; and in it we see after what manner these sort of *Constitutions* were wont to be publish'd; and what care was taken for the due Performance of it.

Sect. 17. 1409. Thus pass'd this busy Year; towards the latter of the next, a *Parliament* was call'd to meet first at [1] *Bristol*; and then at *Westminster*, on the *Munday* fortnight after *Hilary*, *January* the 27*th*. It continued sitting [2] to the 15*th* of *March*, the Eve of *Palm Sunday*; when it was adjourned to *April* the 7*th*; a Fortnight after *Easter*. [3] Then the *Session* was Resumed and Continued to *May* the 9*th*; as appears by the *Rolls* of *Parliament*. Let us see how the two Convocations Attended upon these Sessions.

[1] Dugd. Summonit. Parl. pag. 380.
[2] Rot. Parl. 11 Hen. iv. num. 13.
[3] Ib. num. 44.

On the [4] Third of *January* the King issued out his Writs to the two *Archbishops* for their *Convocations* to meet some time before the 15*th* of *February* following. The [5] *Archbishop* of *Canterbury* Assembled his Province *February* the 17*th*. The [6] Archbishop of *York*, more punctually, that of his *Province*, *February* the 15*th* both about the *Middle* of the *former Session* of the *Parliament*. How long that of our *Province* sate, I cannot certainly tell: Those of the other being met at *Beverley* before the *Archbishops Commissioners* (for he was himself at *London* at the Parliament) refused to Grant any supply to the King. Upon this they were adjourn'd to the Conventual Church of *Clementhorp* by *York*; *April* the 11*th*. There the Archbishop appear'd in Person with them; yet neither then would they Grant any thing. From thence they were Adjourn'd again to *May* the 23*d*, a Fortnight after the *Parliament* was Dissolved: and then (at last) they *Granted* a *Tenth*, at the Earnest Prayers, and Request of the *Archbishop*: as the Certificate of their Concession speaks. By this Unwillingness to grant any *Subsidy*, the *Clergy* of this *Province* met, within *both* the *Sessions* of the *Parliament*. But they did but meet; for immediately they were Adjourn'd; and thereby shew'd that their Assembling was for some Other Purpose, than that of *Attending* upon a *Parliament*, at 150 Miles distance from them.

[4] Rot. Claus. 11 Hen. iv. m. 29 dors.
[5] Reg. *Arundel*. Par. ii. fol. 15.
[6] Reg. *Bowet*. fol. 296.

Sect. 18. 1411. The Year following the King [7] Summon'd his *Parliament* to meet at *Westminster* the Morrow after *All-Souls*, *November* the 3*d*, It met according to the Summons, and [8] continued till the 20*th* of *December* following. [9] In this *Parliament* the famous Cause between the *Archbishop* of *Canterbury*, and the *Chancellor* and *Proctors* of the *University* of *Oxford* was settled and confirm'd by the Authority of the *King* and his *Lords* there, and order'd to be Enroll'd among the *Rolls* of *Parliament*. Archbishop *Arundel* being in his Visitation of the *Dioceſs* of *Lincoln*, came in his Way to visit the *University*, within the Limits of it. They insisted upon their *Exemption* by *Papal Authority*; and refus'd to submit to his Visitation. The Archbishop urged the Sentence given against them in this same Cause by King *Richard* the IId, but in vain; They stood upon their Exemption, and referr'd themselves (in which the Archbishop also agreed with them) to the present King's Judgment; Their Cause was heard before the *King*, at *Lambeth*, *September* the 17*th*, and Sentence given for the Archbishop, and his *Visitatorial Power* over them. And this whole Process, and Sentence, at the Archbishop's Petition, was now ratified, and Enrolled in *Parliament*, to prevent any future Disputes upon that Subject hereafter.

[7] Dugd. Summon. Parl. pag. 384.
[8] Rot. Parl. 13 Hen. iv. num 25.
[9] Ib. num. 15.

Upon this the Archbishop of *York* put in his Claim for the Exception of the *College*, called *Queen-Hall*, in the said *University*: The result of which was this; that "The *Archbishop* of *Canterbury* in presence of the King and of the *Lords* in "the said *Parliament* promised, that if the *Archbishop* of *York* could sufficiently "shew any Priviledge, or Specialty of *Record*, wherefore the said *Archbishop* of "*Canterbury* might not Use nor Exercise his Visitation of the said College, He would

"would then abſtain; ſaving to him always the Viſitation of the ſaid *Scholars* "abiding in the ſaid College, according to the Judgments and Decrees made "and given by the ſaid King *Richard*, and by our Lord the King that now is, "as in the Record thereof made more plainly is declared.

Whether this Proceedure of the Archbiſhop encouraged them or no, I cannot tell, but in this Parliament we find the Gentlemen [1] of *Oxfordſhire* and *Berks*, with the Mayor and *Burgeſſes* of the Town of *Oxford*, again renewing their *Petition*, againſt the Priviledges granted by the *King's Charter* to the ſame *Univerſity*. But the *Petition* was now entirely laid aſide with the *Roy s' Adviſera:* and not referr'd to Council to conſider of, as it had been twice before.

[1] Ib. Rot. num. 32.

Not long after the *Writs* went out for this *Parliament*, the King iſſued out Others for the *Two Convocations* to be held within the *Octaves* of St. *Martin*, that is, within little more than a Fortnight after the *Parliament* was to meet. [2] The *Archbiſhop* of *Canterbury* appointed his to Aſſemble upon the *1ſt* of *December*. Being come together the King, by his *Chancellor*, and other *Commiſſioners*, demanded a *Subſidy* of them for the carrying on of his War with the *French King*. Then the Archbiſhop commanded the *Proctors* of the *Clergy* that if they had any *Grievances* which needed a *Reformation*, they ſhould before the *Fryday* next lay them before him in *Convocation*.

[2] Rot. Clauſ. 12 Hen. iv. m. 1. dorſ. [3] Reg. *Arundel.* Par. ii. fol. 22. a. [4] Ib. fol. 23.

The *Proctors* of *the Clergy*, hereupon in (another *Seſſion*) declared that they found themſelves under ſo many, and great Grievances, that unleſs they were put in Writing they could not eaſily repeat them. Whereupon being withdrawn, and call'd in again, the Archbiſhop commanded them to put their Grievances in Writing. Accordingly upon *Munday*, *December* the *7th*. Mr. *Henry Ware*, Official of the *Court* of *Canterbury*, and Mr. *Philip Morgan*, Dr. of Laws, Exhibited their Grievances in Writing in the name of the Clergy; *Cujus gerebant* Organa Vocis, ſay the Records. From henceforth we meet with nothing but *Prorogations* made by the Archbiſhop, upon the Account of his *Attending* in *Parliament*: ſo that how long this *Convocation* continued, or what it granted, I am not able to ſay.

To go on therefore to that of the *Other Province*: The King, as I before Obſerv'd, had by his *Writ* order'd the *Clergy* of *York* to meet at the ſame time he did thoſe of *Canterbury*. And by [5] the Regiſter of the *Church* of *Durham*, it appears that they were Summon'd accordingly on the *Tueſday* next *after* the Feaſt of St. *Martin*, within the *Octaves* of it. But their *Seſſion* was ſoon at an End; and nothing, I ſuppoſe, done by them at that time. For by a [6] *New Writ* dated *the 21ſt* of *December* (the day after the *Parliament* roſe) the Archbiſhop was Ordered to Summon them again, within a *Fortnight* after *Hilary*: So that their meeting was, Evidently, not in *Attendance* upon the *Parliament*, for then they muſt have ſat on; but for the *Other Occaſion* which the King had for them; of *Granting* a *Subſidy*, and which at that Meeting they ſeem to have refuſed to do.

[5] Reg. 3. Dec. & Capit Dunelm. fol. 35. b
[6] Rot. Clauſ. 13 Hen. iv. m. 30. dorſ.

In purſuance of this Second *Writ*, [7] the *Archbiſhop* called them together to *York*, *January* the *18th*. But neither then were they diſpoſed to do any thing. However after a ſhort *Adjournment* of two Days; by great importunity, they were prevail'd with to agree to a *Half Tenth*; provided that the *Clergy* of that Province ſhould not in any wiſe be Taxed, or Otherwiſe moleſted in their Poſſeſſions by Reaſon of the Grant made to the King by the *Lords* and *Commons* in the *laſt Parliament*; nor be compelled to the Payment of the *15th* with the *Laity*; nor while this *half Tenth* was paying, be otherwiſe burden'd with any Other Payments.

[7] Reg. *Hen. Bowet.* fol. 307.

Such were the Aſſemblies of the Clergy this Year, The next following, the laſt of this King; [8] the *Parliament* was call'd to meet the day after the Purification, *February* the *3d*; During the *Seſſion* of which *March* the *20th* the King dyed, and ſo by his death put an End to it.

Sect. 19
1412.
1413.

On [9] the *19th* of *January*, a Fortnight before the *Seſſion* began, the *Convocation Writs* were iſſued out to the two *Archbiſhops* to Aſſemble their *Clergy* within the *Octaves* of the *Purification*. [1] The *Archbiſhop* of *Canterbury* Summon'd his to meet at St. *Paul's London*, *March* the *6th*. four Weeks after he knew the *Parliament* was to meet at *Weſtminſter*; and therefore to be ſure not with any thought of its being Obliged by our Conſtitution to *Attend* upon it. From thence he Prorogued it to *March* the *15th*: then to the *Munday* Three Weeks after *Eaſter*:

[8] Dug. Summonit. Parl. pag. 386.
[9] Rot. Clauſ. 14 Hen. iv. m. 16. dorſ.
[1] Reg. *Arundel.* Par. ii. fol. 4. b & 25. a. b.

Then

K. HENRY *the Vth.*

Then to the 6*th* of *June*: When I ſuppoſe they gave their *Subſidy* to the *New King*, and ſo were Diſſolved.

It does not appear that the Archbiſhop of *York* had Executed the *King's Writ* before he came to *Parliament*: and moſt probable it is, that he intended to have done it after his return to his *Province*, when he ſhould have ſeen what the Reſult of our *Clergies Meeting* would be. By this means the King dying it did not aſſemble at all.

King HENRY *the* Vth.

No ſooner was the Young King come to the Throne, but within two days He iſſued out new Writs for the Parliament to Meet Three Weeks after *Eaſter*; the very day to which the *Archbiſhop* of *Canterbury* had Adjourn'd his *Convocation*. So that it may now be thought that this *Parliament* was rather an *Attendant* upon that *Aſſembly*; than *That*, upon the *Other*. But indeed had there been any ſnch relation at all between them as is now pretended, the *Convocation* muſt have Expired with the King, as the *Parliament* did; and have Ended with it as well as Attended upon it. The *Parliament* thus called [1] continued till the 9*th* of *June*; and upon the 6*th* of that Month, the *Convocation* ſate again at *Lambeth*, upon its laſt Adjournment. So that here we ſee theſe two *Aſſemblies* continued together; and as they begun on the ſame day; ſo they muſt have Ended almoſt as near with each Other.

[1] Rot. Parl. 1 Hen. v. num. 17.

But the irregularity of the *Other Province* ſpoiled all: which not having met by the *Old Kings Writ*, was therefore now Summon'd by its ſelf, by a [2] freſh *Writ* from the New one. And to make it ſtill the worſe, this *Writ* was dated *June* the 9*th*, the very day that the *Parliament* was *Diſſolved*; inſtead of being iſſued ſo early out, that the *Convocation* might have *Attended* upon it. The time preſcribed by the King for the Clergys Aſſembling was limited to the firſt of of *Auguſt*. The [3] Achbiſhop nominated the 27*th* of *July*, and then held his *Convocation* accordingly. On that day the *Clergy* could not be induced to make any Grant: The next day they *Conſented* to a *Tenth*; and as this was that for which the King call'd them together, ſo was it all that appears to have been done by them.

[2] Rot. Clauſ. 1 Hen. v. m. 27. dorſ.

[3] Reg. *Bowet.* fol. 311.

Towards the latter end of this Year [4] a Parliament was called to meet at *Leiceſter*; *January* the 29*th*, but was Prorogued to the *Beginning* of the next; where I ſhall therefore take ſome farther Notice of it. There was yet another *Aſſembly* of the *Clergy* of this *Province*, held *November* the 20*th*: The Archbiſhop Convened an *Eccleſiaſtical Council* againſt the *Lollards*, who now gave great Trouble to them. In this *Convocation*, their main Aim was at the *Lord Cobham*; of whoſe Proſecution I ſhall have Occaſion hereafter to ſpeak.

[4] Dugd. Summonit. Parl. pag. 390.

Sect. 20. 1414.

In the mean time I return to the *Parliament* which I before ſaid was Summon'd to meet at *Leiceſter*, *Januury* the 29*th*; but was Adjourn'd to the ſame place *April* the 30*th*, being there met according to the Prorogation, it continued ſitting till almoſt the *End* of *May*. It was not long before the King called a [5] Second *Parliament* to ſit at *Weſtminſter* on *Munday* after the Octaves of St. *Martin*: where the Commons by the Aſſent of the *Prelates* and *Lords*, granted him two Tenths, and two Fifteenths, in Order to his Proſecution of the War with *France*.

[5] Dug. ib. pag. 393.

With the former of theſe *Parliaments*, Nothing like a Meeting of the *Clergy* was held in either *Province*; ſo that there the Doctrine of *Attendance* entirely fail'd. Before the latter Aſſembled we find a *Convention* in either *Province*, of which it will be neceſſary for me to give ſhome ſhort Account. Archbiſhop *Chichley* having received his *Pall* from *Rome*, and being thereby fully Authorized to act as a *Metropolitan*, [6] Ordered his *Provincial Synod* to meet *October* the 1*ſt*, The deſign of it appears in the Mandate by which he Aſſembled it; in which he takes notice of the Obligation that Lay upon *Metropolitans* to hold their *Provincial Councils* with their *Suffragans* every Year; and thereby lets us know that he intended this for a *Canonical Synod*, not a *State Convocation*. In this Council a *Conſtitution* was made againſt *Married Clerks*; [9] by the *Will*, and

[6] Reg. *Cliffora.* Lond. fol. 63. Vid. *Mandat.* Append ad Ann. 1414.

[9] *Mandatum Archiepiſcopi Cant. pro publicanda Conſtitutione, Ex decreto ipſius Concilii, & de Voluntate & Conſenſu expreſſo Prælatorum & Cleri in Eodem Concilio Congregatorum, rite per ipſum edita.* — Dat. Croydon. 23. Oct. 1414.

With

with the *Expreſs Conſent* of the *Prelates* and *Clergy* Aſſembled in the ſaid *Council*, as the Words of the *Mandate* for publiſhing of it runs.

[1] Some diſturbances having been raiſed in the Univerſity of *Cambridge* upon the Occaſion of a *New Statute* which had been made there; The King by his *Writ* directed to the *Chancellor*, Dated *September* the 17*th*, Order'd *Commiſſioners* on each ſide to appear before the *Archbiſhop* and his *Brethren* in *Council*, *October* the 1*ſt*. That ſo the Differences might there be brought to a perpetual End.

In this [2] *Synod* it was agreed what *Proctors* ſhould be ſent to the *General Council* for the whole *Province*; and a Tax of 2 *d*. in the Pound was granted to defray the Charges which they ſhould be at in that Delegation.

This was the Main of the Church Work which was done at this *Council*, But the King's needs were to be ſupplied too: [3] For this *two whole Tenths* were granted by them; and ſo the Meeting brake up the 20*th* of *October*; a Month before the *Parliament* was Appointed to meet.

Neither the Nature of this Aſſembly, nor the time of its Meeting, and riſing, will ſuffer any reaſonable man to think that this *Church Synod* was deſign'd to be an *Attendant* upon the King's *Parliament* ſo long after. The Council which was held upon the ſame Occaſion by the Archbiſhop of *York*, comes nearer in time to the *Seſſion* of *Parliament*, and may Poſſibly pleaſe Dr. *A*. better. It met in the *Cathedral Church* of St. *Peters York* upon *Munday* after the Feaſt of *All-Saints*. [4] The Archbiſhop in his *Mandate* declares that he call'd it, *Authoritate ſedis Apoſtolicæ, & ſua:* The Buſineſs here was, as in the Other, to chuſe their Proxies for the *Council* of *Conſtance*; and to provide as they did, for their Expences, by 4 *d*. in the Pound upon all *Benefices* that were tax'd; and upon all others, 8 *d*. in the Mark, according to the real Value of them.

The *Clergy* of *York* in this Allowance Exceeded the Proportion of that of *Canterbury:* The *Extent* of the *One* making up in what it came ſhort of the Proportion of the Other. But this Refractory Province never conſidered what the other had done in complyance with the King's Needs; tho' the *Clergy* on our ſide had ſet ſo Bountiful a Pattern to them. To make up this Defect, the King, by his *Writ*, required them to be again Conven'd before the *Morrow* after *Hilary*. The Archbiſhop [6] appointed the 9*th* of *January* for their Aſſembling, When after much Wrangling they did agree to Grant their two *Tenths*, as the Other Province had done; and ſo were diſmiſs'd in a few Days.

There can nothing I think be more demonſtratively plain againſt any Cauſe, than the Tranſactions of this Year againſt the New Pretence of *Parliamentary Attending Convocations*. Two *Parliaments* ſate this Year; with the former no *Convention* of the *Clergy* was held at all: Before the Latter, a *Provincial Council* being called for *Church Affairs*; The King took the Opportunity to demand his *Subſidies* there of them: And the *Clergy* Granting them there, he never thought of Dr. *A*'s. Ground for a New Meeting to *Attend* the *Parliament*, nor did he give them any Trouble upon that Account. In the Other *Province* they gave him nothing in their *Church Synod:* To ſupply this, the *Parliament* being riſen, he called a *Convocation* of that *Province* alone; that ſo having been ſupplied by his Lay-Subjects in *Parliament*, and by the *Clergy* of One Province in *Council*, they alone might not eſcape without giving any Thing. They met, and Granted as the Others had done; and were thereupon immediately diſmiſs'd: And thereby plainly ſhew that the King's End in calling them was for Aid, not for *Attendance* upon a *Diſſolved Parliament*; and that he did it at his Own free Pleaſure, not by any *State-Laws* of our *Conſtitution*; which would equally have obliged him to have Aſſembled the *Other Province*, as to have *Convened that*.

Before the Commiſſioners thus choſen for the Church of *England* went to the *Council*; it pleaſed the King to conſult the *Univerſity* of *Oxford* about ſuch Matters as might be fit to be Propoſed and Eſtabliſhed in it. [7] Their Anſwer, tho not ſo perfect as I could wiſh, being ſtill preſerved in an ancient MS. of *Corpus Chriſti College*; I conceive it may be no unpleaſing Curioſity to the Learned *Reader* to take a peruſal of it.

The Year following the King [8] firſt ſummon'd his Parliament to meet at *Weſtminſter* upon *Munday* after the Feaſt of St. *Luke*: [9] But by Second Writs Prorogued it to the *Munday* after *All-Saints*, *November* the 4*th*. It ſate but a little while; the *Subſidy* being Granted *November* the 12*th*, which was uſually done on the laſt day of the *Parliament*. But the King's Needs required another Meeting;

[1] Rot. Clauſ. 2 Hen. v. m. 14. See the Append. ad Ann. 1414.

[2] Reg. *Repyndon*. Lincoln. fol. 99.

[3] Reg. *Chichley* par. 1. fol. 126. b. 127. a. 164 b.

[4] Reg. *Bowet*. fol. 286.

[5] Rot. Clauſ. 2 Hen v. m. 5. dorſ.

[6] Reg. *Bowet*. fol 314.

[7] Append ad Ann. 1414.

Sect. 21. 1415.

[8] Dugd. Summonit. Parl. p. 395

[9] Ib. pag 396.

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meeting; to haſten the *Supplies* which the foregoing *Parliament* had Granted. For this they [1] met again the 16*th* of *March*; and continued till the 8*th* of *April* following. [2] To both theſe *Parliaments* the *Dean* and *Chapter* of *Lincoln* deputed their *Proxies*, as by the *Premunitory Summons* they were required to do.

[1] Ib. pag. 398
[2] Lib. vi. Dec. & Capit. Linc. fol. 40, 43.

What to call the [3] *Convention* of the *Clergy* Aſſembled by the *Archbiſhop* of *Canterbury* at St. *Pauls London*, *November* the 18*th*, I cannot tell. There was no *Writ* from the King, and ſome *Eccleſiaſtical Decrees* were paſs'd in it. It met not till a *Week* after, I take, the *Parliament* to have riſen; ſo that it could be no *Convocation Attendant* upon it. The *Archbiſhop* in his *Conſtitutions* calls it all along a *Provincial Council*; And by all this I ſhould think it was a *Church Synod*. Be it what it will, the King got a *Subſidy* from the *Clergy* of the *Two Tenths* in it; and ſo upon the 2*d* of *December* the Aſſembly was Diſſolved.

[3] Reg. *Chichley*. Par. 1. fol. 1. a.

The Clergy of the Province of *York* here again were backward in their Grants. They met not of their own Accord; and therefore the King the ſame day that the *Parliament* roſe, iſſued out [4] his Writ for the Aſſembling of them, the time aſſign'd were the Octaves of *Hilary*; ten Weeks after the *Parliament* was Diſſolved. They [5] met more early than the King propoſed, *December* the 16*th*. But their Grant was with difficulty: They were till the 16*th* of *January* before they Agreed to it, and then for all the Example and Obligation of our Province upon them, gave but *One Tenth*, for our Two.

[4] Rot. Clauſ. 3 Hen. v. m. 13. dorſ.
[5] Reg. *Bowet*. fol. 317.

Sect. 22. 1417.

Thus the firſt *Parliament* of this Year paſs'd without any *Church Aſſembly* to *Attend* upon it: Indeed while the Second was ſitting, upon the 1*ſt* of *April* 1416. [6] The *Archbiſhop* of *Cantepbury* called the *Synod* of his *Province*. But that was an *Eccleſiaſtical Council*, not a *State Convention*; It met for the *Affairs* of the *Church*, not for the *Buſineſs* or *Aid* of the King. This the Declaration which the Archbiſhop made of the *Cauſes* for which the *Synod* was call'd ſhews: and the whole Proceſs of the *Synod* upon thoſe Affairs confirms to us. It was held for chooſing of *Commiſſioners* to ſend to the *General Council*; and to agree upon a *Subſidy* for their Expences. To *Examine* and *Try Hereticks*: To make *Decrees* againſt *Hereſy*: To *Regulate* ſome things relating to the *Probate* of Wills, with ſome other Matters of a like Nature. This was what was done in both the *Seſſions* of that *Synod*: *no Subſidy was given* or *Demanded*; no *Grievances* were propoſed, or drawn up relating to *Civil Oppreſſions*: Nor, laſtly, was it Called by the *King's Writ*, but meerly by the *Archbiſhop's Mandate*. And if all theſe Characters do not denote it to have been a proper *Eccleſiaſtical Council*, I muſt own my ſelf at a loſs how to diſtinguiſh between a *Church-Synod*, and a *State Convocation*.

[6] Reg. *Chichley* fol. 3. a Vid. Mandatum. Arch. Appen. Ann. 1416.

Altho' then this Synod began to Sit a few days before the *Firſt Seſſion* of this Parliament was Ended; and was reſumed again Three Weeks after *Eaſter*, the very day to which the *Parliament* was *Prorogued*; Yet was this only for the *Convenience* of the *Clergy*, and by the choice of the *Metropolitan*; not out of any Obligation that lay upon the One to call them together at that time; Or any Right of the Others to be then Called.

I have juſt now ſaid that the *Parliament* which met upon the 16*th* of *March* the laſt Year, and [7] continued to the 8*th* of *April* in this, re-aſſembled again Three Weeks after *Eaſter*. How long it continued to Sit after I cannot tell. In [8] *October* following another Parliament was called: It began on *Munday* the 19*th* of that Month, and ſate till *Wedneſday* the 18*th* of *November*.

[7] Rot. Parl. 3 Hen. v. num. 13.
[8] Dug. Summon. Parl. pag. 399.

What I ſaid of the laſt Meeting of the *Clergy* with the foregoing *Parliament* of this Year, I muſt repeat again with Relation to this. The Archbiſhop [9] Aſſembled his *Synod*, by his *Own Authority*; for *Eccleſiaſtical* Affairs, upon the 9th of *November*, Nine days before the *Parliament* Ended. The only Secular thing that is recorded to have been done there, was the Renewal of their Grant of *Two Tenths* to the King, and that has been too often done in our *Church Councils*, to create any Difficulty as to the *Nature* of the *preſent Aſſembly*.

[9] Reg. *Chichley*. fol. 3. 8.

Thus then, if I judge aright, the Parliaments of this Year both paſs'd without any *Attending Convocation*. But however Dr. *A.* will I know pleaſe himſelf that the *Clergy* of our Province did meet in time of *Parliament*, and that ſhall ſuffice him, let the Manner, or Cauſe of their Meeting be what it will. Well, let him take his own Way; and let us conſider how things anſwered in the Other Province. With the firſt *Seſſion* of the *Parliament* in *March* and *April*, no Aſſembly at all was held there. In the time of the *Prorogation*, the laſt

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April; the Archbiſhop call'd a [1] *Provincial Council* to treat about the *Union*, and *Reformation* of the *State* of the *Univerſal Church*. With the *Second Seſſion* of that *Parliament*, no Convention of any Kind met. Five days before the Other *Parliament* roſe, the King ſeeing the Archbiſhop of *York* held no *Council*, as the Other Did, took his uſual Way of iſſuing out a Writ to him for a *Convocation*. [2] He ordered it to meet before the Feaſt of *Epiphany* about ſeven Weeks after the *Parliament* was *Diſſolved*. Accordingly the Archbiſhop Summon'd it to Aſſemble on the 15*th* of *January*: But the *Clergy* of *York*, as they had done the Year before, ſo now again, they gave but *One Tenth*, to our *Two*; and thereby ſhew'd how little they underſtood of Dr. *A*'s. *By Point*, namely that they were Oblig'd to *Do* as the *Province* of *Canterbury* had *done before them*.

[1] Reg. Langley. Dunelm. fol. 81 a.

[2] Reg. Bowet. fol. 319.

But it may be the next Year may prove more Favourable to the *New-Hypotheſis*: Let us Enquire therefore how theſe Matters paſs'd in it. By [3] Writs dated the 5*th* of *October* the *Parliament* was Summon'd to meet at *London November* the 16th. On the 14*th* of *December*, the famous Judgment was, at the requeſt of the Commons, given againſt Sir *John Oldcaſtle*, Lord *Cobham*, for Treaſon and Hereſy: and his Puniſhment ſo contrived as to anſwer both; by Hanging, and Burning of him Hanging. The *Archbiſhop* of *Canterbury* and his *Clergy* had begun this Cauſe in their *Synod*, three Years before: Ever ſince which time they had been purſuing of him, till at laſt they accompliſh'd their Purpoſes againſt him. The whole Proceſs both Civil and Eccleſiaſtical is Entred upon [4] Record in the Rolls of this Parliament, and thither I refer thoſe who deſire to know the Particulars of it.

Sect. 23. 1417.

[3] Dug. Summonit. Par. pag. 401.

[4] Rot. Parl. 5 Hen. v. Num. 11. &c.

[5] Another Cauſe was moved in the ſame *Parliament* in behalf of ſuch *Abbots* and *Priors* as were aſſign'd by their *Biſhops* to be *Collectors* of the *Tenths*, and other *Subſidies*, granted by the Clergy to the King. They complained that oftentimes ſuch Perſons were appointed to this Office as lived out of the *Dioceſs*, at a Great diſtance from the Places in which they were to *Act*. That by this Means they were neither ſo well able to *Aſſeſs* or Collect the *King's Mony*, for want of Knowledge and Intereſt in the *Clergy*, as others; and by this, and the Accidents of being robb'd many times of what they had Gather'd, both themſelves and their Houſes were impoveriſh'd. They therefore pray'd, that none ſhould from thenceforth be made *Collectors* of any *Tenth* out of the *Archdeaconry* in which they lived; that the ſame Perſons might not be always burden'd with that Office, but the *Clergy* to take it in their turns; and that for the better Execution of it, beſides their *Spiritual Power*, they might have *Writs* out of the *Exchequer* to Enforce the Payment of what was laid upon Every one to pay. But the Anſwer was only, that the *Prelates* ſhould make ſuch *Collectors* as they would Anſwer for; and ſo all theſe Matters remain'd as they had been before.

[5] Ib. num. 23.

The *Parliament* being thus ſummon'd as I before obſerved, [6] The *Archbiſhop* of *Canterbary* as he had now done for ſeveral Years before, took the Opportunity at the ſame time to hold a *Provincial Council* of the *Prelates* and *Clergy* under his Juriſdiction. That this was held upon a *Canonical Account*, not as a *State Attending Convocation*, the *Archbiſhop's Mandate* plainly ſhews, It takes Notice of the Orders eſtabliſhed by the Antient Fathers, for the holding of ſuch *Councils* every Year: That in *purſuance* of *this Rule*, and for the *Benefit* of the *Church*; and the *Illumination* of the *two Univerſities* of *Oxford* and *Cambridge*, He had determined, at this time, to hold his *Synod*. And accordingly being met, on theſe Matters they did deliberate: They paſs'd a *Provincial Statute* for the *Scholars* of the Univerſities; And laſtly, renewed again their *Two Tenths* to the *King*; and ſo were Diſſolved.

[6] Reg. *Chichley* fol. 10, 11, 12, 13. Vid. Mandat. in Append. ad Ann. 1418.

Towards the End of this *Parliament* and *Synod*, the King, according to his former Practice, [7] by Writ commanded the Archbiſhop of *York* to Aſſemble the *Convocation* of his Province upon the *Octaves* of *Hilary* next following. [8] The Archbiſhop aſſigned the 20*th* of *January* to the meeting of it; where being come together, they kept to their old Cuſtom, and Granted but *One Tenth* inſtead of our *Two*.

[7] Rot. Clauſ. 5 Hen. v. m. 8. dorſ.

[8] Reg. *Bowet.* fol. 323.

The next Year I meet with neither *Parliament*, nor *Synod*: *Anno*. 1419. By *Writs* dated [9] *Auguſt* the 24*th*, a *Parliament* was called to ſit at *Weſtminſter* upon *Munday* the 16*th* of *October*. It continued to ſit till about the middle of *November*: [10] the Subſidy, which was commonly one of the laſt things done, being Granted *November* the 13*th*, as appears by the Roll of that Parliament.

Sect. 24. 1419.

[9] Dugd. Summonit. Par. pag. 402.

[10] Rot. Par. 7 H. v. num. 8.

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By [1] another Writ directed to the *Archbiſhop* of *Canterbury*, *Auguſt* the 30th. He was required to Summon the *Convocation* of his *Province* to meet *October* the 30*th*, (about the middle of the *Seſſion* of *Parliament*) and he accordingly obey'd the King in it. This meeting was at once both a *Convocation* and a *Council*: A *Convocation* by the *King's Summons* expreſly inſerted into the *Archbiſhop's Mandate*; A *Council* by the *Archbiſhop's Authority*, who when they met, [2] propoſed theſe three things to be done by them; Namely to conſider, of a *Supply* for the *King*; Of the *Subſidy* Granted to thoſe who went to the *Council* of *Conſtance*, but not yet paid; "*Et pro defectibus in Clero Regnantibus, autoritate illius*" Provincialis Concilii *Reformandis.*

[1] Rot. Clauſ. 7 Hen. v. m. 10. dorſ. *Quia Sicut Clarè Scitis ad Subeund. & ſupportand. Sumptuoſa & Immenſa Onera quæ nos pro Defenſione ac Salvatione Regni noſtri, ac Eccleſiæ Sanctæ præſentibus Guerris inter nos & Adverſarium noſtrum Franc. durantibus facere Oportebit de Bonis noſtris abſq; Fidelium Ligeorum noſtrorum adminiculo non Sufficimus nec Valemus, Vobis*, &c. *more ſolito Convocari fac. & ipſos in hâc parte ex Cauſâ Prædictâ ad Subſidium in hoc Caſu competens, & Neceſſarium, in Supportationem dictorum onerum Nobis concedend. eo ſpecialius & efficacius quo magis Sciveritis aut poteritis Sollicitè inducatis*, &c.

[2] Regiſt. *Chichley* fol. 17, 18.

Several of their Late Meetings the *Prelates* and *Clergy* ſeem to have paſs'd without ever Dividing themſelves at all: But here the Archbiſhop Order'd the *Deans*, *Archdeacons* and *Proctors* of the *Clergy* to withdraw by themſelves, and to debate of theſe Matters, the *Archbiſhop* and *Biſhops*, with the *Regular Abbots* and *Priors* remaining in the *Chapter Houſe* and treating by themſelves. [3] On the 21*ſt* of *November* the laſt day of the Aſſembly; the Prelates and Clergy by Mr. *William Lindewood Organum Procuratorum Cleri* (*ut* dicebantur) *Gerentem*; (for as yet there was no Eſtabliſh'd Choice of any ſuch Officer among them;) Granted the King *half a Tenth*, beſides the whole one which they had before given. Then a Conſtitution of Archbiſhop *Winchelſea* about *Stipendiary Chaplains*, was re-inforced by the Archbiſhop at the Requeſt of the *Clergy*; and ſo the *Synod* was Diſſolved.

[3] Reg. *Chichley* ib. fol. 20.

I do not in the leaſt doubt but that here Dr. *A.* will Plume himſelf, and tell us, that now at leaſt we muſt allow this *Convocation* to have been an *Attendant*, nay and a *Concurring Attendant*, upon this *Parliament*; That it was Called by the *King's Writ*; ſo that here can be nothing wanting to render it every Way ſuch as we ought to Expect. I do indeed allow that the King order'd this *Convocation* to Meet at the ſame time that the *Parliament* was Sitting: Nor is it any part of my Deſign while I am pleading for the Freedom of his *Prerogative*, and proving that he may Call the *Convocations* when he will; to deny him the Liberty of Aſſembling them during the *Seſſion* of *Parliament*, as well as at any Other time. The Queſtion is, whether the King Summon'd this *Convocation* for this Reaſon, becauſe he had Summon'd the *Parliament*, and was therefore, by the *Rule* of our *Conſtitution*, Obliged to *Summon* the *Convocations* at the ſame Time with it; and as a *Neceſſary Attendent* upon it? If Dr. *A.* ſhall affirm, as he muſt affirm this; Then will he be pleaſed to tell us, how Came the King not to Summon the *Convocation* of the *Other Province* as well as This? Has not One *Convocation* the ſame *Right*, or *Duty*, Call it which you will, to *Attend* upon the *Parliament* as the Other? And ought it not therefore to have been Equally *Summon'd*, had that been the reaſon why the Other was called? Yet we ſee the *Writ* for that was not iſſued out till after both the *Parliament*, and the *Convocation* of *Canterbury* were *Diſſolved*; and it met not in a long time after that.

Here therefore I would be glad that, upon his Principles, Dr. *A.* would give me ſome Satisfactory Account of this Procedure. In the mean time I will Offer him my ſenſe of it: It was highly for the Convenience of the *Biſhops*, and *Prelates*, and *Clergy* of our *Province*, to meet at once both in *Parliament*, and *Convocation*. They had done ſo for ſeveral Years paſt, by a meer *Eccleſiaſtical Summons*, and *Authority*. By this means as they Came together in this *Province* ſooner than they had done in the Other, ſo were the Terms of Payment of our *Subſidies* more early than theirs. For theſe Reaſons both our *Convocation* was required to ſit with the *Parliament* to renew their *Grants* which were ready to Expire: And the *Province* of *York* to be deferred whoſe *Grants* came later to be pay'd; and therefore were not ſo ſoon to be renew'd. It was therefore in all reſpects fitting that our *Convocation* ſhould ſit with the *Parliament*; theirs after their *Prelates* and *Clergy* were Return'd from it: whereas upon Dr. *A's* Principles they ought to have ſate both at the ſame time, and that *time* to have been the very *Seſſion* of the *Parliament*; if it were indeed an *Eſſential Law* of our

our *Conſtitution*, for the *Convocations*, as he pretends, to be *Attendants* upon our *Parliaments*. K. HENRY the Vth.

But to leave theſe Reflections, and proceed with our Hiſtory: [1] By his *Writ* dated *November* the 22*d*. The King Commanded the Archbiſhop of *York* to Aſſemble his *Convocation* within the *Octaves* of *Epiphany*: And (to obſerve that too by the way) this *Writ*, as well as the Other to the *Archbiſhop* of *Canterbury* before; declare their Meeting to be expreſly for their *Aid*. [2] The Archbiſhop held it *January* the 13*th*. They Granted a Tenth and Half; and ſo were Diſſolved on the 18*th* of the ſame Month.

[1] Rot. Claus. 7 Hen. v. m. 5. dorſ. Vid. *Append.* ad Ann. 1419.

[2] Reg. *Bowet.* fol. 319, 323, 329. Sect. 25. 1420.

The laſt Year *One Convocation* met at the ſame time that the *Parliament* was ſitting; and that might paſs for ſome little Proof, (tho' but a little one,) in favour of Dr. *A*'s. Pretences. This Year we find not ſo much as *One* to give Countenance to them. The *Parliament* met [3] *December* the 2*d*. The Clergy were *Summon'd* to it; And thoſe *Summons* were Executed both by the *Biſhops* and them; but of any *Convocation* called, or held this whole Year, I have not met with any Notice. But the Reaſon was plain, and I ſhall give it in the Words of one of our antient Hiſtorians yet unpubliſh'd: [4] "In this *Parliament* "the Archbiſhop declared in the *King's Name*, to the Great Joy of the whole "People, that he would not have either the *Laity*, or *Clergy*, to be tax'd to "any Tenth or Fifteenth; ſo having no need of the *Convocation Aid*, neither "did he think fit to put them to the Trouble and Charge of an unneceſſary Aſſembling. For let Dr. *A.* pretend what he will; this was the *Cauſe* for which our King called our *Convocations*; Not to pay *Attendance* on their *Parliaments*; a Dream of his Own, never mentioned in any of the *King's Writs*, or *Archbiſhop's Summons*; and contradicted by the Practice of almoſt every Year:) but to Miniſter to the *Publick Needs*; for the *Defence* of the *Realm* of which they were Members, and in the ſafety of which they had as near a Concern, as the Laity.

[3] Dug. Summonit. Parl. Pag. 404.

[4] Chron. S. Alban. ad Ann. 1421.

The Year following the *Parliament* met betimes upon [5] *May* the 2*d*, and ſate till about the end of the Month. In this Parliament among other things, great Complaints were made againſt the [6] diſorders of the *Scholars* in the *Univerſity* of *Oxford*; for which I ſhall refer the Reader to the *Roll* its ſelf; and haſten to another Occurrence in which our Argument is more nearly concern'd. 1421.

[5] Rot. Parl. 9 Hen. v. n. 16. Walſingh. pag. 404.

[6] Rot. ib. num. 14.

I before obſerved how the *Commons* had petitioned in *Parliament* in Favour of the *Abbots* and *Priors*, who were made *Collectors* of the *Tenths* Granted to the King in *Convocation*, in places far diſtant from them; to the great Damage, as well as Trouble, of Themſelves, and to the detriment of their Houſes. [7] In this Parliament all the *Abbots* and *Priors* of *England* (ſo the *Record* ſpeaks) renewed their Petition to the *Commons*; and they again preſented it to the *King*, and his *Lords*. The Effect of it now was ſuch as they deſired; an Order was made that no *Abbot* or *Prior* ſhould hereafter be appointed by any *Archbiſhop* or *Biſhop*, Collector of any *Tenths* or *Subſidies* out of the Country where he lived; And this Order to continue in Force till the next *Parliament* after the return of the *King* into *England*.

[7] Rot. Parl. 9 Hen. v. num. 15.

But there is another Memorable Paſſage relating to this *Parliament* which muſt not be forgotten, Dr. *A.* (who ſeldom contents himſelf with one Mention of his Inſtances) twice directly Alledges it for the ſame End: and that ſo evidently contrary to the *Plain Intention* of the *Record*, as well as to the true *Parliamentary Intereſt* of the *Lower Clergy*, that I cannot but think it neceſſary to give a very particular Account of it. [8] King *Henry* the V*th* having concluded a Peace with the *King* of *France*, it was therein among other things agreed, "*Quod* "*dicta pax*— That the ſaid Peace ſhould not only be ſworn to by the two Kings, "but be Ratified by the *Three Eſtates* of each *Realm*. The King of *France* ac"cordingly both *Sware* to it himſelf; and cauſed it upon the 6*th* of *December* "laſt paſt, to be approved by the *Three Eſtates* of his *Realm*; viz. The *Pre*"*lates* and *Clergy*; the *Lords* and *Nobles*; the *Citizens* and *Burgeſſes*. Our King "therefore being deſirous, for his part that the ſaid *Peace*, and all and Singu"lar the things therein contained, ſhould be *Sworn* to, and *Confirm'd* in like man"ner, by Himſelf & *Tres ſtatus Regni ſui*; firſt *Sware* to it himſelf: and then "made the ſaid *Three Eſtates*, namely, the *Prelates* and *Clergy*, the *Nobles* and "*Great Men*, and *Commons* of his ſaid *Realm* to be Aſſembled, according to the "Manner, and Cuſtom of it, to his *Palace* at *Weſtminſter*, *London* the 2*d* Day of

[8] Rot. Parl. 9 Hen. v. n. 18. Vid. *Append.* ad Ann. 1421.

K. HENRY the Vth. "*May*, in the ninth Year of his Reign, for the greater Firmneſs and Strength "of the Peace aforeſaid, and for other Cauſes which concern'd his *Royal State* "and the Profit of his ſaid Realm. Before theſe *States* the King by the Biſhop "of *Durham* his *Chancellor*, cauſed the tenour of the ſaid *Peace*, and all and ſin- "gular the *Articles* of the ſame, to be fully Expounded and Declared. He com- "manded, by his ſaid Chancellor, that the ſaid Three Eſtates ſhould inſpect, "and conſider the Tenour of the ſaid Peace: All which being duly and ma- "turely done, the ſame *Three Eſtates* Conſidering and Accounting the ſaid *Peace*, "to be Laudable, Neceſſary, and Profitable to both Kingdoms, and the Sub- "jects of the ſame, they as the *Three Eſtates* of the ſaid *Realm*, Approved, *&c.* "of it.

This is the Subſtance, and almoſt the very Words of the *Record*; which for the greater ſurety of my Report, as well as for a ſtanding Proof of the *Parliamentary Rights* of the *Lower Clergy*, I have inſerted at large into my *Appendix*. The Queſtion now between Dr. *A.* and Me is, Who this *Clergy*, and theſe *Prelates* were, who then made up the *Eccleſiaſtical Eſtate of the Realm* in *Parliament*, and joyn'd in the *Confirmation* of this Peace? He Affirms them to have been the *Convocation*; I the *Prelates* and *Clergy* of the *Realm*, Summon'd by the *King's Writs* to *Parliament*. Let us take it in his own Words, *p.* 62. [1] "And if I ſhould be- "yond all this affirm that the *Convocation Attended* the *Parliament* as One of the "*Three States of the Realm*, I ſhould ſay no more then the *Rolls* have in *Expreſs* "*Terms* ſaid before me; where the King is mentioned as calling *Tres ſtatus Regni* "*ad Palatium ſuum* Weſtm. *viz. Prelatos & Clerum, Nobiles & Magnates, nec non* "*Communitates*, Rot. Parl. 9 *Henry* 5. N. 15. And again, *p.* 349. [2] He alledges the ſame Inſtance to prove that their Conſent (the Conſent of the [3] *Convocation*, p. 332.) in *Parliament* "has alſo by way of Condeſcention been ſometimes "ask'd, and admitted, even in Matters where they were not particularly inte- "reſted. So eaſily do Men give up the *true Rights* of the *Clergy*, whilſt they aim at Unwarrantable and Unpreſidented Powers, in a Capacity in which they were never intituled to them!

[1] Rights, &c. pag. 62.

[2] Ib. pag. 349.

[3] So he expreſly States it, *p.* 332. "Three "ſorts of (*paſſages*) there "are that deſerve to be "taken Notice "of. *Firſt*, Such as Repreſent the *Convocation* to be a Meeting Coincident with the Parliament. *Secondly*, Such "as ſpeak of the *Convocation Clergy* as *of* the *Parliament*, and *in* it. And *Thirdly*, Such as declare the Particular "*Intents* and *Purpoſes*, for which the *Convocation Clergy* were, and were Eſteemed to be, of the Parliament. Under "this laſt Head he inſtances in the Preſent Caſe.

Shall I need after the Account I have of this Matter to ſhew, that the *Eſtates* of *Parliament*, here ſpoken of, were the *Prelates* and *Clergy* of *Parliament*, the *Lords* and *Commons*; not the *Lords Commons* and *Convocation?* Let me then obſerve,

1. That it appears from the Words of this *Record*, that the *Three Eſtates* here ſpoken of were thoſe whom the King had made to be Aſſembled at his *Palace* at *Weſtminſter May* the 2*d*, in the *Ninth Year* of his Reign; This the Words of the *Roll* Expreſly affirm: Let me therefore freely ask of Dr. *A.* Did the King Aſſemble the *Convocation*, this Year, at that time to his *Palace* at *Weſtminſter?* Nay, Or did ever any King of *England*, ſince *Edward* the 2*d*'s time, do it? But we will Allow for the Place; and only inſiſt upon the *Time*: Did the King Summon the *Convocations* to *London* and *York*, with this *Parliament* on the 2*d* of *May?* Dr. *A.* knows that he did not? Nay, Let me ask yet once more; Did the King at all *Aſſemble* the *Clergy* of either *Province*, while the *Parliament* was *Sitting?* Or thoſe of Our *Province* at any Other Time during this whole Year? I Affirm now what I will by and by clearly prove, that he did not. If therefore the *Prelates* and *Clergy* which made up the *Eccleſiaſtical State* in this Caſe were thoſe whom the King, according to the *Manner*, and *Cuſtom* of his *Realm*, Aſſembled at his *Palace* of *Weſtminſter*, *May* the 2*d*; 'tis a *Demonſtration* as clear as the light its ſelf, that they muſt have been the *Parliamentary*, not the *Convocation Prelates* and *Clergy*, as he againſt all manner of Reaſon pretends that they were.

But becauſe tho' the King call'd no *Convocation* of either Province with this Parliament, yet the Archbiſhop of *Canterbury* Aſſembled his *Provincial Council* at St. *Pauls London May* the 5*th*; leſt Dr. *A* ſhould ſeek to ſhelter himſelf there, and tell us (for he may tell us that or any thing elſe that he pleaſes, as well as what he has told us) that the *Prelates*, and *Clergy* in that *Council* Aſſembled, was *One* of the *States* of *Parliament*; let me obſerve farther.

2*dly*.

2dly. That these *Prelates*, and *Clergy*, were the *Prelates* and *Clergy* of the *Realm*; not those of the *Province* of *Canterbury*. Now in the *Other Province* neither *Council*, nor *Convocation* was held till Four Months after this *Parliament* was Risen: Either therefore Dr. *A.* must say that the *Prelates* and *Clergy* of the *Province* of *Canterbury*, are the *Prelates* and *Clergy* of the *Realm*; or he must confess that those were not the *Prelates* and *Clergy* who Ratified this League; and are accounted in the *Rolls* of *Parliament*, as One of the *Three Estates* of the *Realm* in that *Great Council*. K HENRY the Vth.

Yet farther; The Acts of the *Provincial Council* which met at *London May* the 5th, are very fully preserved in the *Archbishop's Register*. Among other things there noted, One is a Draught of Petitions which was made containing the *Grievances* of the *Clergy*: These were presented to the King in this *Parliament*. Is it to be imagined, that if such a Notable thing as this had happened; that the King had sent for the *Convocation* down to *Westminster*; and had there joyn'd them with the *Lords* and *Commons* as one of the *Estates* of the *Realm* in *Parliament*, to *Deliberate* of, and *Confirm* such a *Treaty* of *Peace*, we should not have seen this *Enrolled* in the *Acts* of this *Convocation*, as well as in those of this Parliament? Would no care have been taken about a matter of such Consequence? Not so much as a *Memorandum* taken of it.

But I abuse my Own, and the *Readers* time, to Confute such Pretences as carry not so much as a Shadow of Probability; nor are supported with any Proof, Besides that of a Confident Allegation. And yet I must go on to more of the same Kind. [1] Among other Arguments to prove the *Convocation Clergy*, to be *of* the *Parliament*, and to *act* in it; One is this, that *Walsingham*, "where he gives an "Account of any *Grant*, or *Act* of the *Clergy* in *Convocation* usually (speaks "thus) *Clerus in Eodem Parliament concessit*, or *statuit*. Of which (says he) take one very remarkable Instance, *Anno* 1421. The Parliament began and happily ended within a Month: For besides a *Tenth* Granted by the *Clergy*, and a *Fifteenth* by the *Laity*, many Other things were reformed according to the King's Pleasure in the *Clergy* and *People*. And Especially in the Order of the *black Monks*, who were by the King's Edict Assembled *there* in great Numbers. For there were *Sixty Abbots* and *Conventual Priors*, and Three Hundred and more *Monks*, *Doctors* and *Proctors*. — This *Walsingham*, Dr. *A*s. Reflection follows: "It is the *Convocation Clergy* and the *Convocation Business*, that the Historian all "along speaks of: And yet he speaks of the First we see as being *of*; and of the "Second as *done* in Parliament.

[1] Rights, &c. pag. 342.

How little Dependance is to be made on the Expressions of the most Exact Historians in these Matters, I have elsewhere already observed: and will now add one other Instance from *Walsingham* himself, whom Dr. *A.* so justly commends, *Anno* 1414. About *Michaelmas*, saye he, the King called the *Lords* and *Prelates* to *Parliament* at *London*. "*Quo quidem tempore*, at which time the Archbishop held there a *Great Council*. Yet this very Year the *Parliament* met not till the *Octaves* of St. *Martins*, *November* the 18th. And the *Archbishop's Council* was *Dissolved* a Month before. But we will Examine Dr. *A*s. Allegations.

I have already observed that the Clergy of the *Other Province* were not yet Assembled, nor did they meet till about Four Months after. We cannot suppose but that *Walsingham* must needs have known this: and therefore Allowing him to have understood these Matters so rarely well as Dr. *A.* says, and I willingly own that he did; 'tis plain we must make some Allowances for his Expression; or else put this odd Notion upon him, that the *Provincial Clergy* of *Canterbury* alone, without those of *York*, are the *Parliament Clergy*; a Notion too wild for any Man in his right Senses to entertain. Sect. 26.

2dly. As for the Other part of his *History* which concerns the *Black Monks*; will Dr. *A.* give me leave to ask him; were they Called to *Parliament?* Or, Did they appear in any respect there? No, nor yet in *Convocation* neither. They met in a *General Chapter*, within the *Abby* of *Westminster*; a *Monastery* of their Own Order: and thither the King went, with Four Persons with him, and there he transacted what was done in that Matter.

Does Dr. *A.* desire a Proof of this? I will give him such a One as he shall not be able to except against. It appears from the [2] *Summons* to *Parliament* that the King Assembled that *Great Council* by *Writs* under the *Great Seal*, dated at *Westminster February* the 26th. He called the Parliamentary *Prelates* to meet at his

[2] Dug Summon. Parl. pag 405.

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his Palace at *Weſtminſter*, *May* the 2*d*. there to treat with the *Biſhops*, *Lords*, and *Commons*, about the *Affairs* of the *Realm*. [1] By other Letters dated a Month after, *March* the 25*th*, and under another *Seal*, the *Signet* of the *Eagle*; he Summon'd all the *Abbots* and *Priors*, with the *Doctors*, &c. of the Order of the *Black Monks* to Aſſemble within the *Abby* of *Weſtminſter*; [2] *May* the 5*th*. By the former of theſe the *Abbot* of *Eveſham* (for Example) was required to come himſelf to *Parliament May* the 2*d*. there to treat with the *Prelates*, and *Great Men* of the Realm. By the latter he was Order'd, not only to come himſelf, but to bring a certain number of his *Monks* with him; And this to the *Chapter Houſe* of *Weſtminſter Abby*; not to *treat* of the *Affairs* of the *Realm*, but for certain Affairs touching the *Order* which he was of; there to be tranſacted in a *General Chapter* of that *Order* alone. Now this being the Caſe, What can it be but a wilful Blindneſs, a Reſolution not to ſee nor Embrace the Truth, for any One in ſo clear a Light, to wreſt an Expreſſion of an Author to a ſenſe which He (who was of this *Order*, and poſſibly preſent at this very meeting) could never have intended: and in deſpight not only of the Account which even *Walſingham* himſelf gives of this Meeting in the very Place to which he refers, but of the Nature of our *Conſtitution* too; making all kind of *Aſſemblies*, *Councils*, *Convocations*, *Chapters*, that do but chance to meet while the *Parliament* is ſitting, a *part* of that *Great Council* of the *Realm*.

[1] Appendix ad Ann. 1421.

[2] Maii 7. Hiſt. Croyfind. Continuat. p. 515.

To go on therefore from the *Parliament*, to the *Aſſemblies* of the *Clergy* which either met with it, or follow'd after it. On [3] the *Munday*, *May* the 5*th* the Archbiſhop of *Canterbury* held his *Provincial Council*. I call it ſo with aſſurance; it being neither *Summon'd* by any *Authority* of the *King's Writ*, and the [4] *Archbiſhop's Mandate*, plainly declaring that it was to be a *Church Synod*, not a *State Convention*. The Buſineſs done in it ſpeaks the ſame thing: The great Occaſion of its meeting being to provide for the better Encouragement of the *Univerſities*; to make ſome Orders about the *Stipends* of *Chaplains*; and the like. In this *Aſſembly* they granted the King a *Tenth*, and at the ſame time preſented their *Grievances*, and required a *Redreſs* of them.

[3] Reg. *Chichley* fol. 23. b.

[4] Vid. Append. ad Ann. 1421.

The Archbiſhop of *Canterbury* having thus opportunely called his *Synod* (perhaps for this, among other Reaſons, that he might do it intirely by his Own Authority without being Obliged to it by the *King's Writ*) and the *Clergy* agreeing to a *Tenth* there, there was no need for the King to Order any Meeting of it. But the Archbiſhop of *York* was yet behind with his *Province*: The King therefore, as he had often before done, about *Two Months* after the *Parliament* was *Diſſolved*, and the Other *Convocation Riſen*, [5] iſſued out his *Writ* for the Aſſembling of it. The *Reaſon* alledged was for *Aid*; the Great ſtanding *State Reaſon*, for which our Kings all along either deſired or ordered theſe *Conventions* to be held. The King appointed the Morrow after St. *Matthew September* the 22*d*. The [6] Archbiſhop agreed to the ſame time. And the Clergy meeting thereupon, Granted a * *Tenth* to the King, as the Province of *Canterbury* before had done.

[5] Rot. Claus. 9 Hen. v. m. 15. dorſ.

[6] Reg. *Bowet*. fol. 335.

* Reg. Dec. & Cap. Ebor. ſed. Vac. fol. 339.

The *Archbiſhop* being thus forced to Call his *Clergy* to *Convocation* by the *King's Writ*, Summon'd them, at the ſame time, to [7] a *Church Synod*, by his Own *Metropolitical Authority*. This latter Aſſembly was adjourned to *January* the 14*th*; and [8] as the *Procuratorial Letters* of the Biſhop of *Durham* ſhew, was held for the ſame Ends for which that of *Canterbury* had met before, namely for the Encouragement of the *Graduated Clergy* of the Two Univerſities. For this they alſo made ſome *Provincial Conſtitutions*, which were ordered to be Publiſh'd the 22*d* of the ſame Month.

[7] Reg. *Bowet*. ib. fol. 336, 337. Et Reg. *Langley* Dunelm fol. 109. a.

[8] Procurat. Epiſc. Dunelm. Dat. Jan. 4. — "*Ad tractand. cum Præſidentibus & Prælatis, & Aliis quibuſcunq; ibidem Vocatis, & Comparent.* "*de & ſuper Bono Statu & felici Regimine Sanctæ Matris Eccleſiæ, Domini noſtri Regis & Regni, & aliis Articulis* "*Quibuſlibet, qui ibidem Proponi, Examinari, & Tractari vel Concludi contigerit; & præſertim, de modo & formâ* "*promovendi & beneficiandi Clericos Graduatos in Univerſitat.* Oxon *&* Cantab. *prout in Convocatione Cltri* Cantu- "ariens. *nuper extitit Ordinatum*, &c.

Between the Meeting of this *State Convocation*, and *Eccleſiaſtical Council*; The King held another [9] *Parliament*, on *Munday* the 1*ſt* of *December*. With this no Aſſembly of the Clergy, of any Kind, was Convened in either *Province*. They had granted their *Subſidy*, the One in *May*, the Other in *September*, before; And there being no Expectation of any farther *Supply* from them, the King knew no Other Obligation he had to Call them, and therefore did not require their Convening

[9] Dugd. Summonit. Parl. pag. 406.

at

at all. Would Dr. *A.* know whether I ſpeak this by Conjecture only, or upon any Good Authority; I will Anſwer him in the Words of his Own juſtly applauded Hiſtorian; *Walſingham*, who thus tells the Story: "*December* the 1ſt "the King Aſſembled his *Parliament*, at [1] *Weſtminſter*; in which a 15*th* was "granted to him by the Laity: But the *Clergy* gave nothing that time, becauſe "the *Tenth* Granted by them in the laſt *Parliament*, upon that Condition, was "not yet fully paid.

[1] Walſingham pag. 406.

We are now come to the End of the Short, but Noble Reign, of that Victorious Prince King *Henry* the V*th*. Before we go on to the long, weak Government of his Son, King *Henry* the VI*th*, let us ſtop a little, and make ſome Reflections on the State of the Aſſemblies of our *Church* and *Clergy*, ſince the beginning of this latter part of our preſent Period; for the better clearing of the Points in Debate. Sect. 27.

And, 1. We may obſerve how the *Papal Schiſm* in the Church of *Rome* abroad, and the Prevalence of the *new Sect* of *Lollards* at home: which continued throughout this whole time, gave Occaſion to a much more frequent holding of *Church Synods*, eſpecially in the *Province* of *Canterbury*, than is any where again to be met with throughout our whole Hiſtory. Now theſe *Synods* our Archbiſhops *Arundel* and *Chichley* found expedient upon many Accounts to Aſſemble in time of *Parliament*, rather than at any Other. To paſs by the Obvious Convenience of it to the *Prelates* and *Clergy* of the *Province*, the Greater part of them being Summoned to the One, might thereby, with the ſame trouble and expence, meet together in the Other. To ſay nothing of another Inducement which might probably weigh with thoſe Great *Prelates*: that hereby they avoided the Obligation of Calling their *Clergy*, by a *Lay Writ*, and Summon'd them purely by their own *Eccleſiaſtical Authority*: For being met in *Council* for *Church Affairs*, the King took the Opportunity of demanding a *Supply* of them there; to which the *Clergy* agreeing, they were not called together in *Convocation*, as thoſe of *York* were, and as themſelves wou'd otherwiſe have been. Two Other Reaſons they had to prefer the time to any other: Firſt, That by this means they were ready at hand to defend themſelves againſt the Complaints and Attempts which were now frequently made againſt them by the *Commons* in *Parliament*; many of whom, and thoſe of Great Note, being (as *Arundel* once told them, of Sir *Jo. Cheney* the *Speaker*) infected with *Lollardy*, and thereby *Enemies* to the Clergy, took all Occaſions to Inveigh againſt their Lands, and Priviledges; and to do them what Injury they could in both. And, Secondly, Had the better Opportunity of getting *Laws* made, and Proceſſes Iſſued out againſt *Hereticks*, by their Preſence, and Grants, (never more liberal then in thoſe times:) A Uſe which they more than once made of ſuch their ſeaſonable Concurrence in time of *Seſſion*, with the *Parliament*. However it were; this is certain that thoſe Wiſe and Great *Prelates* did frequently Aſſemble their *Provincial Synods* about the time of the *Parliament*: and in their *Eccleſiaſtical*, not their *State Capacity*, met Concurrently in *Council*, tho' not in *Convocation*, with it.

2. But this the *Clergy* of the Other *Province* found it not for their Convenience to do: And therefore according to the new Doctrine of *Attendance*, they at leaſt, ought to have been Summon'd, by the *King's Writ* to meet at the ſame time, and becauſe they were not then *Summon'd*, we may conclude that this Obligation was not then underſtood, as we are ſure the thing it ſelf was not then practiſed. The uſual Method which was taken with Relation to that *Province* was this: About the *End* of the *Parliament*; when both the *Laity* of the *Realm*, and the *Clergy* of our *Province*, had either Granted, or at leaſt had reſolved upon their *Subſidy* to the *King*, to iſſue out a Royal Writ to the *Archbiſhop* of *York* to Aſſemble his *Clergy*, (a Month, Two, or Three after the *Doſſolution* of the *Parliament*) in Convocation, expreſly for *Aid*. And this, I think, intirely beſpeaks the Truth of this Matter; That they were Aſſembled not as a Dependent upon the Parliament, which was always before *Riſen*, and for the moſt part *Diſſolved*; but in order to the Giving of Mony to the King. Thoſe of the *Other Province* did it in their Own *Provincial Councils*, and therefore the King as he had no need, ſo neither did he *Summon* them at all. Thoſe of *York* met not of their Own Accord, whereby to give him the ſame Opportunity of demanding in like manner an Aid of them, and therefore he was forced to *Aſſemble* them, by his *own Writs*, in order thereunto.

3. Now

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3. Now this Procedure of our two *Archbiſhops*; gave the firſt great Countenance to the Aſſembling of the *Dioceſan Clergy* in our *Provincial Synods*; to which tho' they had been often *Invited before*; yet we do not often meet them directly, or conſtantly *Summon'd* as now they were. But the *Archbiſhops* knew that being met for other Ends, they would not fail to have *Mony* demanded of them; And this being not to be Granted without the Concurrence of the *Dioceſan Clergy*; they were Obliged to require *their Preſence*, as well as that of the other *inferior Clergy*; and accordingly they Summon'd not only the *Proctors* of the *Clergy*, but oftentimes many others with them, for their own *Uſe*, tho' not for the State *Purpoſes*.

Hence it is that we meet with ſuch Calls of the *Lower Clergy* in the *Synods* of of theſe Two *Archbiſhops*, as are hardly to be found in the Times of any Others that went before them. They ſummon'd more then were commonly wont to be mentioned in Other times; And they required them peremptorily to come, and did not bearly premoniſh, or invite them, if they thought fit to be there.

Sect. 28. Having premiſed theſe Remarks, as peculiar to theſe Two Reigns, I come now to thoſe General Obſervations which relate directly to the Cauſe in Hand. What Dr. *A.* Confeſſes, of a greater Latitude now beginning to be introduced in the Aſſembling of the *Parliament* and *Convocation*, as I do not perhaps throughly underſtand, ſo neither ſhall I make any Advantage of it. The Matter of *Fact* is plainly this; (let him reconcile it with his Pretentions if he can:) That in the Parliaments of theſe Two and Twenty Years; [1] Two only there were that had the *Two Convocations* Aſſembled within any part of their *Seſſion*; and againſt thoſe there lie ſuch viſible Exceptions, as might eaſily be ſhewn to render them very little to his Purpoſe. [2] Four Other *Parliaments* there met in this Space, with One *Convocation* ſitting within ſome part of the ſame time with them. [3] With Six or Seven Others; the Archbiſhop of *Canterbury* held his *Provincial Synod*: and had he held it with every one, I know not what Dr. *A*'s. cauſe would have been the better for it: For I ſuppoſe he is not yet ſo fond of *Attendance* as to Affirm, either that the *Archbiſhops* were *Obliged* to *Call Provincial Synods* with every *Parliament*, or not permitted by our *Conſtitution*, to hold them any *Other time*.

[1] *Viz.* Ann. 1409, 1411.

[2] *Viz.* Ann. 1406, 1412, 1413, 1419.

[3] Vid. Ann. 1399, 1400, 1402, 1416, 1417, 1421.

Convocations, and *Synods*, frequently met out of Parliament time; and it would be in vain for me to account for the Number of them: That, which Dr. *A.* himſelf owns would be to the purpoſe could it be ſhewn; and which I ſhall therefore the rather recommend to his conſideration, is; that whereas in theſe Two and Twenty Years there were but *Two Parliaments* that had the *Two Convocations*, in his own Language, to *Attend* upon them; that *Great Council* met Ten ſeveral times without any Aſſembly of the *Clergy*, of any kind; in either *Province* Summon'd, and held, concurrently, nay or even with his Latitude, during ſo many ſeveral *Seſſions* of *Parliament*.

If therefore the *Sitting* of the *Parliament* ſometimes with *both Convocations* at the ſame time meeting together with it; ſometimes with *One* only; and oftner with *neither*: If the Meeting of the *Convocations* ſometimes both *together*; ſometimes *One* only without the *Other*; ſometimes *One* called in *time* of *Parliament*; the *Other after*, or before it; frequently *both* at ſuch times as no *Parliament* was Sitting; may ſuffice to argue the Independency of thoſe Great Bodies upon each Other, and the Freedom of the *King's Prerogative* in *Aſſembling* both at his pleaſure; this is what our Hiſtory from the time of King *Edward* the *Firſt*, hitherto, has ſpoken to us; and will Go on in like manner to demonſtrate.

But there are yet two or three other things which muſt not be forgotten; and of which we have here again a plain Evidence againſt Dr. *A*'s Pretences. * That the *Convocations* were Expreſly called by the King for *Aid*: * That the *Clergy* of *York*, were not obliged to *follow* the *Example* of thoſe of *Canterbury*; nor, in effect, did follow it. * That the *Lower Clergy* ſtill Continued not only to be *Summon'd* to *Parliament*; but to chooſe their *Proctors*; and to be Solemnly accounted a *Part* of it; however Dr. *A.* is pleaſed to Turn what makes for the proper *Parliamentary* Rights of the *Lower Clergy*, to his viſionary Dream of the *Lower Houſe* of *Convocation*. All theſe I thiuk have been ſufficiently Evinced in the Proſecution of this Hiſtory; and to that I refer my ſelf for the Proof of them.

Kin

King HENRY *the* VI*th*.

To proceed now with the Reign of this new Prince: Before his Father King *Henry* the *Fifth* died, the [1] *Archbiſhop* of *Canterbury* held a *Provincial Council* at *London*, on *Munday July* the 6*th*. The Occaſion of it was to conſider what they ſhould do with reſpect to the *General Council*, which the *Pope* had Summon'd to meet at *Pavia*; and to order a *Subſidy* for the *Clergy*, and *Ambaſſadors*, who were to be ſent thither. On the 17*th* of the ſame Month they Agreed on their *Subſidy*; namely, [2] Three pence in the Pound of all Goods and Benefices Eccleſiaſtical of the Province not Taxed, and Eightpence in the Pound of all Others, of Ten Pounds Value, or more, by the Year. The Reſt of the Buſineſs of this *Synod* was ſpent in the Tryal of *Heretick*s, which it does not concern our Argument to inſiſt upon.

Sect. 29. 1422.

[1] Reg. Chicheley. fol. 30, 31, 32, 33.

[2] Reg. Roffens. Lib. iii. f. 79. Conf. Duck. Vit. Chichley. pag. 29.

No ſooner was the News of the Young King's Death brought into *England*, but one of the Firſt things Concluded on in order to ſettle the *Eſtate* of the *Realm*, was to Call a *Parliament*, [3] which was accordingly appointed to meet upon *Munday* before the Feaſt of St. *Martin*, *November* the 9*th*. In this there was much to be done for the Peace and Government of the Kingdom at home, and to carry on the War in *France* abroad. [4] Yet in their Debates ſo much haſte was made that the *Parliament* roſe *December* the 18*th* following.

[3] Dugd. Summonit. Parl. pag. 408.

[4] Rot. Parl. 1 Hen. vi. num. 19.

Had thoſe who then managed Affairs known it to have been a *Law* of our *Conſtitution* to Aſſemble the *Convocations* as often as the *Parliament* met; And had the *Clergy*, then looked upon it to be their *Right*, nay and one of their *Greateſt Rights*, to *Attend* upon that *Council*; we cannot doubt but that here we ſhould have ſeen the Effect of it. At the beginning of their Reigns, Princes themſelves are eſpecially careful to obſerve with ſome niceneſs the *Rules* of the *Government* which they have taken upon them. Much more when *Subjects* were to enter upon an Adminiſtration for an *Infant King* yet in his Cradle; we may be confident they would have been moſt exact in the doing of this: And not have made ſo broad an Invaſion upon the *Engliſh Conſtitution*: nor have run the Hazard of diſobliging two ſuch Great Bodies, as the *Parliament* and *Clergy* of the *Realm*, at ſuch a Juncture; when ſo much depended upon pleaſing all parties to the uttermoſt. If therefore with this *Parliament* we meet with no *Concurrent Convocation*, but much more if no ſuch Aſſembly was called in either *Province* all that whole Year, 'tis a Demonſtration to me, that they knew of no ſuch *Right*, or *Law* of our *Government* as is now pretended; but rather thought they ſhould oblige the *Clergy* by not Aſſembling, nor, by conſequence, *Demanding* any *Supplies* of them.

In the Province of *Canterbury*, before the Kings Death, an *Eccleſiaſtical Synod* was held for the Affairs of the Church, and with particular reſpect to the *General Council* then Summon'd at *Pavia*. For the ſame Ends the [5] Archbiſhop of *York*, held his, immediately after it, *September* the 23*d*, in obedience to the *Canons*, which require ſuch Aſſemblies to be called every Year, as the *Archbiſhop's Mandate* expreſly tells us. Whether it was this *Synod* Continued, or another called I cannot tell, but on the [6] 18*th* of *November* they met again for the ſame purpoſe; About the *General Council*; both the *Cauſe* of their *Aſſembling*, and their *Buſineſs* being *Aſſembled*. Beſides theſe I meet with no *Conventions* of the *Clergy* this whole Year, in either *Province*; and Theſe are none of thoſe Meetings in which our diſpute is concerned.

[5] Reg. *Langley* Dunelm fol. 112.

[6] Reg. 3m Dec. & Capit. Dunelm. fol. 98. a.

As this firſt Year began, ſo the next went on: [7] The *Parliament* met *October* the 20*th*: It ſate till the [8] 17*th* of *December*: and was then adjourn'd to the *Morrow* after *Hilary* day. Then it Aſſembled a ſecond time, and ſate on till *February* the 18*th*. If Dr. *A.* cannot point out to us the *Convocations* which *Attended* theſe two *Seſſions*, I am perfectly at a loſs to do it; and ſhall be forced to conclude, that they were not *Attended* by any ſuch Meetings at all. But indeed the Archbiſhop of *Canterbury* was ſo taken up both theſe Years in his *Metropolitical Viſitation*, that we may be confident there was no *Synod* held by him; and if any *Convocation* called by the *King*, our *Records*, as well as *Regiſters*, are wholly ſilent.

Sect. 30. 1423.

[7] Dugd. Summonit. Parl. pag. 410.

[8] Rot. Parl. 2 Hen. vi. num. 13, 14.

K. HENRY *the VIth.*

1424.

The next Year, [1] by a Letter of Proxy granted by the *Prior* and *Chapter* of *Eli*, dated the 8*th* of *October*, A *Parliament* is said to have been Summon'd to meet at *Westminster* the *Morrow* after St. *Martin*, *November* the 20*th*. Of this *Parliament* both the *Clause Rolls* and *Rolls* of *Parliament* are intirely Silent: in none of our *Registers*, besides have I met with the least Intimation of it: And very strange it is that the Chnrch of *Eli*, none of the Remotest from *London*, should Grant its Procuratorial Letters five Weeks before the Session of *Parliament* was to begin; and that with this Character, in *Instanti Parliamento*, &c. Would the Form and other Circumstances of this Instrument permit it; I should think it rather to have been a Proxy for the Convocation which met at *London* four Days after, *October* the Twelfth: and of which I come to give an account.

[1] Reg. *Eli.* Episc. Norw. fol. 145.

By [2] *Writs* dated *July* the 10*th*, the King ordered the *Archbishops* to Assemble their Respective *Clergy* in *Convocation* within a Fortnight after *Michaelmas*. [3] The *Archbishop* of *Canterbury* appointed the 12*th* of *October* for his to meet upon. The Cause of it is thus truly and briefly delivered by an [4] Accurate Historian, to the End that the *Archbishop* might get Mony from them for the support of the *French War*.

[2] Rot. Claus. 2 Hen. vi. m. 5. dors.
[3] Reg. *Chichley* fol. 34.
[4] Duck. Vit. *Chichley* p. 31.

While the Lower Clergy were debating of this Matter; some Accused of *Heresy* were brought before the *Synod*, and made their Submission in it. The *Clergy* having debated upon the King's Demands, gave in their Answer by *William Lyndewood* Dr. of Laws, Official of the Court of *Canterbury*. The Sum was, [5] that they were Restrain'd in their Powers, and had not Authority from their *Chapters* and *Dioceses* to agree to any *Grant* of *Mony* at that time.

[5] Reg. *Chichley* ib. fol. 36. b.

Upon this they were [6] Prorogued by the Archbishop *November* the 4*th*, to *January* the 29*th*. The *Proctors* of the *Clergy* at the Command of the Archbishop withdrew from the *Chapter House* into the *Lower House*, where they had of old time been wont to treat *in talibus Conciliis*; upon such debates. In the mean time the Bishops and *Prelates* in the upper House agreed to a *Subsidy*, upon condition that the *Proctors* of the *Clergy* would also consent to it. They stood out a first, and a second Demand: And continuing firm in their denyal, the Assembly was on the 17*th* of *February* finally dissolved.

[6] Ib. fol. 38.

The Metropolitical See was now Vacant in the Church of *York*; so the [7] Kings *Writ* for that Province was directed to the *Guardian* of the *Spiritualities*. They met first upon the 6*th* of *October*; and then, by Prorogation, on the 1*st* of *December*: and probably began the Refusal, which our Province afterwards so stifly followed.

[7] Reg. Dec. & Cap. Ebor. Sede Vac. fol. 362.

Sect. 31.

1425.

By *Writs* dated *February* the 24*th* 1424, the [8] King called his *Parliament* to meet at *Westminster*, *April* the 30*th*, 1425. By a Mandate Issued out the 2*d* of *March* following, [9] the *Archbishop* of *Canterbury* Summon'd his *Provincial Council* to Assemble at St. *Paul's London* the Week before, *April* the 23*d*. A *Convocation* famous for this, if for nothing else, that in it we meet with the [10] first Account of the *Choice* of a *Prolocutor* who was here by Command from the Archbishop, Elected by them, and has the Title of such given him throughout the *Acts* of this *Synod*.

[8] Dugd. Summonit. Parl. pag. 411.
[9] Reg. *Chichl.* fol. 40. a.
[10] Vid. *Duck.* Vit. *Chichl.* pag. 32.

In the Letters Mandatory, for the Summoning of this Assembly, the *Archbishop* tells the *Clergy* that the most urgent Affairs of the *Realm* and *Church*, which were justly feared by some, compell'd him tho' unwilling to call them together: That for this he had taken the *Advice* and *Consent* of certain of his *Brethren*. But the main Reason which should have stood in the Front of all these kind of *Summons*, *viz.* that the King had ordered the *Parliament* to be *held* about the same time, and therefore by the *Rules* of our *Constitution* they were to be Summon'd of Course to *Attend* upon it; was still wanting; and not the least hint given, either in this, or any other the like Instrument, of any such thing. [11] The Church of *Eli* deputed their *Proxies* to both these *Assemblies*; First, By Letters Dated *April* the 11*th*, they Appointed five Persons to appear for them and in their Name, and in the Name of their *Church*, before the Venerable Father in Christ *Henry* Archbishop of *Canterbury* in the Church of St. *Pauls London*; to Treat, Consent and Determine, and Conclude of such things as should there by deliberate Council be Ordain'd, for the Defence, Reformation and Advantage of the Church of *England*. And then by others dated the 24*th* of the same Month, they Commission'd three, (two of Them the same they had

[11] Reg. Elienſ. pag. 145. b.

had before empower'd, and the Third one of the King's Juſtices) to Appear for them in the *Parliament* of our Lord, King *Henry* the VI*th*; with Power to Conſent to what ſhould happen to be Treated of and Ordain'd in the ſaid Parliament by our Lord the *King*, and his *Council*, and the other *Prelates*, *Great Men*, and *Lords*, of the *Realm*. How theſe two Meetings of the *Clergy* to which ſuch *different Perſons* were deputed, and by ſuch differnt, or rather contrary *Letters* of *Procuration*, could yet be but One and Same *Aſſembly*, As Dr. *A.* Affirms, I ſhall leave it to any Man of Senſe, be he never ſo much prejudiced in this Caſe, to Conſider. K. HENRY *the* VIth.

If any Meeting of the Clergy, be it *Synod*, or *Convocation*, ſo it be but an Aſſembly of the *Lower Clergy*, will ſerve Dr. *A*'s Turn; He has here a moſt exact, concurrent, *Attending Convocation*. It met a Week before the *Parliament* began, and it continued 'till *four Days* after it was riſen, and ſate almoſt three Months together with it.

But where was all this while the *Convocation* of the *Other Province*? We muſt, I think, reſolve with Dr. *A.* once for all, to cut them off from the Bleſſed Priviledge, and Right of *Attendance*. For indeed it is ſo ſeldom that they have met in any order, with our *Parliaments*, as they ought to have done; That if they muſt come in to make good the Hypotheſis, the Cauſe muſt fail; and both the *Doctrine* and *Right* of *Attendance* be given up.

But there was [1] Another *Parliament* aſſembled beſides this, this Year; at *Leiceſter*, *February* the 18*th*. It ſate 'till the very end of it, *March* the 20*th*. If Dr. *A.* will tell us what *Convocation* of either *Province*, was called or met with it, he will be very kind; for my part I have not yet been ſo fortunate as to diſcover Any.

[1] Dugd. Summonit. Parl. p. 412.

The *Parliament* having ſate to *March* the 20*th* the laſt Year, was from thence prorogued to [2] the *Munday* after St. *George*, the 29*th* of *April*, this. From thence it continued to the firſt of *June*, and ſo was diſſolved. In this *Parliament* a Grievous Complaint was made by the *Commons* againſt the *Clergy* for *Non-reſidence*; [3] "That for want of Inſtruction, the People were fallen into *Lollordy*, "and the *Sacraments* of *Holy Church* were not duly Adminiſtred unto them. "Many Perſons died, the Rights of *Holy Church* not received; and *Hoſpitality* "was not kept: They therefore petition'd, That if any Man of Holy *Church* "having a Cure of Souls, or of any *Divine Service* to be done to his *Benefice*, "ſhould be abſent from his *Benefice* by *ſix Weeks* continually, his *Benefice* from "which he was ſo abſent, ſhould be void. To this, Anſwer was made, That there was Proviſion ſufficient for this already; "and that the *Lords Spiritual* had "promiſed to do Execution, and call their Subjects to reſidence, except ſuch as "had cauſe reaſonable and lawful of Excuſation, and to puniſh the *Non-reſident* "lawfully for their Abſence.

Sect. 32. 1426.

[2] Rot. Parl. 4 *Henry* VI. num. 23. 24.

[3] Ibid. num. 31.

By a [4] *Mandate* iſſued out the day before the Prorogation of this *Parliament*, the Archbiſhop of *Canterbury*, ſummon'd his *Provincial Synod* to meet at *London* the 15 of *April* following. It was a proper *Church-Council*; and in the Order of *Summons* there is this particularly to be obſerved, That the *Archbiſhop* directed the *Chapters* of *Cathedral Churches* to ſend for their Proctor, a *Graduate* of their *Chapter*, or otherwiſe the moſt proper Perſon of it; the *Abbots* and *Priors*, if they came not themſelves, a *Graduate* of their *Covent*, if they had any; or elſe the moſt fitting Perſon whom they could chuſe: The *Dioceſan Clergy* two *Graduated Proctors* of the ſame *Dioceſs*; or otherwiſe, if they had none ſuch, two of the moſt able and ſufficient of thoſe who were *really reſident* upon their *Benefices*. Such Authority, and greater than this, had our *Archbiſhops* in thoſe days, in limiting the *Elections* of the *Lower Clergy* for their *Provincial Synods*.

[4] Regiſtr. *Chichl.* fol. 65. a. Vid. Append. ad Ann. 1426.

The *Clergy* being met, the *Archbiſhop* declared to them the Cauſe of their Aſſembling: That it was to enquire after *Fr. Ruſſel* a *Heretick*; and to conſider how to proceed againſt the Favourers of *Hereticks*; and then he commanded the *Clergy* to meet after Dinner in the *Lower-Houſe*, and there to deliberate of this Matter. *Fryer Ruſſel*, a *Franciſcan*, had it ſeems preach'd openly to the People, That *perſonal Tythes* were not commanded by God, but that it was lawful for all Chriſtians to expend them in pious Uſes, as they thought beſt. This ſtruck deep upon the *Revenues* of the *Church*; and the *Fryers* had their Intereſt obvious enough in it. The *Clergy* therefore with an eager Zeal purſued the Preacher, and not content with that, obliged all others of the ſame Or-

K. HENRY *the* Vth.

der, that as often as they preached, they ſhould publickly inſtruct the People, that theſe kind of *Tithes*, were, by the *Laws* of *God*, and the *Orders* of the *Holy Fathers*, to be paid.

On the 27*th* of *April*, all other Affairs being Concluded, and a *half tenth* agreed upon, two days before the *Parliament* was to meet; after its Prorogation, the *Archbiſhop Diſſolved* his *Council*.

Such was the Caſe of *Our Province*: But ſtill thoſe of the Other neither met, nor granted any thing. To obtain therefore their Benevolence, by a [1] *Writ* dated *May* the 28*th*, the King required the *Archbiſhop* of *York* to Aſſemble his *Convocation*. The *Archbiſhop* appointed *Auguſt* the 12*th* for their meeting, and gave Commiſſion to certain in his ſtead to preſide in it. Of all the Antient *Convocations* of this Province from *Edward* the IId's time to this Year, the full Acts of this alone remain to us: And from thence it appears, That tho' they ſate from the 12*th* to the 24*th* of *Auguſt*, and were preſs'd with all imaginable earneſtneſs to grant a *Subſidie* to the *King*, yet they refuſed to do it. From thence they were adjourn'd to the 5*th* of *October*, and tryed again afreſh. They refuſed again, tho' all manner of Arguments were uſed to induce them to it. From thence they were prorogued to the 25*th* of *February*, and what they then did, I am not able to ſay. So little had they learnt Dr. *A*'s Doctrine of being concluded by our *Province*, and obliged to do as we had done before them.

[1] Regiſtr. *Kemp.* fol. 27. 311.

Sect. 33. 1427.

Thus paſſed this Year; in which, tho' there was a long *Seſſion* of *Parliament*, yet was there no *Convocation* held with it; nor did any other Aſſembly whatſoever of the *Clergy* ſit at the ſame time. The next year the *Parliament* met [2] *October* the 13*th*, and ſate 'till the [3] 8*th* of *December*: It was then Prorogued to a *Fortnight* after *Hilary*; and ſo ſate on [4] till *March* the 25*th*, when it was diſſolved: By this Account the *Parliament* was Aſſembled for *ſix Months* together; from the middle of *October* to the latter end of *March*, and thereby gave ſufficient Opportunity to the *Convocations* of the *Clergy*, during ſome part or other of this time, to ſit with it in this [5] *Parliament*; the *Commons*, by the *Aſſent* of the *Biſhops* and *Lords*, among other Subſidies, Granted to the King of every *Pariſh Church* within the *Realm* 6 *s.* 8 *d.* as the *Abridgment* of our *Records* reports it.

[2] Dugd. Summonit. Parl. pag. 414.
[3] Rot. Parl. num. 11.
[4] Ib. num. 13.
[5] Abr. pag. 588. 6 *Hen.* 6. n. 11.

Such was the *Parliament* of this year, in two ſeveral Seſſions, and during the

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ſpace of ſix Months. Yet in all this time was there no *Convocation* of either *Province* call'd to *ſit* with it, or to *attend* upon it. The next year affords us the Reverſe of this: An *Eccleſiaſtical Aſſembly* of the *Clergy* of our *Province* called in *July*; and by Seſſions and Prorogations, continued till the beginning of *December*; Another of thoſe of the other Province in *Auguſt*; and yet all this year no *Parliament* held, or called to meet with them.

To begin with that of our *Province*: [6] On the 5*th* of *July*, by the Mandate of the *Archbiſhop* of *Canterbury*, and at the *Kings* requeſt, a *Convocation* or *Council*, I know not well which to call it, was Aſſembled at St. *Paul*'s *London*. The [7] *Cauſe* of it, as declared by the *Archiſhop*, was to defend the Church againſt *Hereſies*; and to deliberate about the buſineſs of the *Pope*'s *Legate*; who being at hand, in the *Church*, was called into the *Synod*, and there demanded a *Subſidy* of them againſt the *Bohemian Hereticks*.

[6] Regiſtr. *Chichl.* fol. 69. b.
[7] Ib. fol. 70. a.

On *Saturday* the 10*th* of *July*, the *Archbiſhop*, by his *Chancellor*, ſent to the *Synod*, and ordered the *Prelates* and *Clergy* to chuſe out certain Perſons to be a Committee to conſider how they ſhould proceed againſt *Hereticks*, and propoſed the Perſons whom he thought fit for that Affair to them. But this the *Synod* declined; they choſe each Houſe its own *Proctors*: Then the *Chancellor* read a *Royal* Statute, and ſome *Conſtitutions* to them againſt *Hereticks*, and ſo the *Seſſion* was continued.

The *Tueſday* following the King's *Commiſſioners* came to them to demand an Aid: Thus they ſate till the 21*ſt* of the Month, and were [8] Prorogued till the morrow after St. *Martin*, *November* the 12*th*. The [9] 2*d* of *Auguſt*, the *Clergy* of *York* met upon the ſame account, and after the ſame manner: They made quick diſpatch, according to their cuſtom, with their Buſineſs: And on the 7*th* of *Auguſt* granted the King a *Half tenth*, and ſo were diſmiſſed.

[8] Ib. fol. 71.
[9] Regiſtr. *Langley Dunelm.* fol. 142. a. Regiſtr. *Kemp. Ebor.* fol 35.

Our *Clergy* reſumed their [10] *Seſſion* according to the Prorogation. To trace the ſeveral ſteps of their procedure, and ſhew what was done by them, being

[10] Regiſtr. *Chichley.* fol. 107.

again Aſſembled, is no way neceſſary to my preſent buſineſs. It ſhall ſuffice to obſerve, That on the 6th of *December* they agreed to a *Half Tenth* for the King, and ſo were *Prorogued* to the 19*th* of *October*, the year following.

Before that time, [1] a new *Parliament* was called to meet a Fortnight after *Michaelmas*; but by other *Writs* was haſtened to Aſſemble the day after St. *Matthew*; *September* 22*d*: Being met, it ſate till the 20*th* of *December*, and was then *Prorogued* to the *Monday* after *Hilary*. On the 19th of *October*, according to the Appointment made the year before; the *Synod* of our *Province* reſumed its *Seſſion*; and ſate to the very day the *Parliament* did; *December* the 20*th*, only with this difference, which utterly deſtroys all dependance of the One upon the Other: That as the *Parliament* began by *New Writs*, whereas the *Convocation* reſumed its *Seſſion*, upon a *Prorogation* from the year before; So now [2] the *Convocation* was that day intirely *Diſſolved* by the *Archbiſhop*; but the *Parliament* was [3] *Prorogued* only by the King. For the reſt they agreed in their *Gift too*; the *Parliament* granted a *Tenth*, and *Fifteenth*: The *Convocation* added a *Tenth* to the *Half Tenth*, which they had granted the Year before. In this indeed the *Laity* exceeded the *Clergy*, that they afterwards Granted another *Tenth* and *Half Fifteenth*; which the *Clergy* did not think fit to follow them in.

Sect. 34. 1429.

[1] Dugd. Summon. Parl. pag. 416.

[2] Regiſtr. *Chichley*. fol. 78. a.

[3] Rot. Parl. 8 *Henr.* vi. num. 16.

It was in this *Parliament* that the *Act* was paſſed by which the only *Parliamentary Priviledge* which I know of that the *Convocation* has, was Granted to them, of the ſame Protection to them, and their *Servants*, that the *Members* of *Parliament*, by Law before enjoy'd. This was granted upon the *Petition* of the *Prelates* and *Clergy* then *preſent* in *Parliament*: So the *Record* plainly ſhews. It puts them upon the ſame foot with the *Commons*: "*In præſenti Parliamento diverſæ Petitiones exhibitæ fuerunt Domino noſtro Regi*, tam *per Prælatos, & Clerum*, quam *per Communitatem Regni ſui Angliæ*; are the Words of the *Roll*: And if the One be admitted to be the *Parliamentary Commons*, I do not ſee how the other can be deny'd to have been the *Parliamentary Prelates* and *Clergy*.

The next year the [4] *Parliament* met not till almoſt the End of it: It began upon *Friday*, *January* the 12*th*, and continu'd 'till the 20*th* of *March* following. Together with this *Parliament*, the King ſummoned the *Convocation* of the *Province* of *Canterbury* to meet before the Feaſt of St. *Gregory*, that is before the 12*th* of *March*. [5] The *Archbiſhop* anticipated the time propoſed, and held his *Synod* upon *Monday February* the 19*th*, about the middle of the *Seſſion* of *Parliament*.

1430.

[4] Dugd. Summon. Parl. pag. 419.

[5] Regiſtr. *Chichley*. fol. 81.

It was now become the uſual cuſtom, as for our *Eccleſiaſtical Councils* to grant the *King* an *Aid*, if required by him; ſo for our *State-Convocations* to enter upon, and tranſact *Church Buſineſs*, if allow'd by the *Archbiſhops* and *Biſhops* ſo to do. Accordingly in this Aſſembly, the *Archbiſhop* and his *Brethren* being met together in the *Chapter-Houſe* on *Friday*, *February* the 23*d*, debated about the *General Council* of *Piſa*: The [6] *Clergy*, in the mean time, being employ'd below about the Affairs for which they were called; the *Subſidy* demanded of them. Then they ſent for them up and deliberated with them about a proper *Convocation Concern*, how to obtain a Remedy in the *Parliament*, *which was held at that ſame time at Weſtminſter*, againſt the *Indicting of Prieſts*. [7] But the main *State-Act* of the *Convocation* was the *Subſidy* for the King, which being Granted *March* the 21*ſt*, they were immediately Diſſolved.

[6] Ibid. fol. 82.

[7] Ibid. fol. 85.

But there was another thing which was tranſacted in this *Convocation*, which I muſt by no means forget. [8] Dr. *A.* in his Indignation againſt me for aſſerting what by this time abundantly appears to have been not only certain, but an evident Truth; namely, That the main End and Deſign of our Princes in *Calling* of theſe *Convocations*, was to Obtain a Supply of their Needs from them; has taken ſome pains to prove, what no body living ever doubted of; that the *Clergy* being met in *Convocation*, did ſometimes do other Buſineſs beſides that of *Granting Money* to the *King*. It was a notable Point, and therefore needed the more Care in this moſt accurate Writer, to clear it. One of his Authorities is derived from an *Act* of this *Convocation*; concerning which he tells us *It has been known when even Matter of* [9] Common Juſtice *and* Traffick *have felt the Influence of their*, (*the* Convocations) *Reſolves*; *and the Kingdom been* generally benefitted *by the* Spiritual Cenſures *they have denounced on the Uſe of* falſe Weights *and* Meaſures. Had Dr. *A.* underſtood the occaſion of this Decree,

[8] *Rights*. &c. pag. (274.)

[9] Conſtitut. fact. &c. 2 *Spelm.* pag. 687.

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Decree, He would have known that there had been Care, and Care ſufficient, taken by other *Cenſures*, which commonly do much more influence *Traffick* than *Eccleſiaſtical Sentences*, about this matter before; and that the *Archbiſhop* and *Clergy* only came in as a Subſidiary help to what had been Eſtabliſhed by an *Act of Parliament* the Year before. It was however commendably done of them; and in matter of ſuch concern to the Publick, no Proviſion ought to have been omitted that could have been made for it. But does Dr. *A.* in good earneſt believe himſelf, or does he ever hope to perſwade any man in his right Senſes, that this was the *Cauſe* of the King's *calling* of this *Convocation*; or the End which he propoſed to himſelf in the Aſſembling of it. Let him look into the Acts of this *Aſſembly*, and ſee what the [1] *Royal Commiſſioners* recommended to the *Clergy* from the *King* in this meeting: Whether it was to give him a *Subſidy*, or to make a *Conſtitution* about the *Auncel-weight*? And when he has ſo done, let him conſider, That 'tis one thing to ſay what was the *Great Deſign*, and *End* of our *Princes*, in *Calling* of theſe *Aſſemblies* generally was; and another to ſay what might ſometimes, and in ſome Caſes move them to the Aſſembling of them. And again; that to overthrow this Aſſertion, That the main *End* for which our Princes were wont to *Call* theſe *Convocations*, was for their *Aid*; it is not ſufficient to ſhew that the *Convocations* being met, did do ſome other Buſineſs, even generally; (tho' that he can never ſhew) unleſs it be proved withal, That they did that other Buſineſs by the *King's direction*; and that that *Buſineſs*, not their *Aid*, was the Great, moving *Principle*, that determined our Kings to the *calling* of them. But it is a uſeful knack that ſome Men have got, to ſlip by the Point in which the true Proof, and Difficulty lies; and triumphantly to purſue ſuch other Matters, as no body ever deny'd, nor needed they to have proved.

[1] Regiſtr. *Chichley.* fol. 82. Arch. *Ebor.* Cancellor. "*Angliæ*, in "Ornata verborum ſerie, "Dominum& "Con-fratres "ſuos, ac Cæteros Prælatos, & clerum ibidem "exiſtentes ad "*DUO* ſpeciaLiter excita"cit; videli"cet,utproRe"ge teneris "ſub Annis "Conſtituto, "*veniendum ejus neceſſitatibus* per eorum diſcretiones *effectualiter Providerent.*

& pro Jure ſuo tunc in *Francia* laborante, preces ſunderent debitas ac devotas; ac etiam ad *ſub-*

Had the King ſummon'd the *Convocation* of *York* at the ſame time that he did that of *Canterbury*; we ſhould here have had a Compleat Year of a *Parliament*, and *Convocations*, ſuch as Dr. *A.* would make us believe there always was; He means there always ought to have been, to make good his Hypotheſis, tho' there ſeldom or never was. But that *Province* Aſſembled the [2] *Auguſt* before; and by ſo doing, has utterly overthrown all that promiſing Proſpect which there ſeem'd to be on *Our ſide.*

[2] Regiſtr. *Kemp.* fol. 38.

Sect. 35. 1432.

The next Year all is ſilent; neither *Parliament*, *Convocation*, nor *Council*, that I know of ſate in it. *Anno* 1432, [3] the *Parliament* was ſummon'd to meet betimes, *May the* 11*th*: It ſate to the 17*th* of [4] *July following*, and ſo was *Diſſolved.* With this *Parliament* no *Convocation* was either Called, or Held, in either *Province*; nor did the *Clergy* otherwiſe than in their own *Parliamentary Right* Attend at it.

[3] Dugd. Summonit. Parl. pag. 420.
[4] Rot. Parl. 10 *Henr.* vi. num. 11.

On the 15*th* [5] of *September* the *Archbiſhop* of *Canterbury* Aſſembled his *Provincial Council*: He called it by his own *Eccleſiaſtical Authority*; and it was in all reſpects a proper *Church Synod.* The Cauſe of it expreſſed in the *Citatory Letters* was this, *pro nonnullis Arduis & urgentibus Negotiis, univerſalis Eccleſiæ fidiſque Catholicæ ſtatum Reformationem & utilitatem concernentibus:* And what thoſe Affairs were, the *Archbiſhop*, when they were met, more particularly explained to them: The Sum was to conſider of what related to the *Pope*, and the *Council* of *Baſil*, and how to behave themſelves towards each of them.

[5] Regiſtr. *Chichley*, fol. 86.

The *Clergy* being thus met upon an *Eccleſiaſtical account*, the [6] King took the Opportunity of applying to them for *Aid.* [7] They agreed to a *Half Tenth*, and ſo on the [8] 24*th* of the ſame Month the *Aſſembly* were *Diſſolved.*

To get the *Aid* of the *Clergy* of the Other Province, the King iſſued out his [9] *Writ* to the *Archbiſhop* for the Convening of it. They met there *October* the 3*d* (three Months after the *Parliament* was Diſſolved) but they gave but half as much as our *Province* had done, the 4*th* part of *one whole Tenth.* So little did they ſtick to Dr. *A*'s Rule; or imagin themſelves to be concluded by the precedents of our *Province* in theſe particulars.

On the [10] 8*th* of *July*, the Year following, the King called his *Parliament* to meet at *Weſtminſter*: It ſate till the [11] 13*th* of the next Month, and then was prorogued till a Fortnight after *Michaelmas.* From thence it continued its Seſſion

[6] Ibid. fol. 88.
[7] Regiſtr. *Poulton.* Wigorn. fol 147.
[8] Regiſtr. *Gray.* Linc. fol. 192.
[9] Regiſtr. *Kemp.* fol. 38.
[10] Dugd. Summit. Parl. pag. 422.
[11] Rot. Parl. 11 *Henr.* vi. num. 12.

Seſſion till the [1] *Twenty Firſt* of *December*, which ſeems to be the laſt Day of it. K HENRY the VIth.

With the Firſt *Seſſion* of this *Parliament*, no *Aſſembly* of the *Clergy* of any kind met in either Province. With the latter, a *Convocation* of a mixt nature was called by the [2] *King's Writ*, and the *Archbiſhop's Mandate*, to ſit at St. *Paul's London*, *November* the 7*th*; and of which, the beſt Character I can give is, That it was at once both a *Council* and a *Convocation*. The *Archbiſhop*'s Mandate begins altogether upon the *Spiritual Part*: The inſtant great neceſſity of the *Univerſal Church*, conſidering the matter of difference between our *Holy* Lord, "the *Pope*, on the one ſide, and the Holy *Council* of *Baſil* on the other, which "was now in Agitation; joyn'd with the Incitement of the *Princes*, *Lords*, and "*Nobles* of the *Realm* of *England*, enforced him to it: That beſides this, he had "received the *King*'s *Writ*, (which he at large recites) to the ſame purpoſe.

[1] Ibid. num. 41.

[2] Regiſtr. *Chichley* fol. 93.

In the *Perſons* who were ſo called to this Meeting, there is alſo ſomewhat very particular; which the buſineſs of a *State-Convocation* required not; but that of the *Council* did. The *Archbiſhop* directed, That the *Biſhops* and *Prelates* ſhould come to it in perſon; *& meliori quo poterint in ſacræ Theologiæ Jure Canonico & Civili Doctorum, & aliorum Clericorum præſentia ſuffulti & Conſilio.* That the *Chapters* ſhould ſend One *Proctor* at the leaſt, the Dioceſſes two, and thoſe to be, *ſufficienter ſcientifici & Graduati.*

The Proceedings of the *Clergy*, when met, ſhew it to have been more then a meer *State-Convocation*. The *Archbiſhop* having propoſed the *Cauſes* of their meeting to them: The *Clergy* anſwer'd: "[3] That for as much as the ſaid "Motives were ſuch as had not before been perfectly Communicated to, or "conſider'd by many of them, and to which an Anſwer ought not ſuddenly "to be given, without a prudent and mature deliberation; it would behove "them *de Licentia Domini & Confratrum ſuorum*; to enter upon a ſpecial and "joint deliberation about them. This the *Archbiſhop* willingly Granted and "commanded them that they ſhould diligently and unanimouſly labour about "the ſaid Motives, and what depended upon them, till the 12*th* of *November*: "*Uſque quem diem Dominus continuavit Convocationem.*

[3] Ibid. fol. 94.

Thus they went on with their Conciliary Affairs to the [4] 19*th* of *November*, before the King made any demand of *Subſides* of them. The *Clergy* refuſing to make any *Grant*; on the 7*th* of *December* the *King's Commiſſioners* renewed their demand a ſecond time. On the 17*th* they agreed to a *Subſidy*, and on the twenty firſt, the *Convocation*, as well as the *Parliament*, were both *Diſſolved*: The [5] Grant was a *quarter* and *half* of a *Tenth*; as the Writs for the Collecting of it ſhew.

[4] Ib. fol. 96.

[5] Regiſtr. *Bu-cheir* Wigorn. fol. 3.

Such was that Aſſembly which met in our *Province*; and continued about the whole time of the *ſecond Seſſion* of the *Parliament* of this Year. If Dr. *A.* thinks that either the King called it, or the *Archbiſhop* held it by the *Rule* of our *Conſtitution* to attend upon that *Great Council*; I muſt then deſire him to tell me, how it came to paſs, that when the King's *Writ* went out for calling the *Convocation* of One *Province*; he did not at the ſame time, iſſue out another, for that of the other *Province* to meet, as by the ſame *Rule* of our *Conſtitution* (if any ſuch *Rule* there were) it ought to be done. Yet the King we are ſure ſummon'd it not at this time; nor does it appear that the *Archbiſhop* aſſembled his *Synod* during this whole Year.

The next Year affords neither *Parliament* nor *Convocation*: On the 7*th* of *October* [6] the *Archbiſhop* of *Canterbury* held a *Provincial Synod*, for the defence of the *Eccleſiaſtical Juriſdiction*, which by ſeveral of the King's *Writs*, eſpecially that of *Præmuniri facias* was, as he affirm'd, more diſturb'd and hinder'd than uſually it had been. He complained alſo that the *Miniſters* of the *Church* were daily oppreſs'd by falſe *Indictments*, and other unjuſt Vexations. For this cauſe he call'd them together, *to provide ſome remedy in this behalf*; and cauſed a certain number of Perſons to be deputed, *Doctors* of the *Laws* and others, to conſider their Grievances, and draw them up in Writing. But the *Peſtilence* being hot in *London*, the *Synod* was diſturbed by it; and ſo little was done in theſe matters at that time. Yet [7] on the 23*d* of *October* certain *Articles* were form'd, and paſs'd, by which the Violators of their *Eccleſiaſtical Rights* were *Excommunicated*, and theſe were ordered to be publiſh'd Three times in the Year.

Sect. 37. 1434.

[6] Regiſtr. *Chichley*. fol. 99. 100.

[7] Regiſtr. ib. fol. 100. b.

Of

K. HENRY *the* VIth.

1435

On [1] the 5*th* of *July* 1435, the King ſent out the *Writs* for a *Parliament* to meet at *Weſtminſter* the tenth of *October*. Being Aſſembled there, it continued to ſit, [2] 'till the *twenty third* of *December*, and then (I ſuppoſe) was diſſolved. [3] In this *Parliament* the buſineſs of the *Abbots* and *Priors* being made *Collectors* of *Tenths* out of the *Dioceſſes* in which they recided (for which a proviſion had been made in the latter end of the Reign of King *Henry* the *Fifth*) was again reſum'd. But the King declined doing any thing in it, and ſo it contiuued as it was before.

[1] Dugd. Summonit. Parl. p. 425.
[2] Rot. Parl. num. 12.
[3] Ibid. num. 29.

By a [4] *Writ* to the *Archbiſhop* of *Canterbury*, dated *September* the 27*th*: The King ordered a *Convocation* of that *Province* to be Aſſembled the *Morrow* after St. *Martin*, *November* the 12*th*, about the middle of the Parliament: How long it continued, or what it did I am not able to ſay. If I may rely upon a Minute taken from an Antient *Regiſter*, the *Clergy* thus Aſſembled, Granted a *Subſidy* of 6*s*. and 8 pence, of ſuch whoſe Benefices were above *Five*, and under *Ten Pounds* a Year; and a whole *Tenth* of all above the laſt Value.

[4] Regiſtr. *Bourchier* Wigorn. fol. 8.

The *Convocation* of the Other *Province* was not ordered by the King till the 8*th* of *February* following, and met not till the *June* after, as I ſhall more particularly obſerve by and by.

Sect. 38.

1436.

The next Year the [5] *Parliament* was called to meet at *Cambridge* the 21*ſt* of *January*: But by other Writs was adjourn'd to *Weſtminſter* on the ſame Day. It met accordingly, and [6] ſate to the 27*th* of *March*, and ſo was *Diſſolved*. With this *Parliament* no *Convocation* of the *Clergy* was held: In the Province of *Canterbury* they met again this Year, as they had done the laſt, on the 12*th* of *November*. In that of [7] *York* the *Convocation* called by the *King's Writ* before mentioned *February* the 18*th*, met upon the 11*th* of *June*; and Granting a *Subſidy* then, was not re-aſſembled with the *Parliament* ſix Months after.

[5] Dugd. Summonit. Parl. pag. 427, 428.
[6] Rot. Parl. num. 28.
[7] Regiſtr. *Kemp*. fol. 41. & 497. Comp. fol. 365.

1437.

About the end of this Year *March* the 8*th*, while the *Parliament* was yet ſitting; [8] *Writs* were made out by the King's Order to the two *Archbiſhops*, to Aſſemble their reſpective *Convocations*. The time limited was within the *firſt* of *May*, 1437: And the [9] Archbiſhop of *Canterbury* accordingly Aſſembled his on *Monday*, *April* the 29*th* at St. *Paul's* Church, *London*: The buſineſs of this *Convocation* was for a *Subſidy*; which they ſoon diſpatcht, and ſo were diſmiſs'd the 8*th* of *May following*. How the King's *Writ* was Executed in the Other *Province*, at what time they met, or whether they *met* at all, I have not yet been able to diſcover, and muſt therefore leave it to ſome more fortunate Perſon to declare.

[8] Rot. Clauſ. 15 *Henr*. vi. m. 24. dorſ.
[9] Regiſtr. *Chichley*. fol. 101.

1438.

The laſt Year was not quite ended before the King ſent out [10] *New Writs*, for the two *Convocations*, dated *February* the 12*th*, That of our *Province* Aſſembled at St. *Paul's* *London*, *April* the 28*th*: [11] It met both by *Papal* and *Royal Authority*, and was at once both a *Synod* and a *Convocation*. The buſineſs was to appoint Commiſſioners for the *Council* of *Ferrara*, and to agree upon a Subſidy for their *Expences*. [12] The Religious by themſelves Conſented firſt; and deliberating farther about the buſineſs which related to the *promoting* of Graduates in the *Univerſities*, by the *Abbot* of *Gloceſter* their *Prolocutor*, agreed (with ſome Conditional Qualifications) to the Conſtitution made in the Year 1421. [13] On *Wedneſday* the *fourteenth* of *May*, the *Synod* was *Prorogued* to *Monday* the ſixth of *October* following, when being reſumed, it ſate till the 18*th* of the ſame Month and then was *Diſſolved*.

[10] Rot. Clauſ. 16 *Henr*. vi. m. 11. dorſ.
[11] Regiſtr. *Chichley*. fol. 103, 104.
[12] Ib. fol. 105.
[13] Ib. fol. 105 *to* 109.

The *Convocation* of *York* met a few days ſooner, *April* the 21*ſt*, by the ſame *Authority*, and for the ſame Ends. I ſhall add only, that in neither of theſe two Years was there any *Parliament* held; ſo that theſe *Aſſemblies*, whether *Councils* or *Convocations*, or Both, could not have been deſign'd either to meet with, or attend upon that Great Body.

Sect. 39.

1439.

On the 20*th* of *September* the next Year, [14] Writs were iſſued out for a *Parliament* to meet at *Weſtminſter* on *Thurſday*, the morrow after St. *Martin*, *November* the 12*th*. Being met at that time, [15] it continued to ſit till the 21*ſt* of *December* following; and was then Prorogued 'till the morrow after *Hilary*, *January* the 14*th* at *Reading*: How long it ſate there, the *Roll* does not tell us, [16] but by a *Writ* dated in *Parliament*, *February* the 15*th*, it appears that it was not then diſſolved, it being a *Writ* of *Summons* to call up an abſent Member. *Parliament*, we may reaſonably conclude that it laſted for ſome conſiderable

[14] Dugd. Summonit. Parl. pag. 430.
[15] Rot. Parl. 18 *Hen*. vi. num. 11.
[16] Dugh. Sum. Parl. p. 432.

time after. About a Month before this *Parliament* first met, the [1] King by his *Writ*, commanded the Archbishop of *Canterbury* to Assemble the *Convocation* of his *Province* at St. *Paul*'s *London*. [2] The *Archbishop* obey'd, and appointed it to Assemble the 21*st* of *November*; a few days after the *Parliament* was to begin. The King's *Commissioners* being come to it, declared to the *Clergy*, in his Name, the Causes of his Calling of them: And exhorted them, first, to consider how the *Differences* between the *Pope* and the *Council* of *Basil* might be accommodated; and in the next place, to Grant a *Subsidy* to Him.

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[1] Rot. Claus. 18 Henr. vi. m. 35. dors.
[2] Regist. *Chichley.* fol. 109. b. iii.

Here therefore every thing went, on this side, to Dr. *A*'s satisfaction. A *Convocation* was called by the *King's Writ*, and sate exactly with the *Parliament*; began but nine Days after it, and continued to the end of its first Session. The cause of it was not meerly or chiefly for a *Subsidy*; which came but in the second place: As in the *Convocation before*, no *Subsidy* at all was demanded of it, tho' it then also sate by the *King's Writ*, as well as by the *Popes* Direction.

In this *Convocation* among the [3] *Grievances* of the *Clergy*, that which arose from the Writ of *Præmuniri* was chiefly complained of; and a large request was presented by the *Archbishop* to the King in the *Name* of the *Convocation* against it. A *Constitution* was made in favour of *small Vicaridges*, for the better *Augmentation* of them; a *Tenth Granted*; and at the request of the *Clergy*, the *Convocation Dissolved*; tho' the *Parliament* with which it sate (Dr. *A.* would have said, on which it was *called* to Attend) was not, but only *Prorogued* for the sake of the *Christmas* Season, to *Reading*.

[3] Ibid. fol. 113. 114.

Now this intirely overthrows all the encouraging Prospect which Dr. *A.* might before have flatter'd himself with from this Meeting. For had it been design'd for a *Convocation Attendant* upon the *Parliament*; or thought by the *King*, or his *Council*, to have been so: The *Archbishop* must have only *prorogued* the One, as the *King* had done the Other; and have order'd it to meet again in *January*, when the *Lords* and *Commons* did. But instead of that *He finally Dissolved* it, as the Words of the *Register* are: And the other *Session* of *Parliament* was held alone by it self, without so much as the *Clergy* of *Canterbury* to keep it company. As for those of *York*, they were not called at all either by the *King*, or the *Metropolitan*; nor can I find that they met at all this Year.

The Year following tho' no *Parliament* was Summon'd, Yet by a Letter from the King to the [4] Bishop of *Rochester* dated under his *Privy* Seal *May* 30th, it appears that there was a *Great Council* held; with which not being concern'd I shall take no farther Notice of it.

Sect. 40.
1440.
[4] Registr. Rossens. Lib. iii. fol. 159.

In [5] the Province of *York* a *Convocation* was held *August* the 17*th*: I call it a *Convocation* because the Acts speak of it under that Name. But otherwise being Summon'd by the *Archbishops Own Authority*; and making of some *Provincial Constitutions*; it appears to have been an *Ecclesiastical Synod*, a proper *Provincial Council*. Be it which it will, the *Clergy* thus Assembled Granted a *Tenth* to the *King*; and in that give us a Certain assurance that they did not meet with the *Parliament*, and the other *Convocation*, the Year before.

[5] Registr. *Kemp.* fol. 41. 79.

1441.

It was towards the latter End of the Year 1441. before the *Parliament* met again: Then it began on [6] Thursday, the morrow after St. *Paul*, *January* the 26*th*; and sate [7] from thence to *March* the 27*th*. On the very day that the *Parliament* began the *King* sent out his *Writs* to both the *Archbishops* to Assemble the Clergy of their respective *Provinces*, I cannot say in an *Co-attending*, but in a Subsequent *Convocation*. Accordingly our Archbishop ordered his to Meet [8] *April* the 16*th*, about 3 Weeks after the *Parliament* was *Dissolved*. [9] It granted the King a Subsidy, and sate to the 26*th* of the same Month. But the [10] *Convocation* of *York* was yet more remote from the *Session* of *Parliament*: It met not till the 4*th* of *October*, seven months after its *Dissolution*; and then granted the King a *Tenth*, as our *Province* before had done.

[6] Dugd. Summonit. Parl. pag. 432.
[7] Rot. parl. 20. Henr. vi. num 5.

1442.

[8] Reg *Gilbert.* Lond. fol. 93.
[9] Registr. *Praty.* Cicestrens. fol. 5*t*. Br. pro Xâ Colligend. Sect. 41.

The next Year affords Us no *Assemblies* of the Clergy either in *Parliament*, or *Convocation*. Anno 1444. By a [11] *Writ* dated *July* the 12*th* the King required Archbishop *Stafford* to call his *Convocation* before the Feast of *All Saints* following. He appointed it to meet *October* the 19*th*; and being met it continued to the 26*th* of the same Month, and so was Dissolved. [12] In this Convocation the King, by his *Commissioners*, first demanded a *Subsidy* of the *Clergy*, and then sent his Letter to them for a *Decree* to be pass'd by them for the Solemnizing of the Feast of the *Translation* of St. *Edward*. The *Clergy* granted a *Tenth* to the *King*, and at their

1444.

[10] Registr. *Kempe.* fol. 42.
[11] Registr. *Arundell* par. ii. fol. 28.
[12] Ibid. fol 29, 30.

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request the Feast of St. *Edward* was order'd by the Archbishop to be observed as a *double Feast*. The rest of their Debates were spent upon the Subject of such things as needed *Reformation*; and for which they appointed certain *Proctors* and *Sollicitors* to Attend at the next *Parliament*.

It seems probable by this Procedure, that tho' the *Lower Clergy* still continued to be summon'd to *Parliament*, as they had before been; and several Returns were made upon the *Præmunientes* to it; Yet now the numbers that actually went thither were not very great; and therefore the *Clergy were forced* to appoint what *Proctors* should come up to the next *Parliament*, and pursue the *Redress* of these *Grievances* on their Behalf. [1] This *Parliament* was not Summon'd till the xiii*th* of *January*; almost 3 Months after the *Convocation* was Dissolved. It met upon *Thursday*, February the 25*th*: and sate till *March* the 15*th*, and so was *prorogued* to the beginning of the next Year.

[1] Dugd. Summonit. Parl. pag. 434.

About a Fortnight after the calling of this *Parliament*, [2] by another *Writ* to the *Archbishop* of *York*, the King directed the Assembling of the *Convocation* of that *Province*. Had the Archbishop thought fit, He might have made it an *Attendant* upon the *Parliament*. But that time would have been inconvenient both to Himself, and his Clergy; and He knew of no such Obligation in this Case, as is now pretended; and therefore he delay'd it to the time which we shall hereafter see. In the mean while, I cannot imagine what can be more demonstratively Evident in Vindication of the Freedom of the *Prerogative* in this Case, and of the Independance of these *Assemblies* upon one another, than the Procedure of this Year Affords us. First here is a *Convocation* of the *Province* of *Canterbury* called in *July* by the King; and held in *October* by the *Archbishop*. Then a *Parliament* is summon'd in *January*, and sits the *February* following. And after both, a *Convocation* of the *Other Province* is calledabout a Month *before* the *Parliament* met, with no limitation of time; and not Assembled till *September* the Year following. If Dr. *A.* can reconcile this to his New-Model of our *English Constitution*, He is a Man of Art; for my part I despair of ever being Able to do it.

[2] Rot. Claus. 23. Henr. vi. m. 17. dors.

Sect. 42. 1445.

The *Parliament* of the last Year, was, as I before observed, not *Dissolved*, but *Prorogued* to the beginning of this. [3] Accordingly it resumed its *Session*, *April* the 29*th*; and, as I understand, it sate till *June* the 5*th*; and was again prorogued to *October* the 20*th*. [4] On the 20*th* of *October* it met again, and continued to *December* the 15*th*. [5] From thence it was a third time prorogued to *January* the 24*th*: [6] and so sate to *April* 9*th*; and was finally dissolved.

[3] Rot. Parl. 23. Henr. vi. numb. 10.
[4] Ibid. num. 11.
[5] Ibid. num. 12.
[6] Ibid. num. 15.

Amidst so many *Sessions* of *Parliament*, continued with three small interruptions for a Year and Quarter, if the *Convocational Attendance* fail, what can we conclude but that certainly the Men of that Age understood nothing of what is now Asserted concerning it. Yet this is the very truth of the matter. In *February* 1444 *The Parliament* began: It lasted till *April* 1446. and in all that time no Assembly of the *Province* of *Canterbury* was held; which met the *October* before this *long Parliament* Assembled; and sate not again, till the latter End of *June*, after it was dissolved. 'Tis true, the Province of *York* did meet in the Year 1445: But it met as much to the destruction of this New *Hypothesis*, as it was possible for it to have done. For it met during the time that the *Parliament* was *Adjourn'd*: A most rational procedure upon their Principles who deny any Obligation in the One to *Attend* upon the Other; but as Irrational on theirs who make it a *Rule*, the *Fundamental Law* of our *Constitution*, that the *Parliament* of *England* ought never to sit without a *Convocation*, *Essentially* joyn'd with it: And affirm, that neither the *King*, nor the *Archbishops*; nor *Clergy*; no nor the very *Parliament* its self; can, without breaking our *Form* of *Government*, make a *Separation* between them.

But I must represent the History of these things as I find it truly was, not as some men would have it thought to have been. The [7] *Convocation* of *York* met the last of *September*: It Granted a *Tenth* to the King; and that is all that I can find was done by it.

[7] Registr. *Kemp.* fol. 43.

While the *Parliament* was sitting; [8] Pope *Eugenius* having laid a *Tax* upon the *English Clergy* of a *Tenth* for the defence of *Christendom* against the *Soldan* of *Babylon*, his Legat came hither to the King about that Affair. The King told him he would advise with his *Bishops* what Answer to make to Him. Accordingly he consulted with the *Archbishop* of *Canterbury*, and *Four* of his *Suffragans*, being all that were present at the *Parliament*; and agreed with them, that every Bishop

[8] Registr. Norwic. x. tempore *Thomæ* Episcopi. fol. 96.

Biſhop ſhould Aſſemble his *Dioceſan Synod*, and therein Raiſe a Penny in the Mark for this Purpoſe. This reſolution the Archbiſhop of *Canterbury* order'd the Biſhop of *London*, by his *Mandate* dated *March* the 14*th*. 1444. to communicate to all the Biſhops of his *Province*: In which this Paſſage is upon more Accounts than One to be obſerved: —— " Ne *Prælati* & *Clerus* deberent Onerari " ſuper Novâ *decimâ* Solvendâ Regi, Dom. Cantuar. cum Prælatis Supradictis, " *Convocationem* non fiendam deliberaverunt; Et voluerunt quod Singuli Epiſ- " copi in ſuis Diœceſibus facerent iſta Exponi, & ſummam prædictam concedi. The Archbiſhop knew very well what they were to expect if they met in *Convocation*; and therefore to avoid tke *Kings Demands*, choſe by this Other Way to comply with what the *Pope* had required of Them.

To proceed therefore to the next Year 1446. in which the [1] *Parliament* was called to ſit at *Cambridge* upon St. *Scholaſtica*'s day, *February* the 10*th*; but by Other *Writs* was adjourn'd to [2] St. *Edmunds-bury* on the ſame Day. It met there, and [3] continued to the 3*d* of *March*, and then was Diſſolved.

I have before ſaid that the [4] *Convocation* of the *Province* of *Canterbury*, was Aſſembled this Year in *June*. The King in his *Writ* had limited the time to be within the Feaſt of St. *John Baptiſt*, the *Archbiſhop* named *June* the 22*d*. And the Clergy accordingly met upon that day. [5] It continued from thence to the 8*th* of *July*, when having agreed to a *Tenth* for the *Kings* Uſe, it was Diſſolved. After this I do not meet with any other Aſſemblies of the Clergy in either Province this Year; So that the *Parliament* at *Bury* ſate, as the other before had done, altogether by its ſelf, without any *Convocation* to Attend upon it.

The Year following neither *Parliament* nor *Convocation*, that I can find, were called. In the next after 1448, [6] A *Parliament* met tho very late; ſo that beginning in this Year, it continued on for a Great part of the *Summer* in the next. Its *firſt Seſſion* was at *Weſtminſter* from *February* the 12*th* to *April* the 4*th*. Then it was prorogued to May the 7*th*. From *May* the 7*th* it ſate to *May* the 20*th*, and was again *prorogued* to *June* the 16*th*, and order'd to meet at *Wincheſter*. There it met as it was appointed, and Continued to *July* the 16*th*, which was the laſt day of this *Parliament*.

In this [8] Parliament the Petition of the *Abbots* and Priors for a remedy againſt the *Archbiſhops* and *Biſhops* in appointing them to be *Collectors* of the *Tenths* granted in their *Convocations*, at an inconvenient diſtance from their place of dwelling, was again renew'd: It was again rejected with this full Anſwer; that " Forasmuch as the deputing of the *Collectors* of the *Diſmes* granted by the *Arch-* " *biſhops*, and *Biſhops*, and the *Clergies* in the *Convocations* of this *Roialme* belong- " eth to the ſaid *Archbiſhops*, and *Biſhops*; the King will that the matier con- " teyn'd in the ſaid *Petition* be Committed to them to put ſuch remedie therein " as may be thought beſt after their Wiſdomes and Diſcretions.

With the *firſt*, and *ſecond Seſſions* of this *Parliament*, no *Convocation* was held. With the *third* that of our [9] Province met, (for I cannot ſay Attended) by order of the *Kings Writ*, dated *May* the 19*th*, and by the *Archbiſhops Mandate* ſent forth thereupon: The *Parliament* ſitting at *Wincheſter*, *June* the 16*th*; The *Convocation* at *London*, *July* the 1*ſt*. In this *Convocation* the *Clergy* granted one intire x*th*, beſides a Subſidy, to the *King*, [10] as by the *Writs* for the Collection of them it appears.

What this *Subſidy* was, the *Rolls* of the *Parliament* which met at the ſame time inform us. [11] The *Commons* petitioned the King on the Behalf of the *Clergy* to grant a *General Pardon* of *All Crimes* and *Forfeitures* to them to the firſt day of *June* paſt; and for this They (the *Commons* in *Parliament*) by the Aſſent of the *Lords Spiritual*, and *Temporal*, Granted a Subſidy to Him of 6*s*. 8*d*. to be taken and received of all manner of *Prieſts*, *Seculars*, *Stipendiaries* and *Chantry Prieſts* within the Realm. The King accepted the Condition, and Granted the Petition upon the Terms propoſed. [12] And the *Clergy* in *Convocation* agreed (beſides the Tenths which they gave as Uſual) to the payment of it.

By new [13] Writs dated the 23*d* of *September*, another *Parliament* was Summon'd to meet at *Weſtminſter* upon *Thurſday* the 6*th* of *November*. The 1*ſt* day of its meeting it was Adjourn'd from *Weſtminſter* to *London*. There it continued till the [14] 4*th* of *December*, when it was adjourn'd back to *Weſtminſter* where it firſt met. At *Weſtminſter* it ſate on to the 17*th* of *December*; and then was prorogued to [15] *January* the 22*d*. From *January* the 22*d* it Continued till *March* the 30*th*:

1446

[1] Dugd. Summonit. Parl. p. 436.
[2] Ibid pag 438.
[3] Rot. Parl. 25. Henr. vi. num. 17.
[4] Regiſtr. *Gilbert.* London. fol. 99.
[5] Regiſtr. *Carpenter.* Wigorn. par. i. fol. 53.

Sect. 43.

1448.
1449.

[6] Dugd. Summonit. Parl. pag. 440.
[7] Rot. Parl. 27. Henr. vi. num. 10, 12, 13.
[8] Ibid. num. 29.

[9] Regiſtr. *Bourchier.* Elienſ. fol. 21.

[10] Regſtr. *Wayrfleet.* Winton. fol. 1. 4. Lib. i. par. 3.
[11] Rot. Parl. 27. Henr. vi. num. 25.

[12] Regiſtr. Roffens. Lib. iii. fol. 219.
[13] Dugd. Summonit. Parl. pag 442.
[14] Rot. Parl. 28 Henr. vi. num. 8.
[15] Ibid. num. 9.

K HENRY *the* VI*th*. 30*th*: What became of it then we ſhall ſee when we come to the next Year. In the mean time let us enquire How the *Convocations* Attended upon the *two Seſſions* which we have already mentioned of it.

[1] Regiſtr *Waynfleet*. Lib i. par. ij. fol. 5. By a [1] Writ directed to the *Archbiſhop* of *Canterbury* under the *Privy Seal* dated at *Eltham* the 2*d* of *October*, the King order'd the *Convocation* of this *Province* to be Aſſembled. The Archbiſhop the ſame day iſſued out his *Mandates* for it to meet upon the 14*th* of *November*; a week after the *Parliament* began. How it ſate, or when it roſe, I am not able to declare: [2] But by the *Kings Writs* for Collecting what was Granted by it, it appears that by ſeveral *Prorogations* it was continued till the 17*th* of *July* following; which is all that I know of it.

[2] Regiſtr. *Lumley*. Linc. fol. 62.

If any *Convocation* met either with this, or the foregoing *Parliament* in the *Province* of *York*, 'tis more than I have yet been able to diſcover: However, as I do not know that any did; ſo neither will I determine that there was none held this Year in thoſe Parts.

1450. Sect. 44. How the laſt Parliament ſate till the 30*th* of *March* I have before ſhewn. [3] It was then prorogued to meet at *Leiceſter April* 29; after which we hear no more of it. On [4] the 5*th* of *September* New Writs were iſſued out for a *Parliament* to meet at Weſtminſter on the Feaſt of St. *Leonard*, the 6*th* of *November* following. Being met it [5] ſate to the 18*th* of *December*, and was prorogued to the 20*th* of *January* after. From thence it ſate again to *April* 29*th*. 1451. [6] Then it was again Prorogued to *May* the *tenth*; which is the laſt account we have of it.

1451.
[3] Rot. Parl. 28. Henr. vi. num. 11.
[4] Dugd. Summonit. Parl. pag. 443.
[5] Rot. Parl. 29. Henr. vi. num. 10.
[6] Rot. Ib. num. num. 11.

Had any *Convocation* been held with this long *Parliament* in either *Province*, I can ſcarcely think that our *Rolls* and *Regiſters* ſhould haye been ſo Generally ſilent, as I have ſome Reaſon to think that they are, of it. Let Dr. *A.* try his better Fortune; whilſt I beg leave to conclude, till I ſhall ſee ſome good Evidence to the Contrary, that with all theſe *Seſſions* no *Convocation* was *Called*; nor did any, in his new phraſe, *Attend* upon it.

Sect. 45. But it may be the Procedure of the Next Year, may help to make up the defects of the Foregoing. On the 6*th* of *March* 1451. The King iſſued out a [7] *Writ* to the Archbiſhop of *York* to Summon a *Convocation* of his *Province*. [8] The *Archbiſhop* apppointed it to meet upon *June* the xiith this Year. He preſided by his Commiſſioner; who (not being able as I conceive to obtain any Subſidy of the Clergy) prorogued it to the 6*th* of *October* following. In the mean time the Archbiſhop was Tranſlated (*July* the xxi*ſt*) from the See of *York* to that of *Canterbury*; and *Willam Booth* removed to *York* in his Stead. [9] The *Convocation* thus Prorogued in the time of One *Archbiſhop*, met according to its Aſſignment under Commiſſioners delegated by the Other. Thus was it Adjourned from time to time till *January* the 29*th*; when the Clergy agreed to a *Grant* of *Half a Tenth*, and ſo were Diſſolved.

1452.
[7] Rot. Claſ. 30. Henr. vi. m. 9. dorſ.
[8] Regiſtr. *Kemp*. fol. 159.
[9] Regiſtr. *Booth*. fol. 151.

[10] On the 15*th* of *December* the King, by his *Writ*, commanded his New *Archbiſhop* of *Canterbury*, to Summon his *Clergy*; leaving both the Time and Place to Him. He held His *Convocation* at St. *Pauls London February* the 7*th*: And continued it on till the 3*d* of *March* following.

[10] Regiſtr. *Kempe*. Cantuar. Arch. fol. 219.

1453. Having thus, at ſuch different times, required the Archbiſhops to Call their *Convocations*; He laſt of all, at another Seaſon, Summons his Parliament, [11] by *Writs* dated *January* the 20*th*; to ſit at *Reding* the 6*th* of *March*. It met and [12] ſate till *March* the 28*th*. 1453: And was then Prorogued to *Weſtminſter* on *April* the 25*th*. From *April* the 25*th*, it continued to ſit there till *July* the 2*d*. When it was prorogued again to the xiith of *November*; and that to meet at *Reding* where it began. It was then further Adjourn'd to the 11*th* of *February* firſt; and again to the 14*th*. From thence it ſate on to the Middle of *April*; 1445. about which time it ſeems to have been Diſſolved.

[11] Dugd. Summonit. Parl. pag. 446.
[12] Rot. Parl. 31. Henr. vi. m. 12. 20, 22, 23.

This was a long, and a *remarkable Parliament*; and it muſt be very ſtrange if ſome Aſſembly or Other of the Clergy did not happen to ſit concurrently with it; and thereby, in the New Phraſe, to *Attend* upon it. Yet ſo it was; That the *Clergy* having made their Grants a little before it began, they were not once Summon'd to ſit within the *Compaſs* of it; no nor yet, that I can find, the whole next Year after it. The Archbiſhop of *York* held indeed [13] his *Dioceſan Synod* after *Michaelmaſs* 1453: Had He held a *Provincial Convocation*, the ſame Regiſter which Recorded the One, would doubtleſs much more have made ſome Entry of the Other.

[13] Regiſtr. *Booth*. fol. 330.

Anno

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Anno 1455. The King [1] called his *Parliament*, to meet at *Weſtminſter*, *July* the 9*th*. It ſate till the End of the Month, and was [2] prorogued to the 12*th* of *November* following. On the 12*th* of *November* it met again, and continued to the 13*th* of *December*. [3] Then it was again prorogued to *January* the 14*th*. At which time reſuming its *Seſſion*, it ſate till towards the End of *February*. Here now was another Long, and Buſie *Parliament:* It laſted viii Months; and Ordered many things of the Greateſt Conſequence. Yet with none of theſe *Seſſions* did any *Convocation* meet; nor for ſome Years before, or after.

Towards the latter End of the Year, we hear of an [4] Aſſembly called by the Name of a *Parliament*, appointed to meet at *Weſtminſter*. And if I miſtake not in the Time (for the date is wanting) either the ſame Adjourn'd, or a New *Great Council* ſummon'd, by Other Writs dated *January* the 27*th* to meet at *Coventry February the* 14*th*: But of this I can give no farther Account; nor does it concern my Subject to Enquire after it.

From this Year we muſt make a large Step forward, to 1459. before which I cannot find that either *Parliament* or *Convocation* was held. The King [5] then call'd his *Parliament* to *Coventry November* the xx*th*: It [6] ſate till the ſame day of the Month following, and ſo was Diſſolved.

And here we have again another Evidence Againſt Dr. *A*'s Pretenſions: A Parliament ſitting without any *Convocation* in Either *Province* to *Attend* upon it. Three Months after this *Parliament* began, and two after it was Diſſolved; the King ſent forth his [7] *Writs* to the *Archbiſhops* for the meeting of their *Convocations*. The [8] *Archbiſhop* of *York* firſt Aſſembled his upon the laſt of *April*; Above four Months after the *Parliament* had been Diſſolved. [9] It was prorogued firſt to the 9*th* of *June*, then to other times: Before which the Next King came to the Crown.

The [10] Convocation of our Province met at the time Appointed by the Archbiſhop, *May* the 6*th*. and continued to the 17*th* of the next Month. On the *Ninth* of *May*, being the *third Seſſion*, the King ſent a Letter to the *Archbiſhop* and his *Clergy*; which was publickly read in the Upper Houſe, and then Orderd to be read alſo in the Lower. After which the Archbiſhop commanded the *Clergy* to chooſe their *Prolocutor*, and ſo prorogued the Meeting till the *Saturday* following.

On [11] Tueſday the 20*th* of *May*, the *Prolocutor* preſenting to the *Acrh-Biſhop*, and *Upper Houſe*, certain *Articles* relating to the Advantage of the *King*, and *Realm* and *Church* of *England*; the *Archbiſhop* with the *Conſent* of his *Brethren*, choſe certain Perſons of Eminent Knowledge out of the *Lower Houſe*, to be preſent, to treat and conſult with them concerning the ſaid *Articles*.

How this Convocation proceeded after the firſt *Seſſion* of it, I cannot tell, nor do the *Acts* of it clearly inform us. [12] It continued by *Prorogations* from time to time, till the xv*th* of *July* the Year following; and then *Granted* a *Tenth* to the King.

In this time [13] One of the laſt *Parliaments* of *King Henry* the vi*th* met *October* the viii*th* 1460. On the 25*th* of that Month the ſolemn agreement between the King and the *Duke* of *York* was made in it: How much longer it ſate I cannot tell, nor is it at all Material to our purpoſe to determine. That it had no *Convocation* to Attend upon it is plain from the account I have before given: From which it appears that *One* of our *Convocations* was ſummon'd in *April*, the other in *May* before; and both now were continued by *Prorogations* from time to time, without ever coming to any *New Seſſions*, till after this *Parliament* was Diſſolved.

Thus paſſed this long, but weak Reign; in which we meet with much fewer *Parliaments* than in the foregoing, active, and buſie times, of the other *HENRY*'s; but the *Seſſions* much *longer*, and the *Prorogations* more *numerous* than they were wont to be. Yet ſtill, even in this Reign, we find all things contrary to the New Pretences now ſet on foot, without either *Law*, or *Hiſtory*, to ſupport them. For

1. In all this Reign of 38. Years; We do not meet with any One Inſtance of a *Parliament* that was held, with the two *Convocations* Aſſembled during the *Seſſion* of it. Whether this could have ſo happned, had it then been thought a *Rule* of our *Conſtitution*, for theſe two evermore to meet together; that the *Parliament* had a right to *Demand* the *Attendance* of the *Clergy* in their *Convocations*, and the

Sect. 46.

1455.

[1] Dugd. Summonit. Parl. pag. 449.
[2] Rot. Parl. 33. Henr. vi. num. 28.
[3] Ibid. num. 49.
[4] Dugd. Summonit. Parl. pag. 451.

1459.

[5] Dugd. Ibid. pag. 452.

1460.

[6] Rot. Parl. 38. Henr. vi. num. 39.
[7] Rot. Clauſ. 38. Henr. vi. m. 29. dorſ.
[8] Regiſtr. *Boothe*. fol. 333.
[9] Regiſtr. iv Dec. & Capit. Dunelm. fol. 146.
[10] Regiſtr. *Bourgchier*. fol. 12, 13.
[11] Ibid. fol. 14.
[12] Ibid. fol. 16.
[13] Dugd. Summonit. Parl. pag. 454.

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the *Clergy* a *Right* (for ſo I muſt ſpeak, tho not very properly, in the modern Phraſe) to *Attend* upon it; I ſhall leave it to any impartial Perſon to Judge. And I think it muſt be ſtrange that this *Concurrence* with, and *Attendance* of the *Convocation* upon the *Parliament*, ſhould have been any *Rule* at all, much more an *Eſſential Law* of our *Conſtitution*, and yet neither *King* nor *Clergy*; *Lords* nor *Commons*, have ever been aware of it.

[1] Ann. 1422. 1425. 1429. 1430. 1433. (2 Seſſ.) 1435. 1439 (1 Seſſ.) 1449. (3 Seſſ.) 1449. (2 Parl.)

2. [1] *Seven*, or, at the moſt, *Eight Parliaments* only there were, which had any meeting of One of the *Convocations* only (either *Synod*, or State *Convention*) held during any part of their *Seſſions*. And for this,

3. [2] There were Seventeen or Eighteen *Parliaments*, and many of thoſe of a long continuance, with ſeveral *Seſſions*; which Sate without any *Convocation* of either *Province*, Aſſembled, or Meeting together with them.

[2] Ann. 1423. 1425. 1426. 1427. 1432. 1433. (1 Seſſ.) 1436. 1439. (2 Seſſ.) 1441. 1444. 1445. 1446. 1449. (1. 2 Seſſ.) 1450. [1452. 1453] 1455. 1459. —

4. The Province of *York* wants not ſome inſtances in this *Reign* alſo to vindicate its Freedom. For beſides that it ſometimes met not at all, for ought appears, when Ours both met and Granted a Subſidy: We are ſure that at other times it gave in a much leſſer Degree than ours did; as in their *Convocation* of 1432, not to mention any other Inſtance, do's Appear.

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Sect. 48. 1461.

About the End of the Year 1460. King *Edward* the IV*th* came to the Crown, *March* the 4*th*. On [3] the 23*d* of *May* following, He ſummon'd his firſt *Parliament* to meet at *Weſtminſter*, *July* the 6*th*: But "Eò quod *Scotorum* Rex *Regnum* in-"travit apud *Carliolum*, hoc *Parliamentum* fuit prorogatum uſq; ad quartum "diem *Novembris*, & tunc tenebatur; as the minute on the *Roll* informs us. It was therefore the 4*th* of *November* before the firſt Parliament of this King ſate, [4] It continued till the 21*ſt* of *December*; and ſo was prorogued to the 7*th* of *May* the next Year.

[3] Dugd. Summonit. Parl. pag. 457.

[4] Rot. Parl. 1. Edw. iv. num. 39.

With this *firſt Parliament* no *Convocation* was held in either *Province*: A clear demonſtration that the *Rule* now ſet up, was not then known, for if it had we may be confident that at this *Parliament* at leaſt, (the firſt of a *New King*, and of a *King* Reſtored by *Parliament* to his *Rights*,) it would moſt certainly have been Obſerved. But the Clergy of *Canterbury* had granted their *Subſidy* the XV*th* of *July* before: The Clergy of *York* were at this time only under a *Prorogation*; * by Vertue whereof they met *March* the 23*d*, three months after the *Seſſion* of *Parliament* was over, and then Granted their *Tenth* to the New King.

* Regiſtr. Booth. fol. 338. Decan. & Cap. Dunelm. v. fol. 134.

Sect. 49. 1462.

On the *Sixth* of *May*: 1462: [5] The *Parliament* met according to its Prorogation: But the King being not able to come to it, He the ſame day by Commiſſion, Diſſolved it.

[5] Rot. Parl. 1 Edw. iv. num. 40.

Towards the End of the Year, [6] a ſecond Parliament was called to ſit at *York*, *February* the 5*th*. But by other [7] *Writs* dated about the End of the ſame Month, we find a *New one* called to meet at *Weſtmitſter* the 29*th* of *April*; and therefore we may conclude that the Other either never met, or if it did, it was alſo preſently Diſſolved.

[6] Dugd. Summonit. Parl. pag. 459.

[7] Ibid. pag. 461.

The King having ſo lately before received a *Subſidy* of the *Clergy*, declined Aſſembling them with his *firſt Parliament*. But no ſooner was that Diſſolved; and the Year of the Grant come about, but he iſſued out his *Writs* for their meeting again without Regard to any Parliament, which was neither *Summon'd*, nor intended to *Sit* at the ſame time with them. [8] In obedience to this Authority, the Archbiſhop of *Canterbury* held his, at London, *July* the XXI*th*. It [9] continued till the 2*d* of *Auguſt*; then Granted a *Tenth*, and ſo was Diſſolved. The *Archbiſhop* of *York* Aſſembled not his Clergy till the firſt of *September* following. [10] And then inſtead of following the *Example* of the other *Province*, according to the *New Rule* advanced by Dr. *A.* in their Favour, they gave by an *Old one* of their Own, much practiſed under the late Reign, but half as much; *A half Tenth* to our *Whole One*. This was a Remark which was not for that Authors Purpoſe, and therefore he did not think fit to take any Notice of this Matter. But another Action there was of the *Clergy* in this *Aſſembly*, which becauſe he ſuppoſed it favour'd his *Paradox*; he fail'd not to make what Advantage he could of it. I will ſet it down in his own Words.

[8] Regiſtr. *Gray*. Eliens. fol. 109.

[9] Regiſtr. *Carpenter*. Wigorn. Vol. I. fol. 176.

[10] Regiſtr. *Bothe*. fol. 337. 341.

[11] "Even in CHURCH ACTS, as well as STATE AIDS, what had "paſſed

[11] Rights, &c. pag. 47.

" paſſed the *One* (that is the *Convocation* of *Canterbury*) was held to be a *kind* of " LAW to the *Other*. So that in 1463. we find the *Convocation* of *York* adopting " at once ALL the CONSTITUTIONS made by that of *Canterbury*, and as yet " not received: † A *Practiſe* that I doubt not was often in *Elder times* repeated, " and we know is ſtill *Continued*.

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† Ibid. marg. Regiſtrum *Boothe* Arch. Ebor. f. 143.

It is a ſtrange Averſion that ſome men have for *Truth*, that they will not ſee it even when it lies the moſt plainly before them. To ſet this matter to rights I muſt obſerve; Firſt, that this *Convocation*, was the *Convocation* of 1462. not as Dr. *A* reports it of 1463. Next, that the Place of the *Regiſter* is fol. 341; not 143. In the words of the Minute, He is many ways out; and in one place at leaſt, materially ſo. The words of the *Regiſter* run thus: " Memorandum quod " prædicti *Prælati* & *Clerus* in prædicta Convocatione VOLUNT & concedunt, &c. But theſe (the laſt excepted) are things of little Moment: and I ſhould not have Obſerved them, but only to ſet the *Reader* right; and at the ſame time to induce this vain Writer to learn a little more modeſty, if not Good-Nature; and to teach Him not to triumph over the *trivial miſtakes* of *Other Men*, who is ſo very faulty in *theſe*, as well as in much *Greater Ones*, himſelf.

But what ſhall we ſay to his Aſſertion? Or how ſhall we Excuſe him for giving ſo *falſe* an Account in *Engliſh*, of what his Own Margin, imperfect as it is, Confutes in *Latin*? " Even in Church *Acts*, as well as in *State Aids*, the Pro- " ceedings of *our Convocation* were, he ſays, held to be a kind of *Law* to the Other. Witneſs the Procedure of this very Aſſembly; which as I have before obſerved, Granted only *Half a Tenth*, at the ſame time that we had given a *Whole One* before *them*. But we will conſider his own Inſtance, and the proof of it: " So " in 1463. We find the *Convocation* of *York adopting* at Once ALL the CONSTITU- " TIONS made by that of CANTERBURY, and as yet not received. —— But how did they *Adopt* them? As a matter of *Obligation* incumbent upon them? Or by their own *free Choice*, as a matter of Prudence, and the better to preſerve the Unity of the Church; That ſo thoſe who lived under the ſame *Civil Government*, might alſo walk by the ſame Rules in their *Eccleſiaſtical Diſcipline* and *Cuſtoms*. Let the form of their Mandate determine this, " Prælati & Clerus VOLUNT, & " *Concedunt*; The *Prelats* and *Clergy* WILL, and GRANT, that the *Conſtitutions Provincial* of the Other *Province* be received in theirs. Words of *Authority* and *Independence:* which argue indeed a Brotherly Reſpect in them to their Neighbour *Prelats* and *Clergy*; but, at the ſame time, ſufficiently vindicate their own Liberty. For I hope Dr. *A.* will not tell us that every Neighbouring Church which agreed to obſerve the ſame *Common Rules* with another, did thereby Subject its ſelf to the Authority of that *Church* whoſe *Canons* it received.

But ſtill the main thing of all is to be accounted for: " We find them, ſays " this Bold Author, Adopting at once ALL the CONSTITUTIONS made by the " *Province* of *Canterbury*, and as yet not *received*. Do's his Minute from the *Regiſter* ſay this? No, but much otherwiſe. It puts in ſuch Limitations as utterly argue the Contrary of his Aſſertion. " Dr. *A.* ſays they Agreed to Adopt ALL our Conſtitutions. The *Minute* ſays, That they agreed to Admit not ALL, but ſuch ONLY of them as were by NO MEANS REPUGNANT, or PREJUDICIAL to the CONSTITUTIONS of the PROVINCE of YORK. They were deſirous to walk by the ſame *Rules* with their *Brethren*; but yet they would not ſo purſue this *Unity*, as, for the ſake of it, to Give up their *own Provincial Authority*. And therefore they qualified their *Vote*, with this *Memorable Condition*, not only *Omitted* in, but *perverted* by, his Report; That the *Conſtitutions* ſo to be Received were not REPUGNANT or PREJUDICIAL, to the CONSTITUTIONS of the PROVINCE of YORK.

Again Dr. *A.* makes ſhort work in his Repreſentation, They ADOPTED theſe *Conſtitutions*, ſays he: But the *Clergy*, in their Order, were more Cautious and Deliberate. They not only again Limited the *Conſtitutions* which they received, with a HUJUSMODI CONSTITUTIONES; that they received all SUCH CONSTITUTIONS, as were no way *prejudicial* to their Own; but enter'd an Open Manifeſto againſt ſuch of Ours as ſhould come in Competition with theirs; " ET NON ALITER, nec ALIO MODO. That they admitted them no OTHERWISE, nor AFTER ANY OTHER MANNER, but as they were AGREEABLE with, and did no PREJUDICE to, their OWN CONSTITUTIONS.

And now what could more plainly have ſhewn the Independent Authority of the

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the Province of *York*, upon that of *Canterbury*, both in *Spirituals* and *Temporals* than the *Acts* of this *Convocation* have done? In their *Subsidy* they departed from our Example; and Gave but *half* what we gave. In their *Decree*, They received freely, without the Conſtraint, or Authority of any, the *Conſtitutions* of our *Province*; but with this Limitation, that they were not *repugnant* or *prejudicial* to their *own Provincial Conſtitutions*; which they ſtill reſolved ſhould take place, and be of chiefeſt Force with them. Thus they received them, *Et non aliter, nec alio modo.* And thus the *Antient Churches* obſerved one *Another's* Rules without pretending thereby to any *Superiority* over Each Other by their ſo doing; to preſerve the *Unity*, and *Promote* the *good Order* and *Diſcipline* of the whole.

His Concluſion is as faulty, as his Premiſes: It is not only defective, but Untrue. "A Practiſe (ſays He) that I doubt not was *often in Elder times repeated*, and WE KNOW IS STILL CONTINUED. That any ſuch thing was ever done by them before, much more that it was OFTEN REPEATED; Dr. *A.* has no proof; nor is he much concern'd for any. He makes no doubt of it; and therefore troubles not himſelf to Enquire any farther about it. And WE KNOW IT IS STILL CONTINUED? What, for the *Province* of *York* to receive in a way of Subjection, All our PROVINCIAL CONSTITUTIONS as a *kind* of LAW to Them? Will Dr. *A* please to give us but One Inſtance of this? Let Him ſhew Us, if He can, *when*, and *where* they Ever Received the many *Canons* and *Conſtitutions* that were made here in the time of *Queen Elizabeth?* The *Articles* of *Religion* were not *Received* from Us, but joyntly *Agreed* to, at the ſame *time*, and in the ſame *Convocation*, by the Biſhops of both *Provinces*. The *Canons* of 1603. Were indeed firſt paſs'd by our Biſhops and *Clergy*; and by Vertue of the Kings *Royal Supremacy* were enjoyn'd to be obſerved in both Provinces; as ſome Other things had in like manner been impoſed upon them by his Predeceſſor, *Q. Elizabeth.* Yet after all, they received them not as their *Provincial Conſtitutions*, till they had, as Dr. *A* ſpeaks, Adopted them in their *Own Convocation*; and that with as much *Freedom*, and *Authority*, and with all the ſame Ceremony of *Licenſe* from the *King*, and *Votes* in their *Own Council*, that we had before agreed to them. The *Liturgy* by *Law Eſtabliſh'd* was not received by them from us neither; but by their *Biſhops*, and *Commiſſioners*, they ſettled it joyntly with us. In ſhort: If the Smalneſs of their *Province*, but eſpecially their diſtance from the *Ordinary Reſidence* of the *Court*, our *Kings*, and the *Seſſions* of our *Parliaments*, have given Occaſion to matters of public Concern to be commonly begun with Us, rather than with Them; and they have afterwards come into our Meaſures, and agreed in the ſame Reſolutions; Yet has it ſtill been with a ſufficient Regard to their Own *Authority* and *Independence*, both in *Spirituals* and *Temporals*, upon Us. Our *Prelats*, and *Clergy*, have, for the moſt part, Concerted the matters of both kinds with them before they have paſs'd them here; the better to preſerve that good Underſtanding, and Uniform practiſe, that ought to be kept up in all ſuch publick Matters between Us, and them: Nor do I know of any One that, till now, ever made this Uſe of their *Joynt Agreement*, to infer a *Superiority* in the *One Province* over the *Other*; A Right which I am pretty ſure neither hath any *Law* of the Land Given Us in *State Matters*; nor any *Law* either of the *Church*, or *Realm* convey'd to Us in *Eccleſiaſtical.*

After both theſe *Convocations* were over, another Meeting there was of the *Clergy* of our *Province* in *November* following: Of which I find only this Note in One of the [1] Regiſters of the *Church* of *Canterbury*, that the Commemorations of St. *Thomas*, St. *Frydeſwide*, and St. *Ethelrede*, were on the 24*th* of *November*, ordered in it.

[1] Regiſtr. Eccleſ. Cant. M. ſ.

Sect. 50. 1463.

But I return to the Courſe of our Hiſtory. By [2] *Writs* dated at *Weſtminſter* *February* the 28*th* 1462, the King order'd his Parliament to meet at *Weſtminſter* on *Friday April* the 29*th* 1463. Being accordingly Aſſembled, it continued to ſit till the 17*th* of *June*: [3] Then it was prorogued to the 14*th* of *November*, And from thence to the 20*th* of *February*, at *York*. Being met there it was again *Adjourn'd* to the ſame Place, *May* the 5*th* the next Year; When we ſhall again reſume the *Seſſions* of it.

[2] Dugd Summonit. Parl. pag. 461.

[3] Rot. Parl. 3. Edw. iv. num. 9, 11, 13.

"At the ſame time that the King held his *Parliament* at *Weſtminſter*, the Archbiſhop and *Clergy* Aſſembled in *Synod*; ſay our [4] *Antiquitat. Brittann.* But we muſt not ſtretch the Words too far, if we mean not to injure either the Truth

[4] Antiq. Brit. pag. 293.

the History, or the Authority of the Historian: Nor should I have taken Notice of it, but to shew Dr. *A.* (as I am ready at any time to do in Abundance of other places) that an Argument drawn from these kind of Expressions, is of no Weight. For indeed the *Parliament* and *Convocation* did not sit together; but the *former* was *prorogued* three weeks before the *latter* Assembled.

To give therefore a more exact Account of this Assembly: On the 3*d* of *July*, the *Parliament* being then *sitting*, the *King* issued out his *Writs* to the two *Archbishops* to call their respective *Convocations*. The [1] Archbishop of *Canterbury* Order'd our *Clergy* to meet at St. *Pauls London*, *July* the 6*th*. They met; the Clergy having *chosen* and *presented* their *Prolocutor*, the *King's Commissioners* came to the *Synod* and represented to it the *Necessities* of the King, and the *Dangers* of the *Kingdom*; and exhorted the *Bishops*, *Prelates*, and *Clergy*, to grant a *Subsidy* to Him. On the 15*th* of *July*, they return'd a second time, and acquainted them with the *Scot's Invasion*; who were besieging the Castle of *Berwick*, and pressed them more earnestly to a Grant, than they had done before.

[1] Registr. *Bourgchier.* fol. 18, 19.

On the 23*d* of *July* they agreed to a *Tenth* for the *King*; and at the same time granted a *Charitable Subsidy* to the *Archbishop*. This being done, the Archbishop order'd that the *Charter* of their *Liberties* should, by certain Persons appointed for that Purpose, be Reformed, before the next *Parliament*; who should also consider how it might best be put in *Execution*: And having published two *Constitutions*, set forth in the last preceding *Convocation*, He Dissolved the *Assembly*.

Thus was the Process of this *Convocation*; which met about three weeks after the *Parliament* was *prorogued*; and was in less time than that Dissolved, the Parliament was only *Adjourn'd* to *November* following. In the [2] Other the distance of the *Convocation* from the *Parliament*, was yet Greater. [2] Registr. *W. Boothe*, fol. 343. not there till the 8*th* of *August*, and Granted a *Tenth* as Our Province had done.

I will not insist upon the two *Prorogations* of the *Parliament*, which, as I said; were made in this same Year; because there was no *Session* Consulted upon either of them. This only may be observed, that with neither of them was the *Convocation* Summon'd; so that had the Parliament then sate, the *Clergy* would not have *Attended* at all upon it.

The *Parliament* was now to meet upon its third Prorogation, at *York*, *May* 3. But instead of sitting it was again adjourn'd to [4] *November* the 26*th*. *November* continued again to *January* the xxi*th*, at *Westminster*. Then and Granted the King a *Subsidy*, and did other Business; the cheif of were the attainting of several Eminent Persons who had taken part with *Henry* the 6*th*, and an *Act* of *Resumption*; with which I am not con-

Sect. 51. 1464.

[4] Rot. Parl. num. 15, 16.

Neither with these Prorogations first, nor with this *Session* at the last, was any *Assembly* of the *Clergy* Convened, in either *Province*. That which comes next to it, if my information be Right, was an *Ecclesiastical Synod* of the Province of *York* which met the Year following, [5] *April* the 26*th*. This I take to be the same, wherein those *Provincial Constitutions* [6] publish'd in the 2*d Volume* of our Councils were made: and which the *Cotton MS.* Places on the same day next Year, 1466. Be it which it will the matter is not Great: It was a *Church Council*, and no *Attendant* on the *Parliament*; tho' we should allow it have met the former of these Years, as the *Durham* Registers tell us they did.

[5] Registr. Dec. & Capit. Dunelm. iv. fol. 168. b.

[6] Concil. Vol. ii. p. 699.

Tho' neither in this, nor the following Year (the doubtful *Synod* of *York* excepted) did any *Council*, or *Convocation*, meet in either *Province*, yet the *Provinces* Assembled severally in their respective *Diocesan Synods*; and upon an Occasion which I must here take some notice of. The *Pope* having proposed to go himself in Person to the *Holy Land*, upon an Expedition against the *Turks*, laid a *Tenth* upon this *Nation* for the Expence of his Journey,

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and issued out his *Bulls* for the raising of it. The King forbad the *Bu* brought into the Kingdom, or the Money to be levy'd upon it; but t vice to raise a *Subsidy* for this Expedition by his *Own Authority*, to sat *Pope*, and prevent the Execution of such *Bulls* for the future.

In pursuance of this resolution He issued out his *Letters* to the *Ar* for the raising of it; and appointed *Commissioners* to receive the Pro their Hands. [1] The *Archbishop* of *Canterbury* having received the King's and Instructions, sent them forthwith to the *Bishop* of *London* to be C *cated* to his *Suffragans*. These called together their *Clergy* in their seve *cesses*, who Granted 6*d*. in the Pound for this Purpose. When these *Synods* met, it concerns us not to enquire: At [2] *Canterbury* the *Clergy* as the *Wednesday* after *Midsummer*. At [3] *Worcester* the last of *July*: In *vince* of *York*; [4] the Clergy of *York Diocess*, met at *Doncaster*, *July* t There they agreed to the same Subsidy of 6*d*. in the Pound: And so in all the other *Dioceses* of the *Whole Realm*.

[1] Registr. *Bourchier*, fol. 22, 23, 24, 25.

[2] Registr. Eccles. Cant. R. fol. 14. b.

[3] Registr. *Carpenter*, fol. 190. Decan. & Capit. I. fol. 35.

[4] Registr. *W. Booth*. fol. 345, 346, 347.

Thus passed these two years; in which we have two *Prorogations* and *sion* of *Parliament*, but no *Convocation* either *summon'd* with the *One*, with the *Other*.

Sect. 52. 1467. 1468.

The next Year 1466, neither *Parliament* nor *Convocation* were A *Anno* 1467, [5] a Parliament was held at *Westminster June* the 3*d*, and ed to the Beginning of *July*. [6] It was then prorogued to the 6*th* of at *Reading*: [7] And from thence to the 5*th* of *May* 1468, at the same Pla the 5*th* of *May* it was finally prorogued to the 12*th* of the same *Westminster*, where it sate till the beginning of *June*, and gave a larg to the King.

[5] Dugd. Summonit. Parl. p. 463.

[6] Rot. Parl. 7 & 8 Edw. iv. num. 15.

[7] Ibid. num. 17, 18, 34.

With the first Session of this Parliament 1467: No Convocation in either Province: Nor was any called to sit with it, on the two *Pr* following. [8] On the 3*d* of *March*, 7*th Edward* the iv*th*, a Writ was s Archbishop of *Cant*. to *summon* his *Convocation*. The Archbishop assig the 12*th* for the meeting of it. By this means the last *Session* of th *ment*, and the *Convocation* of this *Province* began both on the same da did the same Business too; [9] for on *June* the 3*d* they Granted the King besides a Subsidy of 6 s. 8 d. upon all such stipendiary Preists as had a Pensions, exceeding the value of a 100 s. whether in Ready money, thing else equivalent thereunto.

[8] Registr. Memorand. *Jo. Chedworth*. Linc. fol. 87.

[9] Ibid. fol. 91. Et Registr. *Carpenter* Wigorn. par. I. fol. 232, 235.

Sect. 53. 1570.

The Year following pass'd, as I suppose, without any *Publick A Church* or *State*. *Anno* 1470 [10] a *Parliament* was *Called* to *sit* at *York*, t of *September*, but by other *Writs* was put off, and not suffer'd to This Year was unfortunate to King *Edward*; who was forced for th to retire into *Flanders*, whilst the faction at Home brought *King H* the *Tower*, and under Him held a *Parliament* at *Westminster* in *Nov* Henry the 6*th*.

[10] Dugd. Summonit. Parl. pag. 464.

Before this Resolution, [11] by *Writs* directed to the Two *Archbi* the 11*th*: (10 Edward the 4*th*.) That Prince had order'd the *Conv* both *Provinces* to be *Assembled*. The *Archbishop* of *Canterbury* call'd to St. *Pauls London*, *July the* 27th. To suppose that this *Synod* call'd by *ward* the 4*th* in *July*, was an *Attendant* on the Parliament of King *vith* held 4 Months after in *November*, would be an Absurdity too G serve, or need a Confutation. Yet this Dr. *A*. must affirm, or he that we have here another *Parliament*, without any *Attending C* which is indeed the Truth, tho' such a Truth as He must assert any th than allow of.

[11] Regist. *Chedworth*. Linc. fol. 1105. *Carpenter*. Wig. II par. fol. 12.

1471.

The next Year the Fortune of King *Edward* the iv*th* again prevai returning into *England*, took King *Henry* the vi*th* Prisoner, slew the E *wick*; and in the two Battels of *Barnet*, and *Tewksbury*, came off v over his Enemies. Toward the latter End of the Year, [12] by Order of *Writ*, the Archbishop held his *Convocation* at *London* the morrow aft *cent*, *January* the 23*d*. [13] The *Clergy* met at the time appointed, and

[12] Registr. *W. Gray*. Elien. fol. 163.

[13] Registr. *Rotherham*. Lincol. fol. 16. *Carpenter*. Wig. II par. fol. 30.

nce to *February* the 21*st*. They Granted to the King *One* whole *Tenth*; which s what the King Called them for; and all that I know of that was done by m.

This Year no *Parliament* was Assembled: The next Year began One of the longest ntinuance that had ever yet been held in this *Realm*. [1] Its first meeting was on the 6*th* of *October*: From whence it sate to the 30*th* of *November*, and so was rogued to the *February* following. With this *Session* no *Convocation* was held; did the *Clergy* of either *Province* meet with it, or Attend upon it. By [2] *Writs* ed three days after the *Adjournment* of this *Parliament*, the King commanded *Archbishops* to Summon their *Clergy* within their respective Provinces. What Other Archbishop did in pursuance of his Writ, I cannot certainly say: A ute I have which speaks of a *Convocation* held at *York* the *Morrow* after *Trinity*, y the 25*th*; but of what Authority I do not know. This is certain, that by tue of this Writ the *Clergy* of our *Province* were Assembled in *Convocation* [3] *February* the 3*d*, a few days before the *Parliament* was Resumed at *Westminster*: sate till the 9*th* of *April*, and granted a *Tenth* to the King: And then was *Dissolved*, but *Prorogued* only, to the 11*th* of *October* following.

1472.

[1] Dugd. Summon Parl pag. 470.

[2] Rot. Claus. 12 Edw. iv. m. 11. dors.

[3] Registr. *Waynflete*. Wint. Lib ij. par. I. fol. 155.

low fortunate had the Cause of Dr. *A.* been, had this *Convocation* but met the *on* before, and Attended the *Parliament* as Exactly as now it did? [5] The *iament* sate again according to its *Prorogation*, *February* the viiith: It sate to 8*th* of *April*; within a day of the *Convocation*; and then was *prorogued* to the of *October*; within five days of the Time to which the Other was Adjourned. the vith of *October* the *Parliament* [6] Re-assembled; and sate from day to day he 13*th* of *December*. It was then [7] *prorogued* again to the 20th of *January*: en Resuming its *Session* the *fourth* time, it [8] continued to the first of *February*, so was once more Adjourn'd to *May* the next Year.

[4] Ibid. Lib ii. par. 2. fol. 8.

[5] Rot. Parl. 13. Edw. iv. num. 41, 42.

1473.

[6] Rot. Parl. num. 1.

[7] Ib. num. 20.

[8] Rot. num. 17, 18.

nd here the Doctrine of Attendance received a new Interruption. [9] The *ocation*, prorogued to the 11*th* of *October*, as I have before said, was instead tting, Adjourn'd again to the 15*th* of *December*: Whether it was then *Dis-* I cannot certainly tell; but do suppose it was only Continued again to the of *January* following. [10] Then it sate with the *Parliament* again, and after the 21*st* of *February*, and Granted, as before, *One* intire *Tenth* to the *King*. hat in 4 *Sessions* of this *Parliament*, already pass'd, two we have with a *Con-nt Convocation*, of this *Province* at least, and two without that, or any Other mbly, that I know of, to wait upon it.

[9] Registr. *Carpenter*. par. ii. fol. 53.

[10] Registr. *Waynflete*. Lib. ii. part. 2. fol. 1.

he [11] 9*th* of *May*, according to its Adjournment, the *Parliament* met again; sate till the Eve of *Whitsunday*, *May* the 28*th*. For the Sake of that Festival, d another short [12] Prorogation to *June* the 6*th*: When Assembling again it tinued till [13] the 18*th* of *July*; and then was prorogued yet Once more to 23*d* of *January* after. To make an End of this Long *Parliament*; [14] On *Ja-y* the 23*d*, it began its *last Session*: [15] It sate till the 14*th* of *March*; and then Dissolved.

1474.

[11] Rot. Parl. 14. Edw. iv. num. 19.

[12] Ib. num. 27.

[13] Rot. Parl. num. 28.

[14] Rot. Parl. rum. 8.

[15] Ibid. num. 10, 44.

hese were the three last *Sessions* of this *Parliament*; let us see how the *Convo-s* this Year *Attended* upon Them. With the *First*, and *Second*, in *May*, and ; No *Convocation* at all was *Called*, or *Sate* in either *Province*. With the f all, there was a *double Convocation*; such a Happy Concurrence as we have et once met with in all the 14 Years of this Reign. To give therefore Account of it, I must observe, that when the last *Convocation* had Granted bsidy, tho' the *Parliament* still sate on, yet that Assembly was unfortunately *ved*; and thereby intirely broken off from all Dependance upon; or Rela-to this *Parliament*. Two *Sessions* pass'd, and no *Convocation* in being: [16] At he King, toward the End of this Year, by his *Writ* ordered another to be ; and the Archbishop Summon'd it accordingly to St. *Pauls London*, *Fe-y* the 9*th*. [17] It sate to the 15*th* of *March*, a day after the *Parliament*, and ted a Charitable Subsidy to the *Archbishop*. Whether it gave any thing at time to the King I cannot tell: The *Antiqu. Brit.* tell us that it did. aving several Accounts of this *Aid* to the *Archbishop*, without any notice of any Other that was then Granted by the Clergy, I must beg leave, till with some proof of it, to suspend my Belief in that Particular.

[16] Registr. xii. Norw. *Goldwell*. fol. 218; 219. Regr. *Gray* Elienſ. fol. 169.

[17] Regr. Norw. Ib. fol. 215. *Carpenter*. Wigorn. par. ii. fol. 63.

he same Writs by which our Convocation was held *February* the 9*th*, that *rk* met [18] *February* the 6*th*. The *Clergy* there granted two intire *Tenths* to ing; and thereby sufficiently assure us, that as we hear of no *Convocation*

[18] Reg. *Laur. Booth*. fol. 61. Registr. iv. Dec. & Capit. Dunelm. fol. 181.

K. EDWARD the IVth.

in their *Province* held with all this *long Parliament*, ſo neither was any before *Aſſembled*: There being no other account to be given of ſuch an unuſual Liberality from them Now, but that they were run ſo far behind hand with the *Other Province*; and therefore were prevailed with, once for all, at the End of this *Parliament*, to make up for their defect in not Meeting, or (to be ſure) not *Granting* any thing before.

Sect. 55.

1475. The next Year another *Convocation* is mentioned in [1] One of the *Regiſters* of the *Church* of *Canterbury* to have begun the 23*d* of *January* 1475, and to have ended the 25*th* of *February* following: Which is all I know of it; if yet there was any ſuch meeting at all held this Year.

[1] Regiſtr. Eccleſ. Cant. M. fol.

1476. The Year following I find no Mention either of *Parliament* or *Convocation*. Indeed the *Antiq. Brit.* place the *Pope's* demand of a *Tenth* for his *Expedition* to the *Holy Land* in this Year: But that in this there muſt have been an Error as to the time, the Account which has before been Given of that Tranſaction Ao. 1464, ſufficiently evinces.

1477. The Year after, [2] a *Convocation* was called to ſit at *York*, October the 21*ſt*: And in *January* following a [3] *Parliament* was held at *Weſtminſter*. In the Other Province no *Convocation* met till *April* following; So that here again the *Parliament* ſate without any *Aſſembly* of the *Clergy* concurrent with it. The One of the *Convocations* roſe above two Months before it met; the *Other* was not held till as many after it was Diſſolved.

[2] Regiſtr. iv. Dec. & Cap. Dunelm. fol. 184. a.

[3] Cottons Abridgm. pag. 701.

To proceed therefore to the next Year 1478. [4] The *Convocation* of the Province of Canterbury met, as I have ſaid, at St. *Pauls London*, *April* the 16*th*; and ſate till the 7*th* of *May*. It granted a *Tenth* to the *King*; and ſo was prorogued to the 25*th* of *May*; then it continued from day to day to the 26*th* of *June* 1479: if my † Information deceive me not. By what Authority this *Convocation* was called, I cannot tell: But by a [5] Writ dated *September* the 13*th*, Anno Edwardi 4. xviii, an Aſſembly of the *Clergy* was Ordered to be held in the *Other Province* on the Eve of St. *Simon* and *Jude*, *October* the 27*th*. The *Clergy* being met, agreed to a Subſidy of *Half a Tenth*, but went no farther, notwithſtanding the Example Our Province had ſet them the Spring before. [6] The King being deſirous that they ſhould come up to the full Proportion of what the Others had done, Called them again together, by new *Writs* dated *December* the 6*th*; They met on the *Wedneſday* after *Valentine*, *February* the 18*th*: And conſented to another *half Tenth*, and ſo were diſmiſſed.

[4] Regiſtr. Norwic. XII. *Goldwell.* fol. 11. *Waynfleet* Winton. Lib. ij. par. 2. fo. 14.

† Regiſtr. Waynfleet. Lib. ij. par. 2. fol. 16.

[5] Regiſtr. *Laur. Boothe.* fol. 78, 79.

[6] Ibid. fol. 86.

1479. The next Year affords us no *Aſſembly* of the *Clergy* either in *Parliament*, or *Convocation*.

1480. Towards the latter End of the Year following 1480. The King iſſued out

1481. his [7] *Writ* to the *Archbiſhop* of *Canterbury* dated *February* the 1*ſt*, to Call together the *Clergy* of his *Province* with all convenient Speed. In purſuance of this Order they were appointed to meet at St. *Pauls London*, *March* the 23*d*. But little was done beſides opening the *Synod* this Year; the Prolocutor not being preſented, till *Munday March* the 26*th*; the beginning of the Next.

[7] Regiſtr. *Bourgchier.* fol. 26. a.

[8] Ib. fol. 27. a. On [8] that day two things there are which ought to be taken notice of; firſt that the Archbiſhop conſtituted all his *Suffragans* his Commiſſioners "*ad Continuandum* Convocationem *in Abſentia ſua*. And next that the Kings *Commiſſioners* being come, after the Uſual manner, to the *Synod*, demanded a *Notable Subſidy* of them; which being a General demand, the *Clergy* requeſted that the *Archbiſhop*, and his *Brethren*, would wait upon the King at the Tower, to know his mind more clearly in that reſpect.

The 3*d* of *April*, the *Prolocutor*, in the Name of the *Clergy*, Granted a *Tenth* to the King, and a *Charitable Subſidy* to the *Archbiſhop*; and at the ſame time preſented two *Cedules*; In the One a *Petition*, that by the Interceſſion of the Archbiſhop the *Eccleſiaſtical Liberty might be defended againſt the Injuries of the Laity*. In the Other, a Requeſt relating to the *Inſtitution* and *Obſervation* of ſome *Feſtivals* therein mentioned.

But there was another thing tranſacted in this *Synod* which muſt not be overlook'd. On the 9*th* of *April*, the *Pope's Collector* came to it, and ask'd, in his Name, an Aid againſt the *Turks*, who were then invading of *Rhodes*. To elude this demand, They agreed that the time of *Eaſter* drawing on, at which the *Clergy* could not be abſent from their Cures, the *Archbiſhop* with Six *Biſhops*, Six *Abbots*, and as many Other *Prelats*; Three *Deans*, Six Archdeacons, and Six *Proctors*

Proctors of the *Clergy* to be named by the Archbiſhop, ſhould meet upon ſome certain day before *Whitſuntide*, to conclude upon ſuch a *Subſidy* as had been required of Them.

The [1] *Synod* being diſſolved *April* the xvith, the *Archbiſhop* nominated the Perſons, as it had been reſolved, and appointed the 5th of *June* for their Aſſembling. Nothing being then done, the Committee was adjourn'd from time to time; firſt to *November*; then to *May* the next Year: After that to *November* following; and finally to the next *Convocation*. Thus was the deſign fruſtrated, and as One of our beſt *Authors* expreſſes it, Inanem, & dignum Papali Commento Exitum (res) ſortita (eſt).

[1] Regiſtr. *Bourgchier.* fol. 29, 30.

Dr. *A.* in his [2] Additions, pretends to Give an exact and full account of this Committee. He takes notice, in the firſt place, of the *Authority* by which they were Cited, "Auctoritate *Convocationis* prædictæ, and in that I agree with Him. The *Archbiſhop* had no Authority to Appoint a Committee to Give away the *Clergies Money*, without their *Own Conſent*: All I deſire is that He would not carry the Application to Other matters, in which the *Archbiſhops* then had, and the *King* now has, by his *Eccleſiaſtical Supremacy*, Authority to Appoint ſuch *Committees*; nor infer that all ſuch *Committees*, which we afterwards read of, muſt needs have ſate by the like Authority of the *Convocation*. [3] "He tells us "that being aſſembled (*June* the 5th) they were for want of a full Number ad- "journ'd to *June* 12th: and that then being full, they did Buſineſs, and came to a "*Reſolution* of not anſwering the *Pope*'s Demands without the Kings Conſent "firſt obtain'd. But in this He will give me leave to Correct his haſt. The Committee [4] firſt met by the Archbiſhops appointment, on *Tueſday June* the 5th. Being not a full Number the Archbiſhop continued the meeting to the next day. The next day, the Archbiſhop being abſent, the Biſhop of *London* continued them again to *Friday June* the 8th. And from thence to the 7th of *November* following. On the 7th of *November* they were again Adjourn'd to the 12th: and then upon the debate it was alledged how the *Clergy* were too much impoveriſh'd, and aggrieved, in thoſe days: That in ſuch a Caſe as this, nothing ought to be Granted, without the Kings Conſent firſt obtain'd: Which Communication being had, the Affair was adjourned to the Munday following; and ſo on. Their Conference was at their Meeting in *November*, not in *June*; and then the *two Reaſons* before mentioned were alledged, among Other Conſiderations, againſt the *Grant* which had been demanded. But it do's not appear that they came to any *Reſolution* thereupon; but on the Contrary, They Adjourn'd the farther debate of this Matter to the *Munday* after: An intimation, at leaſt, that they had not yet reſolved upon any Thing.

[2] Addend pag. 78, 79, 80.

[3] Ibid. 79.

[4] Vid. Regiſtr. *Bourgchier.* loc. cit.

Such was the iſſue of our Convocation: By another [5] Writ from the King of the 13th of *September*, the Archbiſhop of *York* Aſſembled his *Clergy*, as the Archbiſhop of *Canterbury* had done His the Spring before. They met the 29th of *October*; Granted a *Tenth* to the King, and a *Charitable Subſidy* to their *Archbiſhop*, and ſo were Diſſolved.

[5] Regiſtr. *Laur. Boothe.* fol. 290, 291; 294.

In this whole Year the *Parliament* never met, tho' Both the *Convocations* did: The Year following we ſhall find that to have *Aſſembled*, and no *Convocation* to have met with it. It began to ſit [6] *January* the xxth. [7] On the 15th of *February* it Granted the King a Subſidy, and then, as I conceive, was Diſſolved.

Sect. 57. 1482.

[6] Dugd. Summonit. Parl. pag. 472.

[7] Rot. Parl. Edw. iv. num. 8.

A Fortnight after this *Parliament* began, the King ſent out his [8] *Writ* to the *Archbiſhop* of *Canterbury*, dated *February* the 3d, to Summon the *Convocation* of his *Province*. [9] The Archbiſhop Obey'd, and appointed it to meet *April* the xviiith after. All things were prepared for the Meeting of this Aſſembly. The *Archbiſhop* had iſſued out his Mandate to the Biſhop of *London*; the Biſhop had ſent out his to the Provincial Biſhops: They had directed theirs to their *Clergy*: The Elections were made, and Certificates return'd thereupon. But the King dyed *April* the 9th: And therefore, as I conceive, it either met not; or if it did, it entred not on any Buſineſs; for I have not found in our Regiſters any other accounts of it.

[8] Rot. Claus. 22 & 23 Edw. iv. m. 9. dorſ.

[9] Regiſtr. *Alcock.* Wigorn. fol. 172.

This laſt *Parliament* [10] Dr. *A.* I know not why, places in the Year 1483. and to prove the *Convocation* to be a meeting Co-incident with the *Parliament*, alledges this paſſage from the Continuer of the *Annals* of *Croyland*, as little to the Purpoſe as any thing could well have been imagined. "In his Account (ſays "He) of Edward the ivths laſt Parliament He tells Us, that the King *nihil à Com-*

Sect. 58.

[10] Rights, &c. pag. 334.

"*muni-*

K. EDWARD *the* IV*th*.

" *munitate ſubſidii pecuniarii expetere auſus*, betook himſelf to the *Clergy*, quaſi, " adds the Monk, *ſemel Comparentibus Prælatis & Clero in Eorum Convocatione quic-* " *quid Rex Petit id fieri debeat.* [1] But ſhall I take the liberty to tell Dr. *A.* that He neither gives a fair repreſentation of this paſſage; nor can He argue any thing pertinently to his Purpoſe from it. The King having call'd his *Parliament*, VOCATO PARLIAMENTO, ſays the Hiſtorian, did not think fit to ask any thing yet of of the *Lay Commons*; but *Erga* PRÆLATOS *neceſſitates ſuas non diſſimulat*, but acquainted (he do's not ſay the CLERGY, but the) PRELATS, who were then preſent at the *Parliament* (which the *Clergy* were not) with his *Neceſſities*: *Requiring gently of Them, præ manibus, the Tenths, quæ proximo concederentur*; *which ſhould next be Granted*; viz. in the *Convocation* which by his *Writ*, iſſued out about the Middle of this *Parliament*, He had Ordered to be Summon'd. " As if, " ſays the *Hiſtorian*, the *Prelats* and *Clergy* being once come together in their " *Convocation*, whatſoever the King asks, ought forthwith to be done by them. The plain meaning of which is this; The King would have had the *Prelats* to have promiſed a *preſent payment* to Him of the *Tenths*, which he concluded would be granted in the *Convocation* now called; Not doubting but that as ſoon as ever they met, they would Give whatſoever He ſhould demand of them. The King therefore treated not with the *Convocation Clergy*, as Dr. *A.* repreſents it; but with the *Parliamentary Prelats*; who alone were at that time preſent to be treated with; And that about the advance of the *Subſidy* which ſhould *afterwards* be Given in the *Convocation*, already called, but not to ſit till above two Months after.

[1] The paſſage referr'd to by Dr. *A.* ſtands thus together in the Hiſtorian: — Vocatoq; iterum Parliamento — animos omnium — ad aſſiſtendum — conciliat. Nihil adhuc tamen à Communitate Subſidii pecuniarii Expetere auſus, orga PRÆLATOS neceſſitates ſuas non diſſimulat, blande exigendo ab eis *præ manibus*, Decimas quæ *proximo* concederentur; quaſi ſemel Comparentibus *Prælatis* & *Clero* in Eorum Convocatione, quicquid *Rex petit*, *id fieri debeat.* Hiſt. Groyland. Contin. p. 563.

Now this renders his inſtance utterly impertinent to the proof of a *Concurrence* in point of time, between that *Parliament* and that *Convocation*. And the Account before Given ſhews yet more the inſignificancy of it: It being certain, that if the *Convocation* that Year ſate at all, it muſt have been ſo far from being Co-incident with the *Parliament*, or *Attendant* upon it; that It could not have Aſſembled till above Two Months after the *Parliament* muſt have been Diſſolved.

Such an Unfortunate Choice has Dr. *A.* made to Cloſe up his Induction in proof of that, which I have from more than an *Hundred Inſtances* proved to be abſolutely falſe. As for the *Clergy* of *York* they were not yet Summon'd, when the King dyed; ſo that that *Province* Aſſembled not at all at this Time.

King EDWARD *the* V*th*.

[2] Regiſtr. iv. Arch. Cant. fol. 175. b.

King *Edward* the *Fourth* being dead the month before, [2] on the 13*th* of *May*, Writs were ſent out in the New Kings Name for a *Parliament* to meet *June* the 25*th*. But before that time came, the ſhort Reign of that injured Prince was at an End; and ſo the *Parliament* fell with it.

King RICHARD *the* III*d*.

1483.

[3] Regiſtr. iv. Arch. Cant. fol. 176. b.

[4] Dugd. Summonit. Parl. pag. 474.

[5] Regiſtr. *Alcock.* Wigorn. fol. 124.

[6] Ibid. fol. 129.

King *Richard* the 3*d* came to the Crown, *June* the 22*d*. On [3] the 22*d* of *September* New *Writs* were ſent out for a *Parliament* to meet *November* the 6*th*: But that, as I conceive, never ſate. For on the [4] 9*th* of *December* another *Parliament* was called to meet *January* the 23*d* following; and ſate according to its Summons. The ſame Month a *Writ* was alſo directed to the Archbiſhop of *Canterbury* for the Aſſembling of the *Convocation* of his *Province*: [5] Which accordingly was held *February* the 3*d*; and continued to the 24*th* of the ſame Month. It granted a *larger Subſidy* than Ordinary to the King; [6] and in recompence thereof, the *King* by his *Charter* dated the day before they Roſe, confirm'd their *Liberties*, according to the Supplication of the *Clergy* preſented to Him on that behalf.

1484.

[7] Regiſtr. *Alcock.* ib. fol. 141.

The Liberality of the Clergy the laſt Year, prompted the King to make a new Experiment of their Bounty the *next* following. On the 7*th* of *December* He again iſſued out his [7] *Writ* to the Archbiſhop of *Canterbury* to Call thoſe of his Pro-

Province together. The *Archbiſhop* Aſſembled them, *February* the 10*th*: where being met, they [1] granted to the King another *Subſidy*; and at the ſame time preſented the Archbiſhop with a *Charitable Aid*; as it was now become the Cuſtom for them frequently to do. Beſides this ſome Ordinances were made in this *Convocation*: [2] That no Sæcular Officer ſhould Arreſt, or cauſe to be Arreſted, any *Spiritual Perſon* under Pain of *Excommunication*; and concerning the *Habit of Clerks*; with which Our Argument is not concern'd. K. HENRY *the* VII*th*.

[1] Ibid. fol. 144, 146.

[2] Ibid. fol. 147.

What the Province of *York* did during this Reign, I cannot tell. This ſecond Year no *Parliament*, I ſuppoſe, met; at leaſt it do's not appear either by the Records, or Regiſters, which I have ſearch'd, that any did.

And now to put together, in ſhort, what has been ſaid of theſe *Three Reigns*, during the ſpace of about *four* and *twenty* Years. Of *Fifteen Parliaments*, or *Seſſions* of *Parliament*, which ſate within this time; *Eleven* there were without any *Convocation Concurrent* with them, or, as 'tis now called, *Attending* upon them, in either *Province*. Of the other Four, *Three* had only *One Convocation*, as far as yet appears, held within any part of the *Seſſion* with them. Once only in all this Period did the *Parliament* and *Convocations* happen to meet all at the ſame time: A thing very neceſſary to be obſerved, leaſt ſome future *Politician* ſhould Reverſe the Doctrine of *Attendance*, and Affirm (He might much more rationally do ſo) that the latter practice of *Calling* the *Convocations* at the ſame time with the *Parliament*, is a Violation of our *Antient Conſtitution*; Inconvenient to the public buſineſs, in which the *Biſhops* are engaged in *Parliament*; and contrary to their firſt practice, to which therefore they ought to be Reduced.

King HENRY *the* VII*th*.

We are now come to the Reign of a Wiſe Prince; whoſe Government was ſteady, who underſtood well both his Power and his Intereſt; and from whoſe Conduct therefore we may take the beſt proſpect, of what was then at leaſt accounted, the *Right* of the *Church*, and the *Prerogative* of the *Crown*, in this Particular. He began his Reign *Auguſt* the 22*d*. 1485. On the 15*th* of the next Month he iſſued out his [3] *Writs* for the *Parliament* to ſit the 7*th* of *November* following. It met, and continued to the 10*th* of *December*, and was then prorogued to *January* the 23*d*: Before which time, I ſuppoſe, it was altogether Diſſolved. Sect. 59. 1485.

[3] Dugd. Summonit. Parl. pag. 476.

With this *Parliament* the *Antiq. Brit.* not only ſpeak of a *Synods* meeting, but of its *Voluntary* giving a *Tenth* to the King. Authority for this there is none offer'd; and I have ſo many Reaſons againſt it, as ſatisfie me that in this that *Author*, however accurate in Other matters, did fortune to be miſtaken.

To begin with that, which I confeſs weighs more than all with me, the ſilence of our *Regiſters* in this Particular; which give Us ſuch full and diſtinct Accounts of the other *Convocations*, which immediately precede, and follow, this ſuppoſed Aſſembly. Of the *Synods* of the next Year; The *Regiſters* of *York* and *Durham* in the Other *Province*; Of *Canterbury*, *Wincheſter*, *Eli*, *Worceſter*, *Chicheſter*, in this; and poſſibly many Others, were they look'd into, particularly take notice. How can we think that every One of theſe ſhould have been ſilent, had any ſuch Synod, as is now pretended, been held in this? Where no *Authority* at all is offer'd on the One Hand, and ſuch a fair *Preſumption* lies againſt it on the Other, even this one Conſideration muſt I think be allow'd its force, till ſomething be produced to prove the Contrary.

Let me to this add, that the King neither when he *Called*, or *Held* his *Parliament*, had any thought of asking any *Subſidy* of his People. Now, let Dr. *A.* ſay what he pleaſes, certain it is that the General deſign which our Princes had in deſiring the *Archbiſhops* to Call their *Clergy* to *Convocation*, was to obtain ſome Aid of them: Which ſeeing this Politic Prince at this time reſolved not to demand, neither is it reaſonable to think that he would give them the trouble of coming Unneceſſarily together. The next Year He wanted their Aſſiſtance, and therefore then we ſee they met; and then our Records ſufficiently tell us what they did, and wherefore they were aſſembled.

Shall

K. HENRY *the* VIIth.

Shall I without being being thought too free with an Excellent *History*, add, that in this part of his Relation, the Learned *Author* of it, fails much in that Exactneſs which he is elſewhere ſo particularly to be valued for. Let us hear his Account of the firſt beginnings of this Reign. [1] "*Richard* the *third*, in the "third Year of his Uſurped Reign was the 11 of the *Kal.* of *September*, both o- "vercome and ſlain by *Henry* Earl of *Richmond*. *Henry* having, thus gotten the "Government, contracted Marriage with the Lady *Elizabeth*, the Eldeſt Daugh- "ter of *King Edward* the 4*th*. The *Archbiſhop* of *Canterbury* married Them; "and a little after *Crown'd* and *Conſecrated* Both of Them at *Weſtminſter*: Him "*King* of *England*, by the Name of *Henry* the viii*th*; Her *Queen*, the *laſt* of *Octo-* "*ber*. After this the King held his *Parliament* at *Weſtminſter*; the Archbi- "ſhop his *Synod* at *London*.

[1] Antiqit. Brit. pag. 296.

It is eaſie to ſee, at the very firſt View, what a ſtrange Confuſion of time, and what a Miſtake of Hiſtory there is in this ſhort Narrative. The Archbiſhop, ſays our Author, *firſt married* Them, then a *little after Crown'd* and *Conſecrated* Them *Both* at *Weſtminſter*. But on the Contrary, the King was *Crown'd*, *October* the 30*th*: He was not *married* till the 18*th* of *January* after; And the *Queen* was not *Crown'd* till the 25*th* of *November* 1487, when that Archbiſhop was in his Grave; and another ſitting at *Canterbury*, and employ'd in that office by the King. At ſuch a Diſtance were they *Crown'd* and *Conſecrated* from one another: Two Years intervened; whilſt this *Hiſtory* repreſents both to have been *Crown'd*, and that *together*, in 1485. "After this the *King* held his *Parliament* at *Weſtminſter*. That is after his *Marriage*; and his *Own* and the *Queens* Coronation. Whereas his *Parliament* was held *November* the 7*th*: His *Marriage* was not ſolemnized till *January* following; and the *Queens Coronation* was not till *November* two Years after the *Parliament* began.

Amidſt ſo many Miſtakes in this very part of the Hiſtory, we may well allow for One more: At leaſt I muſt beg leave to believe that with this *firſt Parliament* no *Convocation* ſate in either *Province*; till from ſome Good Record, which may be depended upon, it ſhall be ſhewn that *One* or *Both* the *Synods* of the two *Provinces* were Aſſembled.

In the mean time, it is not impropable that the Miſtake might ariſe from hence: In *February* 1484, a *Convocation* was held, and a *Tenth* therein Granted to the *King*. [2] The limitation of the Grant was this, that One half ſhould be paid at *Midſummer* 1485: The other the Year following, at *Midſummer* 1446. It was but a little while after the firſt of theſe Terms that King *Richard* was ſlain; and that, moſt likely, before the payment, then due, was made. The *Clergy* therefore were indebted a *Tenth* to the *Crown*, when King *Henry* the vii*th* came to it. If either the King required the payment of it, as 'tis probable He did; Or the *Clergy* to ingratiate themſelves with Him agreed to pay it, the Error may eaſily conſiſt in this, that our Author finding ſome *Writs*, or *Commiſſions*, dated after this firſt *Parliament*, for *Collecting* a *Tenth* upon the *Clergy*; apply'd that to a *Synod* held with this *Parliament* of K. *Henry*, which had been Granted by the *Convocation* called by the Order of *K. Richard* the iii*d* the *Spring* before.

[2] Regiſtr. Mem. *Ruſſell.* Lincoln. fol. 41, 42.

1486. But what we cannot find in *this Year*, the *next* will ſupply us with: For [3] on the 16*th* of *December*, Regni 2*do*, the King iſſued out his Writs to both the Archbiſhops to Aſſemble the *Clergy* of their reſpective *Provinces* at ſuch place as they thought fit; and at ſuch time too, only *with all Convenient Speed*. The *Archbiſhop* of *Canterbury* firſt Obey'd; and Ordered his *Convocation* to meet [4] *February* the xiii*th*: When being accordingly Aſſembled, the *King* by his *Commiſſioners* Declared his Needs to Them. They made ſuch Good diſpatch as to agree upon their *Grant* before the 26*th* of the ſame Month; not only for the *King*, but for the *Archbiſhop* too: Which being done, and Three *Eccleſiaſtical Conſtitutions* paſs'd, One concerning *Maſſes* and *Obſequies* for *Biſhops deceaſed*; another for the Feaſt of the *Tranſfiguration* of our *Lord*; and a Third, Concerning the *Habits of Clergy Men*; the Aſſembly was *Diſſolved*.

[3] Regiſtr. *Alcock.* Elienſ. fol. 139.

[4] Regiſtr. *Morton.* fol. 33, 34, 35.

[5] Regiſtr. *Rotheram.* fol. 294, 296. Sect. 60. On *Munday* the 19*th* of *February* the *Convocation* of the Other *Province* began. It Granted in like manner, a *Tenth* to the King; and ſo was Diſmiſſed.

1487. The Year following, [6] by Writs dated the firſt of *September* Regni tertio, the King ſummon'd his *Parliament* to meet at *Weſtminſter*, the 9*th* of *November* 1487. But this whole Year no *Convocation* at all was held: The Gran-

[6] Dugd. Summon. Parl. pag. 478.

Grants which the Clergy made in their *Convocations* the Year before not being yet Expired.

K. HENRY the VIIth. 1488.

The next Year the King called another *Parliament* [1] by Writs dated at *Weſtminſter November* the 19*th*, to meet at the ſame Place the xiiith of *January* following. Being met at the day appointed, it ſate to the 23*d* of *February*; and was then *prorogued* only to the 14*th* of *October* the next Year. [2] On the very ſame day that theſe *Writs* were ſent out for the Holding of this *Parliament*, Others were iſſued to the *Archbiſhops* for the Calling of their *Convocations*. The *Archbiſhop* of *Canterbury* aſſign'd, *January* the 14*th*, the day after the *Parliament* began, for the Opening of his *Convocation*; and continued it to the 27*th* of the Next Month, four days after the Parliament was *Prorogued*.

[1] Dugd. Summonit. Parl. pag. 479. Ex diar. Parl.
[2] Regiſtr. *Morton* fol 41.

The *Clergy* being Aſſembled *January* the 14*th*; On the 19*th* the *Kings Commiſſioners* were ſent to them to tell them that the King partly at the ſpecial requeſt of the *Commons* in *Parliament*; partly, and chiefly, to prevent the dangers which Threatned him from the *French King*, did deſire their *Aid*, and *Help*. [3] This they renew'd at a ſecond Coming, *January* the 30*th*. The *Clergy* granted an Aid of 25000*l* to the *King*, and two *Subſidies* to the *Archbiſhop*, and ſo were diſmiſſed.

[3] Ibid. fol. 43.

It is an Odious thing not only to Cenſure, but needleſly to remark the ſlips of Learned and Judicious Men: Nor ſhould I yet this Once take notice of the unaccurate Account, in point of time, which is Given of theſe laſt *Convocations* in the ſame Excellent Work I before mentioned, but only to ſhew, that how juſtly ſoever we value it, yet it is not to be look'd upon as a *Record*; nor its ſole Authority to be urged as a ſufficient Argument in theſe Matters, where there are not ſome Concurrent Circumſtances to Confirm it to Us. On the 6*th* of *October* Archbiſhop *Morton* was tranſlated from *Eli* to *Canterbury*. "The firſt "Year of his *Tranſlation*, ſay the *Antiquities*, He held his *Synod* at *London*: And that (as the note in the Margin ſhews) Anno 1486. They are therein right both as to the *Year* of our *Lord*, and to that of the Archbiſhop. Indeed in the next page, the ſame *Synod* is placed under the Year 1487: But neither do's that alter the Caſe; it being held in *February*, according to One Computation 1486; to the other 1487.

"The beginning of the next Year, the *Convocation* again began: and Grant-"ed to the King 25000*l*. to be paid the ſame Year. The Summ here mentioned plainly ſhews that this muſt have been the Convocation I juſt now ſpake of. The Circumſtances of its being held the *Beginning of the Year*; and of paying the 25000*l*. the SAME YEAR, oblige us to date the *Chronology* of this Author from *Chriſtmas*. Now according to this, the former *Synod* muſt have been Aſſembled *February* the 13*th*, 1487: This Latter *January* the 14*th* 1489: In either way it muſt have met, not as this Author reports it, *Initio proximi Anni*; but a whole *Year* after: Not as He places it, Anno 1488, according to his *Computation*; but as it is plain from the *Archbiſhops*, and other *Regiſters*, Anno 1489. If ſuch a Miſtake occurs in the *Year* of *a Synod*, where the *Archbiſhops Regiſter* lay plain before Him; we may reaſonably ſuppoſe, the like *Error* of a *Year* may have happened, where no *Authority* at all is referr'd to; and I much queſtion whether there be any to be found for it. This is all the Uſe I would make of the preſent remark, and all that I deſign'd in taking Notice of this Miſtake.

To return to the Hiſtory of this Year: The *Convocation* of the Other *Province* ſummon'd at the ſame time [4] by the Kings *Writ*, met not long after Ours, *January* the 27*th*: It granted to the King Two intire *Tenths*; and that as appears by the *Certificatory* made of it, as well upon the Opinion of the *Parliament* which met at the ſame time with it, as at the Kings requeſt to them ſo to do.

[4] Regiſtr. *Rotheram.* fol. 298, 300.

But the Province of *York* had other buſineſs to do; and it took the antient Method of doing of it. For this, the [5] Archbiſhop Aſſembled, not a *Convocation*, but a *Provincial Council*, *February* the 27*th*, and therein paſſed his *Conſtitutions* for the *Feaſt* of the *Tranſfiguration* to be held *Auguſt* the 6*th*: The Feaſt of the *Name* of *Jeſus*, *Auguſt* the 7*th*: The Feaſt of the *Dedication* of all and ſingular Churches at one and the ſame time, the *Sunday* after St. *Paul*; and the Feaſt of St. *Cedde*, the ſecond day of *March*.

[5] Ibid. fol. 246.

Thus paſs'd this Year, favourable if any Other to Dr. *A*'s Hypotheſis; as having a *Parliament*, and the two *Convocations*, All held at the ſame time. The next Year [6] the *Parliament* met, purſuant to its *Prorogation*, *October* the 14*th*. It

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[6] Ex diar. Parl.

K. HENRY the VIIth. sate till the 4th of *December*, and was then *prorogued* to *January* the 25th. On the 25th of *January* it Resumed its *Session*, sate till the 27th of *February*, and then was Dissolved.

With this *Parliament* no *Convocation* was held. The *Clergy* the Year before had not only Granted to the King 25000 *l.* (which in the Instrument of their Concession they compute at more than two [1] *Tenths* of the *Province*) but had by another Instrument made a farther Provision for the same to be levy'd a second Year, if the War then began, should so long Continue. There was therefore no need, to Call the *Clergy* again together for another supply at that time: And this being the only Reason the King had for their Assembling, we find that accordingly they were not Summon'd; tho' the *Parliament* in the mean time met twice; and sate, in the whole, between four and five Months. So little did that wise Prince know of this new pretence of *Parliamentary Attendance*, Or the *Clergy* care for it; that the One provided for two Years tax together to avoid it; and the Other being supplied effectually by them, gave them no trouble in that particular.

[1] Regist. *Alcock.* Elienſ. fol. 164.

1491. No sooner were the two Years of the *Subsidy*, which they hand granted, Expired, but to convince Us the more effectually that that was the *Use* which the King had to make of their *Assembling*, and the *End* of his *Calling* of them; without any regard to his *Parliament*, He presently Order'd the Archbishop to Summon them again. The [2] Kings Writ to the Archbishop of *Canterbury* was dated *May* the 9th *Regni Sexto.* The Archbishop appointed *June* the xxi*st* for the Meeting of Our *Convocation*; which assembled that day accordingly: But the *Clergy* had given too much before to be easily induced to Grant any thing more at this time. [3] The Archbishop therefore was forced to Prorogue them from time to time, till the 8th of *November* following; when they agreed to the Grant of *One Tenth*, and so were dismissed.

[2] Regist. *Alcock.* Elienſ. fol. 199.

[3] Ibid. fol. 204.

By this Backwardness of the *Clergy* to make any new Grant so soon after those they had before consented to, and the necessary *Prorogations* consequent thereupon; not by Any *Design* of the *King* or the *Archbishop*; they fortuned to sit, four Months after their first *Assembling*, with the [4] *Parliament* which was held the 17th of *October*, and continued till the 4th of *November* following For farther proof of which, if in so clear a Case there be need of any, let it be consider'd, that all this while neither with this *Convocation*, nor *Parliament*, was any *Synod* Summon'd, or Held in the *Other Province*; as supposing the Present Opinion of Dr. *A.* concerning the Necessary Connexion between our *Parliaments* and *Convocations* to be true, there ought to have been.

[4] Dugd. Summon. Parl pag. 479.

The *Parliament* being *Prorogued* to *January* the 26th, and the *Convocation* of the *Province* of *Canterbury*, *Dissolved*; on the 12th of *January*, above two Months after the first *Session*, and but a *Fortnight* before the *Second*, [5] the King issued out his *Writ* to the *Archbishop* of *York* to assemble that of the Other. The Archbishop Obey'd, and fix'd upon a time so far distant, that He might reasonably have supposed the *Parliament* would have been risen, before the day prefixed by Him should come; and have left Him at Liberty, to be present, with his *Suffragans* at it. The day appointed was [6] the 1*st* of *March*; when being Assembled, they Agreed to the Concession of one intire *Tenth*, as the *Other Province* had done before. But the *Parliament* lasted longerthan this; it continued till the 5th of *March*: And so gave Opportunity to the *Convocation* of *York*, which met not at All with the former *Session*, to keep it company for 5 *Days* at the *End* of the *Latter*. If Dr. *A.* thinks this to be a *Sufficient Attendance*, his doctrine will be the more easie to the *Clergy* to comply withal: But then he must remember, that now the Other *Province* met not during this *Session*; as that of *York* had not met with the foregoing. The truth is, it was by meer chance that either of the *Convocations* sate at all with the *Parliament*: The King never design'd it; nor did the *Archbishops* in the least shew any regard to it.

[5] Regist. *Rotheram.* fol. 303.

[6] Ibid. fol. 305.

Sect. 62. 1495. King *Henry* having thus for some Years burden'd both the *Clergy* and *Laity* with his Impositions, now Gave a pretty long Respite to both. He held not his next *Parliament* till the 14th of *October*, in the 11th Year of his Reign: Nor did He till then Assemble any *Convocation* of the *Clergy*; as from the Course of our *Registers*, but especially that exact one of *Alcock*, Bishop of *Eli*, do's evidently Appear.

In this *Parliament* a notable Affair was transacted, of which I shall give a short account from the *Rolls* of it. Among the other *Articles* of the *Peace* concluded between

between *King Henry* and the King of *France*, One was this; 'that "Both Princes "should Cauſe the Several Heads agreed upon between Themſelves, "per "TRES STATUS Utriuſq; Regnorum *Angliæ* & *Franciæ*, rite debitèq; Convocatos, "Viz. per *Prælatos* & *Clerum*, *Nobiles*, & *Communitatem* Eorundem Regno- "rum, Ratificari, Approbari, & Confirmari. To this the Parliament being Aſſembled, agreed; and the reſolution is thus Enter'd, "Nos prædicta capitu- "la Obſervare, *&c.* volentes, *&c.* That the King deſiring to Obſerve the *Ar-* "*ticles* aforeſaid, had with the Advice, Aſſent, and Conſent of the LORDS SPI- "RITUAL, and TEMPORAL, and COMMONS "hujus *Regni* noſtri *Angliæ*, ſays the "King, in the Preſent Parliament Aſſembled; and by the Authority of the "ſame *Parliament*, thought fit to *Approve*, &c. of Them.

K. HENRY *the* VII*th*.

'Rot. Parl 11. Henr. vii. num. 40

The form of the *Confirmation* thus reſolved upon, runs thus: "Nos autem "omnia & ſingula, &c. We—by the Authority of our preſent *Parliament*, by "the Advice, and Aſſent, of the LORDS SPIRITUAL and TEMPORAL, and COM- "MONS of our *Realm* of *England* Aſſembled in the ſame *Parliament*, Accept, Ap- "prove, *&c.* all and ſingular the Heads aforeſaid; and have cauſed the ſame to "be Accepted, Approved, Ratified, and Confirmed, per TRES STATUS *Regni* "noſtri, ritè & debitè *Convocatos*; Viz; per *Prælatos* & *Clerum*; *Nobiles*; & "*Communitatem* Ejuſdem Regni.

There can nothing, I think, be more plain than that all this affair was tranſacted by the *King*, and THREE ESTATES of the REALM Aſſembled in *Parliament:* And who they were that now repreſented them there we are more than Once told in this Recital; namely, The LORDS SPIRITUAL and TEMPORAL, and COMMONS. They agreed that the Treaty ſhould be Ratified in *Parliament*. They joyn'd with the King in the Ratification of it: And what was Ratified by the *King* and *Them*, was declared to be done by the *Three Eſtates* of the *Realm* duly *Summon'd*; The *Prelats* and *Clergy*, *Nobles* and *Commons*. The *Clergy* were duly *Summon'd*, as well as the *Prelats*. Had they continued to come to *Parliament*, as Once they did, they would have alſo joyn'd with the *Prelats* in this Great Affair. But not appearing according to their *Summons*, the *Prelats*, who were there preſent, acted alone as the *Eſtate* of the *Clergy*; and did not (according to Dr. *A*'s vain fancy, and Pretenſions) Call in the *Convocation* of the *Province* of *Canterbury* to Act, either as an *Extrinſecal*, or *Intrinſecal*; an *Eſſential*, or *Non-Eſſential* part of that *State* with Them. Yet in this Very *Parliament* the *Premunitory Clauſe* was Executed by the Biſhops of *Wincheſter* and *Worceſter*; and might poſſibly be ſo by ſeveral Others, were a more diligent Search made, than I have had the Opportunity of making, after it.

The King having thus Summon'd this *Parliament*, iſſued out his [2] *Writ Auguſt* the 12*th* to the *Archbiſhop* of *Canterbury* to aſſemble his *Convocation*. The Archbiſhop appointed the 19*th* of *October* for the holding of it; five days after the *Parliament* began. [3] It continued to ſit till the 21*ſt* of *December*; and Granted a *Tenth* to the King. This would have been a Happy Conjunction had but the *Other Province* been Summon'd at the ſame time. But the Kings Omiſſion of that till after the *Parliament* was *Diſſolved* utterly ſpoils the *Hypotheſis*; and proves the Concurrence of our *Convocation* with the *Parliament*, to have been only a matter of prudential Choice in the *Archbiſhop*, whom the King left to his Liberty; and who therefore might as well have Called it, had he been ſo minded, a Month before the *Parliament met*, as during the *Seſſion of it*.

[2] Regiſtr. *Alcock* Elienſ. fol. 219.

[3] Regiſtr. *Langton*. Winton. fol. 57. Regiſtr. Roffens. Lib. iv. fol. 11. b.

It was the 16*th* of *March*, ſeveral Months after the *Other Meetings* were over, before the King ſent forth his *Writ* to the *Archbiſhop* of *York*, to Call his *Clergy* together in *Convocation*. [4] The Archbiſhop Summon'd them to meet at *York* on the *Munday* after *Aſcenſion-Day*; *May* the xvi*th*. They Granted a *Tenth*, as for other Purpoſes, ſo eſpecially for the *Defence* of the *Marches* of *Scotland*, in which that *Province* was ſo nearly concern'd.

Sect. 63. 1496.

[4] Regiſtr. *Rotheram*. fol. 306.

Towards [5] the End of the Year on the 16*th* of *January*, the *Parliament* ſate: [6] The *Convocation* of our *Province* again Aſſembled with it *January* the 23*d*, and continued till the 11*th* of *March* after. It made a large *Conceſſion* of 40000 *l.* amounting to between *three* and *four Tenths* upon the *Clergy* of the *Province*.

[5] Dugd. Summonit. Parl. pag. 483.

[6] Regiſtr *Langton*. Winton. fol. 63. &c.

1497.

But here again the *Other Province* held back; and was neither Summon'd, nor ſate, in due time. It was the 3*d* of *March* before the King iſſued forh his *Writ* to the *Archbiſhop* to Call it: It ſate not till the 26*th* of *April*; that is till above three Months after the *Parliament*, and the Other *Convocation*, began. [8] It granted Two intire *Tenths* Abſolutely to the King; [9] and a *Third* upon this Condition,

[7] Regiſtr. *Rotheram*. fol. 309.

[8] Regiſtr. *Fox*. Dunelm. fol. 14.

[9] Regiſtr. *Rother*. fol. 310.

K. HENRY *the* VII*th.*

that the King did either in Person, or by his Lieutenant, March against the *Scots*, before the first of *November* next ensuing.

After such an Unpresidented, extensive Grant, of three *Tenths* made at one time; We ought not to wonder if we do not presently hear of any more *Parliaments*, or any more *Convocations*. Yet the latter of these met a Year or two before the former, upon an Occasion which I must here give some short account of.

1501. [1] Lichfield Lib. iii. fol. 45.

[1] Pope *Alexander* the *vith* having imposed a Tax of a full *Tenth* upon the whole Christian Church in defence of the Catholic Faith, against the *Turks*, sent his *Bull* hither for the Assessing and Collecting of it. The King being unwilling to give Countenance to such a Precedent, prevailed with the *Pope* to withdraw his *Bull*, and to leave the management of that Affair to Him. To raise this *Subsidy*, the King issued out his *Writs* of the 4*th* of *December* to both the *Archbishops* in which he makes this recital, and commands them to Call their several *Convocations*, and to recommend the Granting of such an *Aid*, as was desired, to their *Clergy*. The [2] *Archbishop* of *Canterbury* Summon'd his *Convocation* to appear before him *February* the 14*th*: It continued till *May*; and then Consented to a *Subsidy* of 13000 *l.* which was somewhat more than One *Tenth*. But the Province of *York* did not so soon agree upon their Part. They met in pursuance of the same *Writ* from the King by the *Archbishops* Mandate [3] *February* the 21*st*. But they were continued till the 15*th* of *October* the Year following; and then granted *One Tenth*, "ad tuitionem & defensionem Christianæ Religionis contra perfidum *Turcam*."

[2] Registr. *Fox.* Winton. part. 1. fol. 33. 35.

[3] Registr. *Savage.* fol. 90, 91.

1502. Sect. 65.

1503. [4] Lib. Decan. & Cap. *Wigorn.* Idus. fol. 30.

These last Years the King *Assembled* the *Clergy* for the *Pope*'s Advantage: He now Summon'd both his *Parliament*, and the *Convocation* of the *Province* of *Canterbury*, for his Own. And [4] first by his *Writs* dated *November* the 3*d*, He appointed his *Parliament* to meet at *Westminster* the 25*th* of *January* following. Then by another [5] Writ to the *Acrh-Bishop* of *Canterbury*, *January* the 22*d*; (but *three days* before the *Parliament* met) He Ordered the Assembling of the *Convocation* of that *Province*. The Archbishop appointed *February* the 16*th* for the Holding of it. What else was done in this *Convocation* I cannot tell: [6] This One thing must not be omitted, that by the solemn *Act* and order of the *Synod*, it was Constituted, Decreed and Granted, "that for certain *Causes* and *Considerations* them thereunto moving, the King in every *Principal Mass* at the *High Altar* in all the *Cathedral*, *Regular*, and *Collegiate Churches* of the *Realm*, Exempt and not exempt, where there were above xiii *Clerks*; shall He have a part in All their *Prayers*, and *Suffrages*, both for his *Safety* and *Prosperity* while he *lives*, and for his *Happiness* in the Other World, after he shall depart this Life."

[5] Regist. *Sylvester.* Wigorn. fol. 32.

[6] Cum Prælati & Clerus Cant. Provinciæ in Ultimâ Convocatione sive Sacra Synodo in Ecclesia Cathedrali S. *Pauli Lon don* xvi. die mensis *Februarii* A. D. 1503. inchoata, & usque ad & in xviii diem mensis Maij prox. ex tunc sequent. de diebus in dies Continuat. Congregati, ex eorum Consensu pariter & Assensu, Ordinarunt, Statuerunt, Decreverunt atq; Concesserunt, quod Excellentissimus in Christo Princeps & Dominus noster, Dominus Henricus Dei Gratia, &c. ex certis Causis & Considerationibus tunc expressis [* in qualibet Missa principali ad Majus sive Summum Altare in cunctis hujus REGNI] Sacris Ædibus tam Cathedral. quàm Regular. & Collegiat Ecclesiis, Exemptis & non Exemptis, per inibi Ministros † quoscunq; numerum xiii Virorum Clericorum habent, Celebrand. in Omnibus Orationibus & Suffragiis —— pro ipsius Regis nostri Salute & Incolumitate, prosperoque Statu & felici Successu dum in humanis egerit, & postquam ab hac luce migraverit, particeps erit, &c.— MS. Bibl Cotton. Cleopatr. E. fol. 209.

Summ. Constit. Ebor.

* Omnium Missarum, Orationum, Lejuniorum, Vigiliarum, Disciplinarum, & Bonorum Operum quæ in cunctis hujus Regni.

† Add. Operari aut Fieri dignabitur Clementia Salvatoris tam in Vita quàm post mortem particeps erit. Adjicientes similibus Consensu & Assensu quod in qualicunq; Missa principali ad Majus sive Summum Altare supradict. — Certæ Orationes & Suffragia pro ipsius Dom. nostri Regis Salute & Incolumitate Prosperoq; statu & felici Successu dum in humanis egerit; aliaq; nonnulla tunc etiam in specie designata postquam ab hac luce migraverit solemniter legerentur & fierent, &c.

How long the *Parliament* sate I cannot tell: The *Convocation* continued till *May* the 18*th*, and then was Dissolved. It is not improbable but that here again these two Assemblies sate for some time together; tho' the Kings *Writ* came out so late that they could not have any long Concurrence of *Session* with one Another. But then the same misfortune again Returns here, that we have seen in former Years: The *Province* of *York* not only sate not all this while, but was not so much as *Summon'd* to *meet*, as I come now more particularly to shew.

1504. [7] Registr. *Savage.* fol. 91.

The *Clergy* of *Canterbury* continued their *Sessions* till the 18*th* of *May*, 1504. By a [7] *Writ* to the *Archbishop*, dated 4 days after *May* the 22*d*; the King commanded

manded the *Convocation* of *York* to be Aſſembled. It met the *Munday* after the Feaſt of St. *Peter ad Vincula*, *Auguſt* the 5*th*: [1] and granted One intire *Tenth* to the King. They then made the like Order for the intituling of the King to a part in their *Prayers*, and *Suffrages* that the *Other Province* had done; and ſo were Diſmiſſed. K. HENRY *the* VIIIth. [1] Ibid. fol. 98.

From this time I meet with no more *State Conventions* either of the *Clergy*, or *Laity*, during this Reign. About 4 Years after, the *Archbiſhop* of *York* held his [2] *Provincial Council* at *York*, *February* the 7*th*. He ſummon'd it by his *Own Authority*, [3] and held it wholly for *Church purpoſes*; ſo that this Aſſembly has only the *Name* of a *Convocation*, but was indeed a proper *Eccleſiaſtical Synod*. Sect. 66. 1508. [2] Regiſtr. *Bainbridge*. fol. 91. [3] Vid. Procurator. Decan. & Capit. Ebor. Append. Ann. 1508.

Here then we have the Reſult of this Reign; and ſuch an Account as ſeem'd Neceſſary to our preſent Purpoſe of the *Aſſemblies* of the *Church* during the whole Courſe of it. The Summ is in ſhort this; That of Ten *Seſſions* of *Parliament*, which were held under this King, [4] four met without any *Convocation* in either *Province* Concurrent with them. Of *two Others*, the *Convocation* met, in [5] One but juſt before the *Parliament* roſe; with the [6] Other it ſate by meer chance, upon a *Prorogation* with it, after having been begun by its ſelf ſeveral Months before the *Parliament* was Aſſembled. With [7] three *Parliaments*, the *Convocation* of *One Province alone* was held: With *One* only, during this whole Reign, did Dr. *A*'s Rule and Law of our *Conſtitution* prevail; Anno 1488: The Single time that the *Parliament*, and *Convocations* truly Met together. For this (to ſay nothing of the *Provincial Council* held by the *Archbiſhop* of *York*, Anno 1508) the King required, and the Archbiſhop held Eight ſeveral *Convocations*, when no *Parliament* was Sitting; ſo that hitherto I think the *Prerogative* of the *Crown*, and the *Independence* of theſe Aſſemblies upon One Another is not to be doubted of. [4] Ann. 1485, 1487, 1489. [5] Ann. 1489. (1ma. Seſſio.) [6] Ann. 1491. (2da. Seſſio.) [7] Ann. 1495, 1496, 1503.

Let us ſee how it continued during the *Firſt Five and twenty* Years of his Son;

King HENRY *the* VIIIth.

King *Henry* the vij*th* being dead the *beginning* of the *Year*, on the 17*th* of *October* the Young King iſſued out his [8] *Writs* for a *Parliament* to meet *January* the xxi*ſt*. He followed the Pattern which his Father had ſet him; and called it for *Other State Ends*, not to charge his Subjects with a needleſs Burden at his firſt Entrance upon the Government. For this Cauſe he Aſſembled not the *Clergy* in *Convocation*: Which in *One* of the *Provinces* met not at all; in the *Other* Sate indeed, but by the *Archbiſhops Mandate*, not by the *Kings Writ*; as a *Provincial Council*, not a *State Convocation*. Sect. 66. 1509. [8] Dugd. Summonit. Parl. pag. 485.

Now this Dr. *A.* himſelf allows, and therefore ought not to except againſt my Repreſentation of it. And tho' from the *time*, and *manner* of the *Archbiſhops Summons*; and the *Declaration* of the *Clergy* in their *Submiſſion* to this *King*, which I ſhall hereafter ſpeak of, [9] I was once of an Opinion that the *Archbiſhop* did not do this without the Kings *Order*, if without his *Writ*: Yet not finding any *Subſidy* granted by them to the *King*; nor any other *Uſe* made by him of their *Aſſembling*; nor being able, after a diligent Search, to diſcover the leaſt footſteps of any ſuch *Order* or *Writ*; Or that any the like Meeting of the *Clergy* was held in the Other *Province* either in this, or in the following *Year*; I am apt to think that this *Synod* was truly Called by the *ſole Authority* of the *Arch-Biſhop*; to promote the Intereſt of the *Church* in the *Parliament* which was then to Sit; or, at leaſt, to prevent any Prejudices from being done to it, by any *Attempts* of the *Laity*, in the *beginnings* of the *Reign* of a *Young* and *Unexperienced Prince*. [9] See before pag. 27.

Be this matter as it will (for I preſcribe not to any Ones Judgment;) By the [10] *Archbiſhops Authority* we are ſure, if not by the *Kings*, the *Clergy* were Aſſembled *January* the 26*th*; within five days after the *Parliament* began, and ſo continued to ſit on with it. In favour of this Meeting, the firſt day on which it began the *Lord Treaſurer*, by the Kings Order, Adjourn'd the *Houſe* of *Lords* from *Saturday* to the *Munday* following, becauſe the *Chancellor*, and other *Spiritual Lords*, were Abſent, and Engaged in *Convocation*. This was Repeated *four* times afterwards during this *Seſſion*: And it is the firſt *Parliament* in which either the *Rolls*, or *Journals*, afford the leaſt footſteps of any ſuch Practiſe. [10] Regiſtr. *Fiz-james*. Lond. fol. 10.

The

K. HENRY the VIIIth.

Sect. 67.

1511.

1512.

The next *Parliament* of this *Reign*, was [1] Summon'd in *November*, and ſate *February* the 4*th*. 1511. It continued to the firſt of *April* following; and was then prorogued to the 4*th* of *November* after. In this, as in the following *Parliaments*, the Cuſtom was continued of *Adjourning* the *Lords* on ſuch days as the *Biſhops* and *Prelats* were to be abſent in *Convocation*; and was five ſeveral times practiſed in this *Seſſion*.

[2] On the 28*th* of *November*, the *King* order'd his *Writ* to the Archbiſhop of *Canterbury* to Call the *Convocation* of his *Province* with all Convenient Speed. He Summon'd it accordingly to meet at St. *Pauls London*, *February* the 6*th*; two days after the *Parliament* began. Being thus Aſſembled it continued by ſeveral [3] Seſſions to the 20*th* of *October* following; and Granted to the King a *Subſidy* of 24000 *l.* [4] On the 6*th* of *November* it Re-Aſſembled again; and continued to the 17*th* of *December*: [5] It enlarged its Grant to four *Tenths*; and ſo was Diſſolved.

With this laſt *Seſſion* of this *Convocation*, the *Parliament*, prorogued, as I have before ſaid, to *November the* 4*th*, again ſate: So that here all went as exactly on this Side, as Dr. *A.* himſelf Could Wiſh. But the *Clergy* of *York* were not ſo well inſtructed in this Doctrine of Attendance as They ought to have been. The King ſent his [6] Writ to the Guardian of the Spiritualties to Aſſemble the *Convocation* of that *Province*, at the ſame Time that He did to the Archbiſhop of *Canterbury* to Call together the *Clergy* of Ours. Yet [7] it met not till the 26*th* of *April*; above three Weeks after the *Parliament* was riſen. The *Clergy* there, granted two Whole *Tenths*; the proportion of the Subſidy Given by our *Convocation*.

Thus did that *Synod* begin and End when no *Parliament* was Aſſembled: Nor did it do any better the *next Seſſion*: [8] It met not till the 17*th* of *January*, a Month after the *Parliament* was diſmiſſed; and ſitting till the *fourth* of *February* [9] Granted *One* Other *Tenth*; The *half only* of the Additional Subſidy preſcribed to it by the Example of our Province. So that in theſe two *Seſſions* however the *Province* of *Canterbury*, not by any *direction* from the *King*, or *Neceſſity* of our *Conſtitution*; (for the Province of *York* had the ſame *Writ* from the *One*, and lay under the ſame *Obligation* to the *Other*) but meerly by the Prudential Choice of the *Archbiſhop*, and for the viſible Convenience of the thing its ſelf, met together with the *Parliament*: Yet by the ſame *Choice* and *Authority* of the *Other Archbiſhop*, and for the ſame Obvious Convenience of that *Province*, the *Clergy* of *York* were not Aſſembled with Either of them; and thereby clearly ſhew Us that it was by their *Own Will*, not in *Attendance* upon any *Other Perſons*, that they ſo Met.

Sect. 68.

1513.

But the next Year, will yet more evidently prove the truth of this remark, and overthrow the pretences of our new Eccleſiaſtical Politicians. The *Parliament*, by *Prorogation*, met again at *Weſtminſter*, *January* the xxiij*d*: It ſate, and made ſeveral [10] *Acts*; Yet the *Clergy* having Granted ſuch large *Subſidies* in their *Convocations* the Years before, were not Aſſembled at all with it; nor did they in Either *Province*, as we muſt now ſpeak, tho' I confeſs Abſurdly, *Attend* upon it.

1514.

This *Parliament* was but juſt Riſen, when the King iſſued out his *Writ*, Dated *March* the 15*th*, to the *Archbiſhop* of *Canterbury* for another *Convocation*. [11] The Archbiſhop appointed *June* the xxij*d* for its ſitting; and the *Clergy* then aſſembled according to his Appointment. This was an unexpected *Summons* to them; who hoped to have been at reſt for at leaſt *two Years* longer, till the *Tenths* before Granted were expired; the laſt of which was not due till the firſt of *May* 1516. In teſtimony of their Diſſatisfaction, they came to no Reſolution at this Meeting; but were adjourn'd by the Archbiſhop from time to time, till the 13*th* of *November* 1515, the Year following. Being then met, they ſate till the 20*th* of *December*, [12] and Granted two other *Tenths* to the King; to be pay'd by four equal Portions, the Firſt at *Michaelmas* 1517, and the Other Three at the ſame Feaſt, the Three next Years. Thus they carried their Point, notwithſtanding the Anticipation made by the King in his *New Summons*: and provided againſt any future trouble of Aſſembling for at leaſt *Five Years* to come; in which time we ſhall find, that that they were not Once Summon'd by the *King* to *Convocation*. If this be not a clear proof, that the *End* which the King had in Calling of them together was for *Aid*, not for any Other either *State*, or *Church Affairs*; Let Dr. *A.* be pleaſed to give us ſome Reaſon, why the King *Called* them ſo often before this, why He did not *Call* them ſo long after.

Towards the End of the ſame Year 1514. the [13] Archbiſhop of *York* by his *Mandate* of the 12*th* of *November* Aſſembled his *Provincial Council* at *York*, *Janua-*

[1] Dugd. Summonit. Parl. pag. 487. Regiſtr. *Fitz. James.* Lond. fol. 33.

[2] Regiſtr. *Fox.* Winton. Part. iii. fol. 21.

[3] Regiſtr. Dec. & Cap. *Wigorn.* Hdum. fol. 86.

[4] Regiſtr. *Sylveſter.* Wigorn. fol. 102.

[5] Brev. Reg. dat. *Novembr.* 28.

[6] Regiſtr. *Bainbridge.* fol. 80.

[7] Regiſtr. V. Dec. & Capit. *Dunelm.* fol. 147.

[8] Regiſtr. *Bainbridge.* fol. 83.

[9] See *Statutes* 5 Henr. viii.

[10] Regiſtr. *Sylveſter.* Wigorn. fol. 108, 109. *Booth. Heref.* fol. 14, 26. b.

[11] Regiſtr. *Sylveſter* fol. 141. Append. ad Ann. Reg. *Booth.* fol. 26. b.

[12] Regiſtr. Dec. & Cap. *Ebor.* ab Ao. 1544 fol. 71. a. Appendix. ad Ann.

ry the 22d. This was properly an *Eccleſiaſtical Synod*; Called by the *Authority* of the *Metropolitan* for the Affairs of the Church in that Province.

After both theſe *Aſſemblies*, the [1] King laſt of All Summon'd his *Parliament* to meet at *Weſtminſter February* the 5th. It ſate till *Thurſday April* the 5th; and was then Prorogued till the 12th of *November* following. So that to ſtate then the Caſe of this *Parliament*: In the *Province* of *York* no *Convocation* properly ſpeaking was Called; In that of *Canterbury*, the *Convocation* was held *June* the 22d; The *Parliament*, the 5th of *February*, Seven Months after.

[1] Dugd. Summonit. Parl. pag. 489. Sect. 69. 1515.

But in the next Year we ſhall find theſe Aſſemblies ſomewhat nearer to Another; not out of any ſuch Principle as Dr. *A.* ſuppoſes, but by the Caſual *Adjournment* of the *One* and the *Other*. The Archbiſhop of *Canterbury*, by the Backwardneſs of his *Clergy* to Grant a *New Subſidy* ſo long before the *Tenths* already given were to Expire, was forced, as we have ſeen, to Adjourn his *Convocation* to a long day; [2] *November the* 13th. 1515: The *King prorogued* the *Parliament* to the 12th of the ſame Month. By theſe ſeveral *Adjournments*, they now ſate within a day of Each Other. And ſo they Ended too: The *Parliament* being *Diſſolved December* the xxiid; The *Convocation* Diſmiſſed *December* the 20th, but two days before it.

[2] Vid. Summonit. Arch. in Append. ad ann. 1515.

At the End of this *Parliament* two Minutes there are in the *Journal* of the *Upper Houſe*, that may deſerve to be taken Notice of. The former is to this effect: "This *Parliament* was *Diſſolved*, and *Ended*, the 22d of *December* 1515: *Joh. Taylor*, Dr. of *Canon Law*, being *Clerk* of the *Parliament*, and at the ſame time *Prolocutor* of the *Convocation* of the *Clergy*, which ſeldom Happens.

The Other Remark is this: "In this *Parliament*, and *Convocation*, moſt dangerous Seditions roſe between the *Clergy*, and *Secular Power*, about the *Liberties* of the *Eccleſiaſtics*; One *Standiſh*, a *Franciſcan Fryar*, being the Miniſter and Promoter of all the Miſchief, Anno 1515. The Caſe of Dr. *Standiſh*, and the Miſchiefs here ſpoken of, our *Law Books* ſet out to us, and from thence I have given elſewhere ſuch an Account, as may ſuffice, of this Matter.

About a Fortnight after the diſſolution of this *Convocation* and *Parliament*, the King, who had not yet at all Convened the *Clergy* of the *Other Province*, to meet with either *Seſſion* of this *State Council*, [3] now iſſued out his *Writ* to the *Archbiſhop* of *York* for the Aſſembling of Them. The *Archbiſhop* appointed the 9th of *April* for their meeting: When being come together, they Granted to the King *two Tenths*, and ſo were diſſolved. So that even this laſt *Seſſion* of *Parliament* was again defective: It ſate indeed with the *Convocation* of *One Province* Concurrent with it; but that of the *Other* met not till almoſt four Months after it was Diſſolved. 1516.

[3] Regiſtr. *Woolſey*: fol. 111, 112.

In the following Years an Affair began, which being not commonly known, will oblige me to Enlarge a little the more upon it. [4] *Archbiſhop Warham*, for the *Reformation* of ſeveral great *Enormities* in his Province had deſign'd to hold an Eccleſiaſtical Council of his *Suffragans*. In Order thereunto He had acquainted the *King* with his Purpoſe; and, as He affirmed himſelf, had obtain'd his Conſent ſo to do. Cardinal *Woolſey*, who now drew all things into his own Hands, being angry at this, wrote a ſharp Letter to the Archbiſhop; and, as it appear'd by the Event, ſo order'd Matters, as to oblige *Warham* to recal his *Monitions*, which were already iſſued out for it, in Expectation of a *Legantine Council* to be held by the *Cardinal* for the Reformation of the ſame Enormities. Sect. 70. 1518.

[4] See Card. *Woolſey*'s Letter to the All. of *Cant.* *Appendix* ad annum

In purſuance of this Reſolution upon the [5] laſt of *December* the ſame Year the *Cardinal*, by his *Letters*, Summon'd the Several *Biſhops* of the *Realm* to a *Synod* at *Weſtminſter* the firſt *Munday* in *Lent*. This Council was intended to have been held before on the morrow after the *Nativity* of the *Bleſſed Virgin*, *September* the 9th: But the Peſtilence raging at that time in the City, [6] the *Cardinal*, by his *Letters* dated *Auguſt* the 21ſt: 1518. Adjourn'd the *Council* till the *firſt Munday* in *Lent* following; *March* the 14th; and by his *Monitions*, bearing date *December* 31ſt, ſummon'd the *Biſhops* of both *Provinces* to come to it. Some Articles were agreed upon in this meeting, which the *Biſhops* were required to *publiſh* in their reſpective *Dioceſſes*. How this was done in other places I cannot tell. [7] The Biſhop of *Hereford* called his *Dioceſan Synod* in Order thereunto; and therein cauſed the ſaid *Articles* to be publiſh'd; As by the Acts of this *Synod*, as far as they concern the preſent Buſineſs, tranſcribed into the *Appendix*, may more particularly appear.

[5] Regiſtr. *Fitz-james*. Lond fol. 137. Appendix ad ann. 1518.

[6] Vid. *Append.* ad ann. 1518.

[7] Vid. *Append.* ad ann. 1519.

The

K. HENRY the VIIIth. Sect. 71. 1523.

The King had now tarried a long time without either *Parliament*, or *Convocation*. The Terms of his *Subsidies* were all Expired; and He began therefore to think of *Summoning* not only the *Laity*, but the *Clergy* of the *Realm* too. And first by his [1] *Writs* dated *January* the 23*d*, He cited his *Parliament* to meet at the *Preaching Fryars London*, *April* the 15*th*. Having sate there for some time, it was from thence Adjourn'd to *Westminster* the last of *July*; and there continued till it was Dissolved.

[1] Registr. *Boothe* Heref. fol. 90. b.

Before the *Parliament* met, *February* the 6*th*, the King issued out his [2] *Writs* to the *Archbishops* for the *Assembling* of their respective *Convocations*. The *Cardinal* [3] Archbishop of *York*, was the first who Assembled his *Province* upon it: They met, by his Order, *March* the 22*d*. almost a month before the *Parliament* began. On the first day of their Assembly they were prorogued to the Conventual Church of St. *Peters Westminster*, *de ipsorum Prælatorum & Cleri atque Abbatis & Conventus dicti Monasterii voluntate & Assensu Expressis*; there to meet *April* the 22*d*; for what End we shall presently see.

[2] Registr. *Tonstall.* Lond fol. 33. b.
[3] Registr. *Woolsey*. fol. 129.

But the [4] *Archbishop* of *Canterbury* chose the time of the *Parliament*, as most Convenient for the *Bishops* and *Prelats* of his Province. He order'd his *Convocation* to meet *April* the 20*th*, but five days after the *Parliament* was to begin. No sooner were the *Clergy* Assembled, and the *Mass* said, but a *Monition* was sent to the *Archbishop*, by the *Cardinal* of *York*, to appear with the *Prelats* and *Clergy* of his *Province* before Him at *Westminster*, two days after, viz. *April* 22: there to hold a *National*, *Legatine Council* with the Prelats and Clergy of the *Other Province*, Whom he had before, with this design, summon'd to appear there. What the Result of this suddain meeting was, I shall chuse rather to deliver in the Words of One who was then upon the Spot, and gave this Account of it in a *Letter* concerning the *Quarrels* which rose in the *House* of *Commons* about the *Subsidy* which was passing there, and added what follows relating to the proceedings of the *Clergy* at the same time. [5] "Also the *Convocation* "among the Priests the furst day of their Apparence assone as the *Masse* of the "Holy Gooste at Pauls was done, my Lorde Cardynal assited all them t'appear before Hym in his Convocation at Westminster; Whiche soo did; and "there was another Masse of the Holy Gooste: And within Six or seven daies "the Prestes proved that all that my Lord Cardinals Conuocation shoulde do, "it shuld be voyde, because that their Summons was t'appere before my Lord "of Canterbury. Which thing soo espied my Lord Cardinal hath addressed "oute of new Citations into every Countrey, commanding the Prestes t'appere before Him Eight days after th'essencyon; and then I thinke they shall "have the third Masse of the Holie Gooste. I pray God the Holy Gooste be amongest theim and Us both: I doo tremble to Remember the End of thies hye "and new Enterprizes.

[4] Registr. *Tonstal.* loc. cit. Append. ad Ann.

[5] Bibl. Cotton. Titus. B. I. fol. 113.

It is in Effect the same account that the *Cardinal* himself Gives of the Issue of this Assembly in his *Mandatory Letters* for the Other *Council* here spoken of, which was ordered to appear before Him [6] first on the *Munday* next after *Corpus Christi* Day, *June* the 8*th*; and afterwards, on the *Tuesday* before, *June* the 2*d*: as by an authentic Copy Return'd from the *Archdeacon* of *Buckingham* to the *Bishop* of *Lincoln*, which I have Publish'd in my *Appendix*, do's appear. The *Clergy* were required to bring *full Powers* with them; but what was done farther in this Case, I am not able to say. In the mean time, is it to be imagined, that if *Cardinal Woolsey* had thought the *Convocation* Assembled under *Archbishop Warham* to have been by the *Law* of our *Constitution* an *Essential part* of the *English Parliament*, and to have met as such; He would have presumed by his *Legatine Authority* to have *broken* up the *Meeting*, and to have turn'd it into a *Legatine Synod*; which every body must see, could have no such Relation to the *Parliament* of *England*? Dr. *A.* may fancy what he will; but had the *Cardinal* believed, as he pretends, that there had been any such near Dependance of these Great Bodies upon, or Relation to, One another; He would have as soon undertaken by his *Legatine Power* to have Adjourn'd the *House* of *Commons*, as to have prorogued the *Convocation*; over which, in that Case, He could have had no more pretence of Power, than over the Other. But the *Cardinal* look'd upon it, as a *Provincial Synod*; called by the King for a *State purpose*; and which being met by the Authority of the *Archbishop*, was capable of being Employ'd to any Other *Ecclesiastical Use*. And therefore by a Stretch of his Power, such as never had been be-

[6] Registr. Tonstal. fol. 137. Append.

fore

fore attempted, He Called it before Him to *Weſtminſter*; intending when they were there, (would the Proctors of the *Clergy* have permitted it,) to have done at once both the *Kings Buſineſs*, and to have ordered his *Own Church Affairs*. K. HENRY the VIIIth.

They ſate not many days at *Weſtminſter*, before the *Archbiſhop*, and his *Biſhops*, and *Clergy*, return'd again to their Aſſembly, to which they had been called at *Pauls*. They were cited by the *Cardinal* to his *Council*, *April* the 22*d*: And on the 2*d* of *May*, his Orders went out for another Meeting; ſo that before that time therefore they muſt have been diſmiſſed by Him. [1] Being return'd to their proper place they Continued to ſit there till *Auguſt* the 14*th*, and then granted a *Subſidy* to the King. The *Clergy* of [2] *York*, did the ſame four days after, *Auguſt* the 18*th*; and ſo Concluded their Aſſembly.

[1] Regiſtr. *Tonſtal.* fol. 40. b.

[2] Regiſtr. *Woolſey.* fol. 129.

What became of the *Legatine Synod*, appointed to meet in the beginning of *June*, I am not able to ſay. That it gave no money, both the nature of the Aſſembly, and the account we have of the *Convocations* in which the *Subſidies* of this Year were Granted, Aſſure us. On *Auguſt the* 14*th* our *Province* (as I have before ſaid) made their Grant. On the 17*th* of the ſame month, the *Province* of *York* was prorogued from *Weſtminſter Abbey* to the *Cardinals* Own Houſe, called in the Regiſter *Locum utique noſtræ Juriſdictionis Ebor. Solitum & Conſuetum.* Being met there the next day, *Auguſt the* 18*th*, They agreed to the Subſidy of One half of their Eccleſiaſtical Revenues, for the five next Years, the ſame that our *Clergy* had Given before.

Such was the iſſue of this *Parliament*, and of the *Convocations*, and *Synods*, which met with it. Never was the *Civil Council* more pompouſly Attended than Now. The two *Convocations* not only ſate at the ſame time with it, but that of *York* was Called up to *Weſtminſter*, to ſit in the Neighbourhood of it. *Cardinal Woolſey* would have made the Relation more near ſtill; by Convening both *Provinces* into One *National Aſſembly*, and that at *Weſtminſter*, cloſe by the *Parliament*. Let Dr. *A.* make what Advantage He can of it: But let him remember withal; that One of theſe Provinces began to meet above three weeks before the *Parliament*; the Other was treated by the *Cardinal*, not as a *Parliamentary*, but an *Eccleſiaſtical Aſſembly*; and for a while turn'd by Him, during the *Seſſion* of *Parliament*, into a *Legantine Synod*: And whether then, and in that Capacity too it, was an *Attendant*, under the *Pope*'s *Legat*, upon the *Parliament* of *England* by vertue of our *Conſtitution*; is a Caſe, which being pretty ſingular, I muſt leave to thoſe who are better verſed in the *Laws* of the *Realm*, than I muſt pretend to be, to determine.

But here Dr. *A*, being a Man of Nice Honour and Reſpect to his Own *Living Benefactors*, impleads me in an Action of Ingratitude towards a *Dead One*. I muſt beſpeak the Readers Patience to ſtop ſo long as to clear my ſelf of that Imputation, or I may chance in the Opinion of ſome very Ignorant perſons (for of any Others there is no danger) to lie under the Scandal of it. Sect. 72.

In my former Book I had from the *Antiqu. Brit.* given an *Erroneous* indeed, but I think otherwiſe a *Candid Account*, of the Hiſtory of theſe *Synods*, in theſe Words: [3] "I ſhall cloſe up theſe Remarks with the account of One other *Con-* "*vocation*, and that ſuch as is not to be parallell'd, in all its *Circumſtances*, in any "part of our Hiſtory. King *Henry* the viiith having called a *Parliament* to *Weſt-* "*minſter* Anno 1523. (ſo it ſhould have been printed) Commanded *Warham* "*Archbiſhop* of *Canterbury*, to Summon a *Convocation* of the *Clergy* to meet about "the ſame time in St. *Pauls Church London*. *Cardinal Woolſey*, who, as *Archbiſhop* "of *York*, had no place in the *Convocation*, and was deſirous to bring every thing "within his *Own Management*, by his *Legatine Power* Diſſolves the *Convocation* "held at the Kings Command by *Warham*, and Orders the ſame *Synod* to ap- "pear before himſelf, as the *Pope*'s *Legat*, the next day at *Weſtminſter*. Where "having got a ſufficient *Subſidy* granted by them to the King, he ſoon diſmiſſed "the Aſſembly. Theſe are my Words; In which I think there is nothing ſe- vere upon any One, but all delivered in as ſoft a Strain as the Subject could poſ- ſibly have born. Let us now ſee how my *Author*; (an Author of that *Credit* and *Authority* in theſe Matters, that I do not yet think it any ſhame to have been miſled by Him) reports this Hiſtory.—— [4] "Parliamentum Weſtmonaſterii Ce- "lebratum eſt; Mandatoq; Regis *Warhamus* Archiepiſcopus *Cleri Synodum Lon-* "*dinum* convocavit. In qua *Wolceus*, INTOLERABILI MOTUS ELATIONE, EOQUE "FASTU TUMENS QUO OMNIUM JURA VIOLAVIT, INAUDITI EXEMPLI FLAGITIUM

[3] Authority, &c. pag. 244.

[4] Antiquit. Britan. p. 313.

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"COMMISIT. Cum enim ei non fuit in *Cantuariensis Provinciæ Synodo locus*, ut omnia ad suam *Legatinam* potestatem raperet, Concilium in templo *Paulino*, "*Warhamo Archiepiscopo* atq; Præsidente, inceptum, *Papæ Autoritate* dissolvit; "et idem Postridie coram se Legato Papæ, *Westmonasterii* adesse mandavit. "Quod paucis postea diebus, simul atque subsidium bello gerendo competens, "a Clero Regi concessum esset, iterum dimissum fuit.

And now let Dr. *A.* himself be the Judge; Or rather let the Equitable *Reader* Judge between Him, and Me: In what have I varied from my Author in the Relation of this matter? Or what have I Omitted excepting only his REFLECTION upon the CARDINAL; over which indeed I drew a Charitable Vail; and pass'd not the least Censure upon his Attempt, in a Matter, which had it been transacted as it is here represented, and as I verily supposed it to have been, [1] Dr. *A.* himself confesses, "Dr. *Wake* would have had reason to say, "(it is all that he do's say of it) that it was an Assembly not to *be parallel'd in all* "*its Circumstances in any part of our History*. Nay he adds; that it would have certainly been put among the *Articles* of his *Impeachment* preferred against Him in *Parliament*. So Great a Crime do's Dr. *A.* himself account this Action, as it was represented to me. Yet so Gentle a Reflection, and as to the *Person* of the *Cardinal* None at all, did I, at last, make upon it.

[1] Rights, &c. pag. 453.

But where then is my Crime? How do's my Ingratitude Appear? Why it seems I ought "to have done the *Cardinal* Justice in this particular; Who had "REAL FAULTS enough, not to be loaded with Untrue ones. Will this Gentleman please to bear a little with me: I truly thought that I had done the *Cardinal* much more than Justice; that I had *spared* his *Memory* in an Action in which Others had Reflected with *Severity*, and, as I understood the matter, with *Justice* too, upon him. That I did not set the Story right in some *Circumstances*, (for as to the substance of it, it did not need my Help) was not for want of any good Will, but of *Memorials* to do it by. I had then only our *Printed Authors* before me; and I took my *Narrative* from One whom I accounted the most Correct of Them.

However let us hear how He harangues upon this Occasion; for indeed there is somewhat very Extraordinary in it. [2] "Common Justice obliged me to say "thus much in behalf of that Great Minister.—Dr. *Wake* had much nearer Obli- "gations to have done this; who has eat the Bread of *Woolsey* — near half his "Life. Would any one that reads this imagine that Dr. *A.* as well as Dr. *Wake* had once been a *Student* of *Christ Church* Oxon; and that, if I mistake not, for as many Years as ever Dr. *Wake* was? "*Common Justice* Obliged Him; — but "Dr. *Wake* had a nearer Obligation. Dr. *Wake*, while He was Student of that AMPLE (for I must not now give it the Other Character, of ROYAL) FOUNDATION; *Eat the Bread of* WOOLSEY; but Dr. *A.* He eat the Bread only of his own Merits and Endowments.

[2] Rights, &c. pag. 454.

But it may be this is not the *Bread* that so much moves his Indignation: A *Students Pension* is not large enough to raise a *Gratitude* above the pitch of COMMON JUSTICE; tho' somewhat else may. We will therefore go on with his Reflection. "Dr. *Wake* had much *nearer Obligations* to have done this, who has "*eat* the Bread of *Woolsey* near half his Life; and *now* owes his Comfortable "*Summer Retreat* to THAT CARDINALS BOUNTY. Is Dr. *A.* in Good Earnest so ignorant as to believe this? Or do's he hope that his *Readers* may possibly know so little of these Matters, as to be misled by Him? Did *Cardinal Woolsey* then found the *Cathedral of Christ Church Oxon?* Did he place the *Episcopal Chapter* there? Or do's it appear that among all the Other parts of his *Magnificent Scheme*, he ever design'd any such thing? Was not this *Foundation* dependant upon the *Erection* of the *New Bishopricks?* And those Consequential to the Final *Dissolution* of the *Monasteries?* And both many Years after the *Cardinal* was in his *Grave*? What strange Ignorance; or unpardonable prevarication do's this Writer here betray; because King *Henry* the viiith, xvi Years after the *Cardinal* was dead, having Erected a *New Bishoprick* of *Oxford*, and settled it with its *Capitular Body* at *Oseney Abbey*, afterwards thought fit to remove both the *See*, and *Chapter* to *Christ Church*, and Unite it to the Colledge, which pursuant to the *Cardinal's* design and beginning, He had Establish'd there; to call this *Cardinal Woolsey's* Cathedral, and to represent the Bread which the *Dean* and *Chapter* Eat there not as the *Kings*, but the *Cardinals Bread?* But let Dr. *A.* set up his *New No-*

ons as He pleases: and, to make his Performance all of a piece, be as extravagantly Erroneous in his *By-Points*, as he is in his *Main Principles*: His Confidence shall not make me ashamed to Avow that I eat the Bread of *Kings*; and as I thankfully Acknowledge that I owe my *Promotion* to the Bounty of my *Royal Master*, (whose *Legal Rights* therefore, *Gratitude*, as well as *Duty*, obliges me to defend) so to affirm that the *Church* in which I Enjoy it Owes its Establishment to the Munificence of his Illustrious Predecessor, *King Henry* the viiith. A Prince whom this Author not very Gratefully Rails at, tho' bred up in the *School* of his *Daughter*; and Nourished in the *Foundation* which that Prince himself Establish'd. This is a Profession which this *Author* has more than Once publickly made in his *Solemn Devotions*, whilst he was of that *Society*; and I think, should not have forgotten it in his *present Writing*. Not but that after all I have as just an honour for the *Cardinal* as is Consistent with *Truth*: I spared his *Memory* in an *Act* for which Others had severely Censured Him; and how far this *Author* has justified *Him*, or indeed given a true Account of his *Procedure*, after all his insulting over Other mens *Errors*, I now proceed to Enquire.

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[1] Rights, &c. p. 148. Having in general called King *Henry* the viiith an *Ill-Prince*; He thus proceeds: "HENRY "the 8th was "such, *IF* "*EVER ANY*

"*PRINCE UPON EARTH WAS*: And Sr. *Walt. Raleigh* therefore says of Him, that if all the Pictures and "Patterns of a *Merciless Prince* were lost in the World, They might all again be painted to the Life out of the "Story of this King. And in the next Sentence He speaks of his *most Exorbitant* and *Oppressive Acts of Power*, &c. Yet this very King Dr. *A.* has often Own'd for the Founder of *Christ Church*, and twice a day, for many Years together, has publickly Given God Thanks, with that Society, for Animating him with *his Spirit* to found that *College*, which now nevertheless, He not only transferrs wholly to *Card. Woolsey*, but throw's the *Cathedral* too into the bargain; in which the *Cardinal* had no manner of Concern.

Sect. 73.

The main thing disputed in this Case, allowing for some lesser Mistakes of an Eminent Author, whom Dr. *A.* is pleased to fall upon both here, and in many Other places, I think, with as little *Gratitude*, as *Decency*; is this: Whether the *Cardinal Suspended*, and, in his Intention, had things proceeded according to his Expectations, *Dissolved* Archbishop *Warham*'s *Synod*, Called in Obedience to the *Kings Writ*, and actually *Convened* thereupon at *Westminster*, *April* the 20th? Or Whether He only *Summon'd* a distinct *Legantine Council* to meet at *Westminster*, two days after the *Other* was Appointed to begin at *Pauls*? Dr. *A.* Affirms the *Latter*, and refers us to the *Cardinals Mandate* for the proof of it. I have not only *Examined* that Mandate, but that Others may have the better Opportunity of *Examining* it too, have put it into my *Appendix*; and do nevertheless in Opposition to his *New State* of this *Matter*, Affirm the former; and desire him to shew me any *One Word* in that *Mandate* that says, what He pretends to be so Clearly Written in it. Let us hear How he delivers His Judgment in this Particular. "Had his[2] *Lordship*, says He, given himself the trouble to peruse "the Mandate to *Tonstall*, which He Cites from his *Register*, He would have "found that there is not a *Syllable* of a *Dissolution*, or a *Re-Assembly* mentioned "in it; and would THERE have hitt upon a true Account of this Mistaken Story. "For that MANDATE *Recites* that the *Cardinal had* SENT OUT *his* LEGANTINE SUMMONS, CONCURRENTLY *with the* BISHOP OF CANTERBURY'S PROVINCIAL CITATION, for the *Clergy* of *Both Provinces* to meet at St. *Peters*, *April* the 22d. —— "That they did accordingly thus Meet by *Adjournment* from *Pauls*.

[2] The Bishop of *Sarum*.

He who charges Another with *Error*, and pretends to Set things to Rights which had been for an Age and Half mistaken by the best Authors; should take some Care not to *Err* too *Grosly* in the very thing in which He insults over the Negligence, or Frailties, of Other Men. The Bishop of *Sarum* was mistaken in his Representation of this matter: It is allowed; So were some of our best *Historians* before Him. Let me Add, and so is Dr. *A.* now; and that more Unpardonably than any of Them, because he pretends to Greater Exactness; and to relate matters of fact from a *Publick Instrument*, which, after all, says not One Word of what He is pleased, with such Assurance, to build upon the Authority of it. The *Cardinal* sent out no LEGANTINE SUMMONS CONCURRENTLY with the *Archbishops Mandate*: If he had, an Execution must have been made of them; *Proctors* of the *Chapters*, and *Dioceses*, would have been *Chosen*, and *Empower'd* thereupon; and there would have been no disappointment of the *Cardinals Designs*, for want of *Procuratorial Letters* to warrant the *Clergy* to *Act* in his *Synod*. But as I have before shewn from a Contemporary *Relation* of this matter; the *Cardinal* upon the *First Day* of the *Meeting* of *Archbishop Warham*'s *Convocation*, as soon as the *Mass* of the Holy Ghost was said, Cited the whole Assembly to

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appear before Him at *Weſtminſter* two days after. This was the truth of the Matter; and this was the *Reaſon* why the *Proctors*, who were Deputed to Come up to the *Convocation* at *Pauls*, and to Act with their *Archbiſhop*, and the *Provincial Prelats* and *Clergy* there, could not, by ſuch their *Deputation* Act, in the *Cardinals Legantine Council* at *Weſtminſter*, as He Intended they ſhould have done.

Pol. Verg. Hiſt. Angl. lib. 27. ad Ann. 1523.

Would Dr. *A.* have ſome farther proof of this; let him take it from One who was a member of the *Archbiſhops Convocation*, and went down with Him to the *Cardinals Synod* at *Weſtminſter*. "Four days after the Opening of the *Parliament*, "the *Clergy* began to hold their *Convention* in St. *Pauls* Church. *Wooliey* had "alſo Called thither (to *London*) the *Clergy* of his *Province* of *York*: And becauſe "their Smalneſs did not ſeem ſufficient to Adorn his *Pontifical Dignity*, He ask'd "the Archbiſhop of Canterbury's Conſent, that the whole Aſſembly of the "*Clergy*, Ejus juſſu Convocatus, ad ſuum Conventum, quem in Cœnobio ad *Weſt-* "*monaſterium* facere inſtituerat, accederet; Ibique de Summâ Rerum Conſultare- "tur.

Now by this *Citation* of his, thus Unſeaſonably made; He did, in effect, *Diſſolve* the Archbiſhop's *Convocation*. For He commanded that very *Aſſembly* of *Prelats* and *Proctors*, which had been Called by the Archbiſhop to *Sit* at *Pauls* by the Authority of the *Kings Writ*, to Leave his *Synod*, and come down with their *Preſident* to *Weſtminſter*, and there ſit under his *Own Direction* as the *Pope's Legate*. And I make no doubt but that could the *Clergy* have *Acted*, and *Granted* the Subſidy demanded on the Kings behalf there, which the ſame Hiſtorian obſerves, was their [1] *main buſineſs*, they had never been ſent back again to *Pauls*, to their *Own Convocation*. So that however there was no *Formal Diſſolution* of Archbiſhop *Warham's Convocation*; but, as Matters fell out, the *Clergy* were forced to Return to it; and with Dr. *A's* Favour to *Re-Aſſemble* in it; yet a *Suſpenſion* of it there was for *ſeveral Days*; and it is more than probable that had not that *Miſtake* hinder'd it, it would have proved, in the Effect, a final *Diſſolution*.

[1] Deinde de re pecuniaria, *Cujus Cauſa Eo conventum erat*, agere Cœpit (Sc. Cardinalis.) And again; *Ita* Sacerdotum, ac Principum Concilium uno tempore habebatur; ac *Unum tantum agebatur* ut pecunia impetraretur.—*Pol. Verg.* ib.

But where has Dr. *A.* learnt, that the *Clergy* of our *Province* Called by *diſtinct Writs* to a *Legantine Council*, did ever meet in ſuch a *Council* by *Adjournment* from their *Own Provincial Convocation?* That the Archbiſhop in ſuch a Caſe, might have *Prorogued*, or *Diſſolved* his *Convocation*, to give the Better Opportunity to the *Biſhops* and *Prelats*, and to ſuch of the *Proctors* of the *Chapters* and *Clergy* as ſhould have been choſen for *both*, to Attend upon the *Legantine Council*, is not improbable. But to meet in *One Kind of Council*, by *Adjournment* from *Another*; is, I am Confident, a *New Term*, and fitted to a *Notion* altogether as *New*. He may as well ſay that the *Archbiſhop Adjourns* his *Suffragan Biſhops* from the *Jeruſalem Chamber* to the *Houſe* of *Lords*, when for the Buſineſs of the *Parliament*, He *prorogues* his *Convocation*; as that Archbiſhop *Warham*, according to his Report of the Matter, *Adjourn'd* them from his *Own Convocation* at *Pauls* to meet in the *Cardinals Legantine Council* at *Weſtminſter*; in which He had no more *Authority* than He had in the *Parliament*. The *Cardinal* indeed *Adjourn'd* his Own *Convocation* from *York* to *Weſtminſter*: And they ſate by Adjournment there. They were his *Own Provincial Convocation*, He preſided in it, and had the *Power* over it. But for the *Archbiſhop* of *Canterbury*, He would never have *Adjourn'd* his *Own Authority* out of doors, if He could have helped it: And I have before ſhewn, that both *Himſelf* and his *Clergy* met at *Weſtminſter* by the *Cardinals Citation*, not by their own *Adjournment*.

There is Yet One little Exception worthy the Confutation of Dr. *A.* for I verily think no Body elſe either could have miſtaken it, or would have ſeriouſly endeavour'd to Anſwer it. The *Antiquit. Brit.* give this Reaſon of the *Cardinals* thus Ill-Entreating the *Archbiſhop* of *Canterbury*, that "having no Place "in the *Synod* of the *Province* of *Canterbury*, and being deſirous to draw all things "under his *Own Legatine Power*, He Called the *Convocation* of our *Province* be- "fore him to *Weſtminſter*. Well, and what ſays Dr. *A.* to this? Why He ſeriouſly Aſſures us that this is a great *Miſtake*; for tho' as *Archbiſhop* of *York*, He had, indeed, no place in our *Synod*, yet as Biſhop of *Bath* and *Wells*, and *Abbot* of St. *Albans*, he had. Will He give me leave to Ask Him; Do's he think that the *Learned Writer* of that *Book*, who ſo thoroughly underſtood the *Conſtitution*, and

and *History* of our *Church*, did not know that the *Cardinal* had such *Preferments*? Or knowing it, was He yet ignorant that the *Bishop* of *Bath* and *Wells*, and *Abbot* of St. *Albans*, had places in our *Synod*? Yes certainly, That Learned *Writer* knew both, as well as Dr. *A.* But he knew withal that those were not Places for the *Cardinal* to appear in; and meant no more than Dr. *A.* himself Allows, that being not *President* there, either as *Legat*, or *Archbishop*; Having not any *Place* of *Eminence* and *Authority* in the *Convocation* of our *Province*, He resolved by an Extraordinary Use of his *Papal Character* to *Usurp*, what regularly He could not *Obtain*. K. HENRY the VIIIth.

We are now come to the Last *Convocation* of this *Period*; which began the 5th of *November* 1529; and continued till after the *Submission of the Clergy*, which enters us upon a *New Establishment*, and must be the *Subject* of a *New Chapter*. I shall here only briefly represent the several *Sessions* of the *Parliament*, and *Convocation*, till the passing of the *Act* of *Submission*, and so conclude the *Present Chapter*. Sect. 74. 1529.

By [1] *Writs* dated the 9th of *August*, the King Summon'd his *Parliament* to meet at *London* upon the 3d of *November* following. It sate there 44 days, to the 17th of *December*, and was then prorogued to the 27th of *April* the next Year. [1] Dugd. Summonit. Parl. pag. 494.

By other *Prorogations* it was continued from thence to the 16th of *January*, the 22d of *Henry* the 8th. Then it sate again to the End of *March*; and was *prorogued* to the 23d of *October* following. 1530.

After Other *Prorogations*, the same *Parliament* was held a *third time* upon the 15th of *January* Anno 1531: And again, a *fourth* upon the 4th of *February* 1532; from which time it continued till the 7th of *April* 1533. 1531. 1532.

By farther *Prorogations* it was from thence Adjourn'd to the 15th of *January* the same Year: It then sate to the 30th of *March*, and was again Prorogued to *November* following. This was that *Parliament* which pass'd the *Act* of the Submission of the Clergy; and of which an Account will hereafter more properly be Given. In the mean time having thus seen what were the Several *Sessions* of this *Parliament* for 4 Years, from its *first beginning*; We will now as briefly enquire, how the *Sessions* of the (2) *Convocations* kept pace with them, and so put an End to this part of our History. 1533.

The King having issued out his *Writs* for the *Parliament August* the 9th; about *ten days* after, sent forth his [2] *Provincial Writs* to the *Archbishop* of *Canterbury*, to Summon, with all Convenient Speed, the *Convocation* of his *Province*. The *Archbishop* accordingly appointed it to meet upon the 5th of *November*; two days after the *Parliament* was to begin. It continued from thence to the 24th of *December*, and so was prorogued. 1529. [2] Registr. *Tonstal.* Lond. fol. 165.

In the beginning of *January* 1530, a Week, or more, before the *Parliament* Resumed its *Session*, the *Convocation* renew'd its Assemblies: A difference of no great Moment, but that it shews Dr. *A*'s mistake, who roundly affirms them to have met within a lesser distance throughout this Reign. It sate till the first of *April*; and was then *Prorogued* to the 16th of *October*; a Week short of the *Parliamentary Adjournment*. 1530.

The next Session of Both began within a Day of each Other. The *Parliament* was open'd the 15th; the *Convocation* the 16th of *January*: 1531. They sate both together till the middle of *May*; and were prorogued too within a day of One Another. 1531.

The same was the Case of the next Session: The *Parliament* began *February* the 4th, the *Convocation February* the 5th. 1532. The *Parliament* sate till the 7th, the *Convocation* till the 8th of *April* the next Year 1533. 1532.

To remove all scruple concerning the Continuance of this *Convocation*, after the Death of the *Arch-Bishop*; the King first by His *Writ*, dated 28th of *October* Regn. 24. Commission'd the *Prior* and *Chapter* of *Canterbury* to proceed with it; and They by their *Mandate* dated *February* the 10th; Orderd a *New Summons* to be made out to the *Bishops*, *Prelats* and *Clergy* to appear in *Convocation March* the 17th; either in their *Persons*, or by *Proctors* sufficiently empower'd to Act for Them. Upon the Authority of this Mandate, I doubted not to fix the meeting of this *Convocation* to that day, but to avoid mistakes, must here give a more clear and distinct account of it. The Case was plainly this: The *Convocation* was first adjourn'd to *November* the 5th. Being then assembled, the Bishop of St. *Asaph* as Commissioner [3] for the *Prior* and *Church* of *Canterbury*, prorogued [3] Vid. Mand. Dec. & Capit. Cant. in Append. Ann. 1532.

K. HENRY the VIIIth. rogued it to the 5th of *February* following. To take off all Scruples concerning the proceeding of the *Convocation*, which might seem to have been put to an End by the Death of the *Archbishop*, on the 11th of *February*, the *Dean* and *Chapter* issued out their *Mandate* to the *Bishop* of *London* for a *New Summons* of the Members of the *Convocation*, and for new *Elections* of *Proctors* for the *Cathedral* and *Diocesan Clergy*. These were appointed to be Return'd *March* the 17th. But in the mean time the *Bishops* and *Prelats* who were present, went on as before; and were Continued from time to time, and some little business was Once at least done by Them. On the 17th of *March* the *Bishop* of *London* made his Return, and from thenceforth the *Convocation* proceeded regularly in a full Body, as it had done before the *Archbishops* decease.

1533. The Year following the *Parliament* sate again the 15th of *January* 1533. and Continued to the 30th of *March*. The *Convocation* met the next day, *January* the 16th: And was *prorogued* from time to time till the very End of the *Parliament*, by the *Archbishops Authority*; and the next day after it rose was Continued to the 4th of *November*, by the *Kings Writ*.

Such was the Case of our *Convocation*: In which, when we shall consider what Affairs were now in Agitation, and how much it concern'd the King to *Unite* the *Sessions* of this *Parliament* and *Convocation* very near to one Another; we shall find no Cause to wonder that He who had freely Called them at *different times* before, as freely summon'd them to meet about the *same times* Now. Of the Assemblies of the *Convocation* in the Other *Province*, I can give but a short and Unaccurate Account. When it met, or whether it met at all with the first *Session* 1529. of the *Parliament* in 1529, I cannot tell. *Cardinal Woolsey* being dead in *November* 1530. 1530 the King issued out His *Writ* to the *Guardians* of the *Spiritualties* dated the 7th of *December*, to Assemble the Convocation at *York*. They Called it thereupon *January* the 12th: From thence it continued to the 4th of *May* 1531: And then, five Weeks after the *Parliament* was prorogued, made the Grant of 18840 *l.* to the King.

1531. The See of *York* being now fill'd, on the 23d of *December* Regn. xxiii: the King again issued out his *Writ* to the *New Archbishop* to Call his *Convocation*, *cum omni celeritate accommoda*. The *Archbishop* appointed it to Assemble [1] *February* the 7th: somewhat more than three Weeks after the *Parliament* began. But there were great Reasons why it should sit then: The *King* and *Parliament* bore hard upon the *Clergy*; Their *Submission* was now transacting in the *Convocation* of the *Other Province*; and we cannot doubt but that a Correspondence was held between them; and that the *One* were not Idle, whilst the *Others* were so fully Employ'd.

[1] Registr. Dec. & Capit. Ebor. ab Ao. 1504. fol. 181.

Sect. 75. How they proceeded in this, or when they met in any following *Convocations*, the *Registers* of that *Province* seem to be wholly silent; so that I must here put an End to this part of King *Henry* the 8ths Reign, and with that to the History of this *Third* Period. The Sum of what we have seen under this last Princes Administration is briefly this. Of 11 *Parliaments*, and *Sessions* of *Parliament* held within his first four and twenty Years; One sate without the *Attendance* of any *Convocation* at all. With [2] four Others, only *One Convocation* sate, during any part of their several *Sessions*. Of [3] *two* I can give no Account whether the *Convocation* of the other *Province* met with them or Not. [4] *Thrice* only do we find the *Parliament* and *Convocations* to have met together: And for that we have as many, if not more, *Convocations* Called and Assembled out of the time of the *Parliament*. [5] Two sate not in any part of the same *Sessions* with it: [6] One met before it; tho' afterwards continued by *Prorogations* with it: And another if it did not meet, yet [7] acted and did its Great Work, several *Weeks* after the *Parliament* was Risen.

[2] Ao. 1509, 1511, 1512, 1515.
[3] Ao. 1529, 1532.
[4] Ao. 1523, 1530, 1531.
[5] See Ao. 1511, 1514, 1516.
[6] Ao. 1523.
[7] Ao. 1530.

And thus have I done with what concern'd the *Second Argument* offer'd by Dr. *A.* to prove the Right of our *Convocations* to *meet*, and *sit* with *every Parliament*; namely, That by our *Constitution* it is, and has been, accounted for four or five hundred Years past, a NECESSARY ATTENDANT upon the PARLIAMENT of ENGLAND. How effectually I have made Good my *Own Assertions*, and Answer'd this *Authors*, I must leave it to Others to Judge: That I have declined no part of his *Argument*, but come up to Every thing that look'd like Reasoning in it, will best appear, by taking a brief review of his own Summary Recapitulation of his *Positions*; and of my Allegations in Opposition to Every One of Them.

His

His Words are these.— [1] "I have been large upon this Head, and I fear, "by reason of the Variety of the Matter, somewhat Confused. It may be pro- "per therefore Here at the close of it, to recollect the several Branches of the "Proof there advanced: They stand in this Order.

Sect. 76.

[1] Rights, &c. pag. 73, 74.

I. "That as far back as we have any Memoirs of the *Civil* or *Ecclesiastical Af-* "*fairs* of this *Kingdom*, it appears that the *Clergy* and *Laity* met together "in the *Great Councils* of the *Realm*.

If by the *Clergy* Dr. *A.* means the *Greater Clergy*, *Bishops* and *Prelats*; Or such Others as by their *Offices* or *Tenures* were obliged, or required to Come to them, I have Agreed that they did: But If the *Body* of the *Lower Clergy*; I have plainly and evidently proved that they did not. In the former Sense his Allegation is true, but impertinent: In the latter it is pertinent, but false; Let him chuse how he will Explain it, the Cause is neither Way in danger by it.

II. "That this they did in the *Saxon times*, and for some *Reigns after* "the *Conquest*, *Nationally*; Joyning Closely with the *Laity* in *Civil De-* "*bates*, and taking their *Sanction* along with them in ALL ECCESIASTICAL "ACTS and Ordinances.

This I have shewn to be no way true, neither on the *State Side*, nor on the *Church*. The *Lower Clergy* (for of them it is that He Speaks) never joyn'd any otherwise than as I before observed with the *Laity* in *Civil Debates:* Nor did the *Bishops* and *Prelats* take them into their *Ecclesiastical Acts* and *Ordinances*. The *Affairs* of the *Church* were transacted by the *Bishops* and *Prelats* alone in their *Ecclesiastical Councils:* If afterwards the *King*, and his *Lords*, thought fit to Confirm by a *Civil Law*, what the *Others* had *Order'd* by their Own *Spiritual Authority*; it is no more than what is often done still; without ever intituling the *Prince* and *Parliament*, to any joynt *Synodical* power with the *Bishops* and *Clergy*.

III. "That they divided afterwards from the *Laity* and from *One Another*; "and *Attended* the *Parliament* not in *One Body*, but in *Two Provincial Synods*, "held under their Several *Archbishops*.

Here Dr. *A.* clearly shews whom he before meant by the *Clergy*. The *Bishops* never divided from the *Laity:* They always continued, as they still do, to sit and Act with them in *Parliament*. The *Clergy* therefore of whom He speaks, must be Those under the degree of *Bishops:* Let us see what it is that He farther affirms to this Purpose of them.

IV. "That tho' it do's not Clearly appear when this Practise first had its rise, "yet SURE WE ARE, that it is between *four* and *five hundred Years Old*; and "has for SO LONG, AT LEAST, REGULARLY, OBTAIN'D; excepting only "the *Interruption* that was given to it by the *Premunitory Clause*, inserted in- "to the *Bishops Writs*; which ONCE AGAIN WARN'D, and brought the CLER- "GY *Nationally* to *Parliament*.

We have here another plain declaration whom we are to understand by the CLERGY: They are those who by the *Premunitory Clause* were, and are *summon'd* to *Parliament*; that is to say, the *Body* of the *Lower Clergy*. In opposition to these two Assertions, I have fully proved, that the BODY of the LOWER CLERGY never did *Attend* upon the *Parliament* in the times of which he speaks; And I do here once again Call upon him to prove if He can, by any tolerable Evidence either of *Law*, or *Fact*, that they did. SURE WE ARE, he says, that for SO LONG AT LEAST (i. e. from the *middle* of King HENRY the 2*d*'s Reign, as He elsewhere states it) this practise REGULARLY OBTAIN'D. A practise which REGULARLY OBTAIN'D; and of which a Man can truly say WE ARE SURE, may, I suppose, be Evidently proved. Let Him therefore make such a proof of it, as may convince us that it is *true:* Or, at least, let him plainly and clearly Answer what I have before Offer'd to prove that is certainly *false*.

V. "That a strict Compliance with this *Clause* was at first *Exacted* by the "*Crown* and *paid* by the *Clergy*; but that they SOON *found ways of being* "*Released from the Rigor of it*; And PREVAIL'D UPON THE KING to *Accept* "of their *former* way of *Assembling* with the *Parliament*, in *Two Provincial Synods*, "in lieu of that *Closer Attendance*; which the *Præmunientes* Challenged; the "*Forms* however being still kept up, by which the *Kings* Right of *Sum-*

"*moning*

K. HENRY the VIIIth.

" *moving* them *Immediately* to *Parliament* was declared all along, and " their *Obligation* to *Obey* his *Summons* in the Way it preſcribed was duly " Acknowledged.

This is the *Great* Aſſertion on which the preſent *Argument* depends, and therefore ought to have had a ſuitable proof? How has Dr. *A.* Confirm'd it? Has He produced the *Original Contract*, the *Articles* of *Accommodation* between the *King*, and the *Clergy*? Has he Offer'd any *One Record*; nay or ſo much as the *Report* of any *One Credible Author*, to prove that ever there was any ſuch *Agreement* made in this *Caſe*? But it may be He Collects it from *Hiſtory*, and has ſhewn that the *Clergy* did thus Exchange their *Parliamentary*, for a *Provincial Attendance* upon the *Parliament*; and that the *King* made no *Remonſtrance* againſt it? This therefore I have proved to be Both ways intirely falſe. * That the *Clergy* did not ſo ſoon give up their *Parliamentary Attendance*, as He would make us believe: * That they Continued it to the time of King *Henry* the *6th*: *That they fell off gradually from it; and the *King*, who had his Buſineſs done in *Convocation*, troubled not himſelf about it. As for their *Attending* upon the *Parliament* in two *Provincial Convocations*, 'tis ſo apparently Untrue; ſo contrary to the *Evidence* of *Fact*, that nothing was ever more Erroneouſly Aſſerted. I have taken ſome Pains to Examine this Matter from the time that the *Præmunientes* was firſt put into the *Parliamentary Writ*, to the paſſing of the *Act* of *Submiſſion*. By my Account not above One *Parliament* in *Thirty* had the *Two Provincial Convocations Concurrent* with it; or, by conſequence, *Attendant* (as He calls it) upon it. Which thoſe were, the *Scheme* of this whole *Period*, which I ſhall therefore here ſubjoyn in the following Tables, will ſhew him. Let him try how far he can reduce the *Proportion*, and fill up the *Vacuities* which Occur in it: And anſwer the Offer which I here freely make to Him, " that if " from the Time of King EDWARD the *1ſt*, to that of King HENRY the *8th*, He " can prove by the like *Records*, that One *Parliament* in *Ten* had the *Two Convo-* " *cations* ſo *Attending* as he ſays, upon them, I will give up the Cauſe; " and Confeſs Him to be as Extraordinary a Man, as his Friends ſpeak " him; Or (which is, I believe ſtill more) as He himſelf thinks Himſelf " to be.

1300.

1301.

1302.

1304.

1305.

1306.

1307.

A. D.	*Parliaments without any Convocation.*	*Convocations without any Parliament.*	*Parliaments with but One of the Convocat.*	*Parliaments with Both the Convocations.*
1295.	Parliament. *Weſtminſter.* Aug. 1. Another Summon'd to the Sunday before St. *Martin.* Sate the Sunday before St. *Andrew.*	A Provincial Council at *London.* July the 15*th.*		K. EDW. I.
1296.	Parl. at St. *Edmundsbury*: Novemb. 3. At *New-Sarum* on St. *Matthias* day.	Convocation at *London*, Sunday in *Mid-Lent*: March. 13.	Parl. at *London* after *Hilary*: with the *Convocation* of the Prov. of *Cant.* ſummon'd by the Archbiſhop.	
1297.	Parl. *London.* Aug. 1. Another on the Octaves of *Mich.* At *York*, the Octaves of *Hillary.*	Convoc. of *Canterb.* on St. *Laurence* day, Aug. 10. Another on St. *Edmund* the King: Nov. 20. Convoc. of *York*, on St. *Andrews* Eve, Novemb. 29.		
1298.	A Great-Council: *Palm-S.* Mar. 30. Parl. at *York.* June. 2. At *London*, 1 Sund. in Lent.	Convoc. *Lond.* June 25.		
1299.	Parl. *Lond.* xv days after *Eaſter.* Great-Council, on St. *Lukes* day. Parl. at *York* St. *Martins* day, Nov. 11. At *London*, 2*d* Sund. in *Lent.* March. 14.	Convocat. *Lond.* 2d Court day after *All-Souls.*		
1300.	Parl. at *Stanford*: after *Eaſter.* At *Lincoln*: Octaves of *Hilary.*	Eccleſiaſt. Council of Cant. June. 13.		
1301.	Parl. *London*: in *Mid-Lent.*			
1302.	Parl. on the Octaves of St. *John Baptiſt.* Another the next day after the Feaſt of St. *Edward* the King.	Convoc. Lond. day after *Aſcenſion-day*, June 8. Convoc. *Lond.* Mund. after S. *Nich.* Dec. 10.		
1304.	Parl. *London*: the *Sunday* next after St. *Matthias*: March 2.			
1305.	Parl. *Weſtminſter*, on the Octaves of the *Nat.* B. V. *Septemb.* 15.			
1306.	Parl. at *Carliſle*: Octaves of *Hillary.*	Eccleſiaſt. Council at *York.* Sept. 30.		
1307.	Parl. at *Northampton*: xv days after *Mich.* Octob. 13.			K. EDW. II.

An D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convoc.	Parliaments with Both the Convocations.
1307.	Parl. Westminst. 1st S. in *Lent*.			
1308.	Parl. a *fortnight* after *Easter*. A second iii Weeks after *Michaelm*. A third, 2d Sund. in *Lent*.			
1309.	Parl. Westminster, a month after *Easter*. At *Stamford*, S. after St. *James*, July 27. At *Westminst*. S. after the *Purifie*. B. V.	*Eccles. Council Lond.* Novemb. 24.		
1310.	Parl. Westmi Octav. of St. *Jo. Bapt*. Jul. 1.	Eccles. Council, *York*, May 20. Eccles. Council, *Cant*. Sept. 23. Conv. *Cant*. Wednesday after St. *Nicholas*, Decemb. 9.		
1311.	Parl. S. before St. *Laurence*. August 8. Two Sess. in Nov. and Decemb.	Eccles. Council *Cant*. Friday after the Octaves of *Easter*. April 18. Eccles. Council, *York*. May 24: and Jul. 1. Convocat. *York*, May 24.		
1312.	Parl. *Westm*. S. after the Assumpt. B. V. Aug. 20. Parl. *Westminst*. 3d S. in *Lent*.	Eccles. Council, *Cant*. April 18. Legatine Synod, *Novemb*. 9. Council of Provincial Bishops of *Cant*. with the Parliament in *Lent*.		
1313.	Parl. *Westm*. Eve of S. Jo. Bapt. *Jul*. 8. Parl. *Westm*. S. after St. *Matthew*. Sept. 23.	Eccles. Council, *Cant*. Friday after Ascension day, May 25. Convoc. of *York*, Septemb. 3.		
1314.	Parl. *York*, Sept. 9. Parl. *Westm*. Octaves of *Hillary*.	Convoc. of *Cant*. the day after Ascension day. Convocat. of *York*, Morrow after Trinity S. Convoc. *York*, Wednesday after St. *Joh. Bapt*. Jun. 26. Convoc. *Cant*. Morrow after the Translat. of St. *Thomas*, July 8.		
1315.	Parl. *Lincoln*, xv days after *Hillary*.			
1316.	Council at *Lincoln*, July 29.	Convoc. *Cant*. Wednesd. fortn. after *Easter*.		

Great

A. D.	*Parliaments without any Convocation.*	*Convocations without any Parliament.*	*Parliaments with but One of the Convocat.*	*Parliaments with Both the Convocations.*
1316.		Convoc. *York*: a month after *Easter*. Convoc. *York*. Morrow after *Trinity* S. Eccles. Council of *Cant*. Sund. after the Octav. of *Michaelmas*. Convoc. *York*, Octob. 26. the day after the Transl. of St. *Jo.* of *Beverley*.		
1317.	Great Council at *Nottingham* July 18. Parl. at *Lincoln*, xv days after *Hillary*: Prorogued to the 1*st* S. in *Lent*.	Conv. of *Canterb.* the morrow after St. *Peter* in Cathedr. *Febr.* 23.		
1318.	Thence to the morrow after Trinity: [but it never sate.] Parl. at *York*: 3 Weeks after *Michaelm.*	Convoc. *York*, Octav. of *Hillary*. Convoc. *Canterb.* the day after the *Purificat.* Convoc. *York*, Munday after *Mid-Lent* Sunday.		
1319.	Parl. *York*: a Month after *Easter*, May 6. At the same place, Octaves of *Hillary*.	Convoc. *Cant.* Friday seven-night after *Easter*, April 20.		
1320.	Parl. *Westminst.* Munday in the Octaves of *Michaelm.*			
1321.	Parl. *Lond.* 3 Weeks after St. *Jo. Bapt. Nativ.* Jul. 15.	Eccles. Council, *Cant.* Decemb. 1.		
1322.	Parl. *York*, S. after St. *Martin*, Nov. 14.	Convoc. *Cant.* Wednesd. after *Trinity*. Convoc. *Cant.* morrow after *Hillary*, Jan. 14. Convoc. *York*, 1*st Court* day, after the Convers. of St. *Paul*, Januar. 26.	Parl. *York*, 3 Weeks after *Easter*. Convocat. of *York*, Munday after St. *Jo.* ante Port. Lat. *May* 10.	
1323.	Parl. *Westm.* 3 Weeks after the *Purificat.* B. V. M.			
1324.	Parl. *Sarum*, 3 Weeks after *Michaelmas*.			
1325.	Great Council, *Westminst.* Octaves of *Easter*. Parl. *Westminst.* day after *Nativ. St. Joh. Bapt.* Parl. *Westm.* Octaves of St. *Martin*.			

Parl.

A. D.	*Parliaments without any Convocation.*	*Convocations without any Parliament.*	*Parliaments with but One of the Convocat.*	*Parliaments with Both the Convocations.*
1326.	Parl. morrow after *Epiphany*, Januar. 7	Council Summon'd a fortnight after *Mich.* forbidden by the King. Eccleſ. Council of *Cant.* Friday after *Hillary*: January 17.		
1327.	Parl. *Lincoln*, Sept. 15. Parl. *York*, Sund. after the *Purification.*	Convoc. *Cant.* at *Leiceſter.* Wedneſd. after *All-Souls*: Novemb. 4. Convoc. *York*, Octob. 12.		K. EDW. III.
1328.	Parl. *Northampton*: 3 Weeks after *Eaſter.* At *York*, Sunday after St. *James.* At *Sarum*: Sund. after the xvth of *Mich.* The ſame, by prorogation, *Lond.* Octav. of the *Purification* V. M.	Eccleſ. Council, *Cant.* Friday after the Converſ. of St. *Paul.* Januar. 29.		
1329.	Great Council, *Windſor*, July 23. Parl. *Wincheſt.* S. before St. *Greg.* Mar. 11.			
1330.	Great Council at *Oſeney*, July 9. Another at *Nottingham*, Octob. 15. Parl. *Munday* after St. *Catharine*, Novemb. 26.	Convoc. of Both Provinces ſummon'd by the Kings Writ to *Munday* after SS. *Tyburtius* & *Valerianus*, Apr. 16.		
1331.	Parl. *Weſtm.* Morrow after *Michaelmas.* --- Ibid. Octaves of *Hillary.* --- Ibid. *Mund.* after St. *Geegory*, March 16.			
1332.	Parl. *Weſtminſt.* Septemb. 9 Parl. *York*, Decemb. 4 Ibid. Octaves of *Hillary.*	Eccleſ. Council of *Cant.* Sept. 4.		
1333.	Parl. *Munday* before the Feaſt of St. *Peter* in Cath. *Febr.* 21.	Convoc. of Both Provinces Summon'd to *Munday* after *Epiphany.*		
1334.	Great Council: *Nottingham*, July 13. Parl. *Weſtminſt.* Munday after the Exalt. of the H. Croſs. Septemb. 19.	Convoc. *Cant.* Mund. after St. *Matthew.* Sept. 26. Conv. *York.* Wedneſday after St. *Luke.* Octob. 24.		Parl.

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convocat.	Parliaments with Both the Convocations.
1335.	Gr Counc at *Nottingh.* March 26. Parl. *York*, day after the *Aſcenſion.* Parl. *Weſtminſt* Munday after *Mid-Lent*-Sund. March 11.			
1336.	Great Council, *Northampton*; about *Whitſuntide.* Parl. *Nottingh.* Mund. after St. *Matthew*, Sept. 23. At *York*, Mund. after St. *Matthias.*	Convoc. *York*, May 6. Convoc. *Cant.* at *Leiceſter.* Munday after *Mich.* Sept. 30		
1337.	Gr. Council, *Stamford*, the morrow after *Aſcenſion-day.* Gr. Council *Weſtm.* Mund after S. *Margaret*, Jul. 21. Parl. *Weſtminſt.* day after the *Purification* V. M.	Convoc. *York*, next *Court-day* after St. *Martin.* Nov. 12.	Parl. *Weſtm.* Friday before *Michaelmas*, Sept. 26. Convoc. *Cant.* Tueſday after *Michaelm.* Sept. 30.	
1338.	Parl. *Northampt.* day after St. *James.* July 26 Parl. Summon'd a fortnight after *Mich.* ---Again the day after *Hillary.* Held, the morrow after the *Purification.*	Convoc. *Cant.* Thurſday after *Michaelm.* Octob. 1. Of *York*, at the ſame time.		
1339.	Parl. *Weſtm.* a fortnight after *Mich.*	Convoc. *York*, the beginning of the Year.		Parl. Octaves of *Hillary*, Jan. 20. Convoc. *Canterbur.* Jan. 27. Of *York*, Februar. 9. Summon'd Febr. 2.
1340.	Parliam *Weſtminſter*, Wedneſd. after *Mid-Lent*-S March 29. Parl. *Weſtm.* Wedneſday after the *Tranſlation* of St. *Thomas*, *Jul.* 12. Great Counc. Mund. after *Michaelmas.*	Convoc. *York*, December 11.		
1341.	Parl. a fortnight after *Eaſter*, April 23. Gr. Council; *Jul.* 11.	Eccleſ. Council, *Canterbur.* *1ſt Court-day* after St. *Luke*: about Octob. 19.		
1342.	Great Council held *Munday* after St. *Mark.* Gr. Council, *Wedneſday* after St. *Edward* the Confeſſor. October 16.	Convoc. *Canterb.* *3d Court-day* after St. *Faith*: Octob. 9. Eccleſiaſtic. Council, *Cant.* Munday after the *Tranſlation* of St. *Edward*, October 14.		

A. D.	*Parliaments without any Convocation.*	*Convocations without any Parliament.*	*Parliaments with but One of the Convocat.*	*Parliaments with Both the Convocations.*
1342.	Great Council, morrow after St. *Lucie*, Dec. 14.	Convoc. *York*. morrow after the Concept. B. V. M. Decemb, 9. Eccl. Council, *Cant.* March 20.		
1343.	Parl. a fortnight after *Easter*, April 28. Gr. Council, Wednesday after the Nativit. B. V. M.			
1344.	Gr. Council: a fortnight after *Easter*.			Convocat. *Canterbur.* Morrow after Trin. May 31. Parl. *Westm.* Octaves Trin. June 7. Conv. *York.* Wednesday after St. *Barnabas*, June 16.
1345.	Great Council, morrow after the *Purification.*			
1346.	Parl. Westm. Mund. after the Nativ. B V. M. Sept. 11. Gr. Counc. *March* 3.	Eccles. Council, *Cant.* 1*st* Court-day after Invent. H. Cross, *May* 4. Convocat. *Canterbur.* Munday after *Translation* St. *Edward*, Octob. 16. Convoc *York*. Mund. after Conv. St. *Paul.* Jan. 29.		
1347.	Parl. morrow after *Hillary.* Parl. *Munday* after *Midlent*-Sunday.	Eccles. Council, Cant. the beginning of *October.*		
1348.	Parliam. Summon'd *Munday* after *Hillary.* Prorogued to a fortnight after *Easter.* It never sate.	Convoc. *York* Friday in *Whitsun* - Week, *Jun.* 13.		
1350.	Parl. Octav. of the *Purificat.* V. M.			
1351.		Convoc. *Cant.* Mund. fortnight after *East.* May 2.		
	Parl. *Westm.* Hillary-day, *Jan.* 13.	Conv. *York*. Wednesday before St. *Dunstan*, May, 18.		
1352.	Great Council *Westminst.* morrow after the Assumpt. B. V. M.			
1353	Gr. Council, *Munday* after St. *Matthew.*			
1354.	Parl. *Westm.* Munday after S. *Mark.* Apr. 28.			

Parl.

A. D.	*Parliaments without any Convocation.*	*Convocations without any Parliament.*	*Parliaments with but One of the Convoc.*	*Parliaments with Both the Convocations.*
1355.	Parl. *Weſtm.* Mund. after St. *Edmund* the K. Nov. 23.	Conv. *Cant.* Nov. 16. Convoc. *York*, morrow after St. *Nicholas*, Decemb. 7.		
1356.		Eccleſ. Council, *Cant.* May 16. Of *York*, morrow after the *Aſcenſ.* Jun. 3		
1357.	Parl. *Weſtm.* Mund. after *Purific.* V. M.	Convoc. *York.* Friday after *Aſcenſion* May 19.	Parl. *Weſtm.* Munday after *Eaſter.* Convoc. *Cant.* April 26.	
1359.	Gr. Council, Nov. 10.	Convocat. *Canterbur.* Munday after Converſ. St. *Paul.* January 28. Convoc. *York*, Februar. 12.		
1360.	Parl. Morrow after *Aſcenſion-day.* Parl. Sunday before the Converſion St *Paul.*			
1361.	Great Council after *Eaſter.*	Council of *Cant.* morrow after the *Aſcenſion.* Conv. *Cant.* morrow after the Octaves of *Trinity.*		
1362.	Parl. a fortnight after *Michaelmas.*			
1363.	Parl. *Lond.* Octaves of *Michaelmas.*	Convoc. *Canterb.* Decemb. 2.		
1364.	Parl. Munday in the the Octaves of *Hillary.*			
1366.	Parl. *London*, Munday aft. Invent. H. Croſs, May 4.			
1368.	Parliam. *Weſtminſt.* May 1.			
1369.	Parl. *Weſtm.* Octaves of *Trinity.*	Convoc. *Cant.* Munday after SS. *Fabian* and *Sebaſtian*, Jan. 21. Convoc. *York*, Munday after *Purificat.* B. V. M.		
1370.	Parl. *Weſtm.* 1*ſt* Munday in *Lent.*			
1371.	Parl. *Wincheſt.* Octav. Trin. Jun. 1.	Convocat. *Canterbur.* Thurſday after St. *George*, April 24. Convocat *York*, July 10.		

Parl.

A. D.	*Parliaments without any Convocation.*	*Convocations without any Parliament.*	*Parliaments with but One of the Convocat.*	*Parliaments with Both the Convocations.*
1372.	Parl. Morrow after All Souls, *November* 3.			
1373.	Parl. morrow after St. *Edmund* the *King*. Novemb. 21.	Eccles. Council. *Cant.* May 30. Convoc. *Canterb.* Decemb. 1. Convoc. *York*, Munday after *Purificat.* B. V. M.		
1375.			Parl. Summon'd *February* 12: Sate in *March* or *April* after.	
1376.		Convoc. *York*, Jul. 28.	Convoc. *Cant.* Summon'd to *Munday* after *Whitsund.* Prorogued to *June* 23. Parl. Westm. fortn. after *Hillary.* Convoc. *Cant.* Morrow after *Purificat.* B. V. M.	
1377.		Convoc. *York*, April 15. The same Decemb. 1: And By prorog. Januar. 4. March 22.	Parl. a fortnight after *Michaelmas.* Convoc. *Cant.* Nov. 9.	K. RICH. II.
1378.	Parliam. *Glouceſter*, Wedneſday after St. *Luke*, Octob. 20. Gr. Council, *Munday* after *Purificat.* V. M.	Eccl. Council, *Cant.* Nov. 16.		
1379.			Parl. *Munday* after *Hillary.* Convoc. *Cant.* Saturday after *Purificat.* B. V. M.	Parl. fortnight after *Easter*, Apr. 25. Convocat. *York*, April 29. Convocat. *Canterbur.* May 9.
1380.		Convoc. *York*, Apr. 4. Convoc. *York*, Thurſday after *Epiphany*, Jan. 10.	Parliam *Northampton*, Munday after *All-Saints*, Nov. 5. Convoc. *Canterb.* Decemb: 1.	
1381.	Parl. *Weſtm.* morrow aft. *All-Souls.* Nov. 3. By prorogat Jan. 24.			
1382.	Parl. *Weſtm.* May 7. Parl. *Weſtm.* Octob. 6. Parl. *Weſtm.* 3*d* Week in *Lent*, Febr. 23.	Convoc. & Council, *Cant.* at *Oxford*, Novemb. 18. Convoc. *York*. Dec. 15. Convoc. *Canterb.* (by prorog.) Octaves of *Epiphany.* Convoc. *York.* Summ by the Kings Writ, dat. Jan. 28.		

Parl.

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convocat.	Parliaments with Both the Convocations.
1383.	Parl. *Westm.* Mund before *All-Saints'* Octob. 26.	Convoc. *Cant.* Dec. 2.		
1384.		Convoc. *York*, morrow after *Translat.* of St. *Thomas*, Jul. 8.	Parl. *Sarum*, Friday before St. *Mark*, April 29. Convoc. *Cant.* morrow after Ascension-day, May 20. Parl. morrow after St. *Martin.* Novem. 12. Convoc *Cant.* Decemb. 1.	
1385.	Gr. Council at *Reading* in *June.*	Convoc. *Canterbur.* May 4. Convoc *York*, January 14.	Parl. Octob. 20. Convoc. *Canterb.* Novemb. 6.	
1386.			Parl. Octob. 1. Convoc. *Canterb.* Novemb. 5.	
1387.			Parl. morrow after *Purificat* V. M. Convoc. *Canterb.* Februar. 26.	
1388.	Parl. (by prorog.) a fortnight after Easter.	Convoc. *York*, January 24.	Parl. *Cambridge*, Septemb. 9. Convoc. *Cant.* Lond. Octob 12.	
1389.	Parl. Munday after ter *Hillary.*			
1390.	Parl. Morrow after St. *Martin* November 12. Great Council, Februar. 12.			
1391.		Eccles. Council, *London* April 17. Convoc. *Cant.* Decemb. 9.	Parl. *Westm.* morrow after *All-Soul.* Convoc. *York*, Munday after St. *Clem.* Novemb. 27.	
1392.	Parl. *Wincheſt.* Octav. *Hillary*, Jan. 20.	Convoc. *Cant.* summon'd Febr. 24. Held about March 3. Convoc. *York*, Munday after St. *Gregory*, March 17.		
1393.	Parl. a fortnight after *Hillary.*			
1394.		Convoc. *Cant.* about the middle of May. Eccleſiaſtic. Councils, *York*, June 1. July 20. Octob. 1.		Parl. a fortnight after *Hillary.* Convoc. *Cant.* on St. *Agatha's* day, Februar. 5. Conv. *York*, Thurſday after *Purificat.* V. M. Febr. 4.

A. D.	*Parliaments without any Convocation.*	*Convocations without any Parliament.*	*Parliaments with but One of the Convocat.*	*Parliaments with Both the Convocations.*
1396.	Parl. on St. *Vincent*, Januar. 22.	Convoc. *Canterb.* Februar. 19. *York*, Summ. (by the Kings Writ) to Munday after St. *Matthias*, Febr. 26.		
1397.	Parl. *Weſtm.* Munday after Exalt. *H. Croſs*, Sept. 17. By prorog. a fortnight after *Hillary*.	Convoc. *Cant.* Summ. Octob. 8. Eccleſ. Council, *York.* Octob. 5. Convoc. *York*, October 10. Convocat. *Canterbur.* March 2.		
1398.	Great Council *Oxon*, Mund. after the Converſion of St. *Paul.*	Eccleſ. Council, *York.* June 20. Convoc *York.* March 11.		
1399.	Parl. morrow after *Michaelm.* Sept. 30.		Parl. *Weſtm.* October 6. Eccleſ. Council, *Cant.* Octob 6.	K. HENR. IV.
1400.			Parl. *Weſtm.* Octav. Hillary. Eccleſ. Council, *Cant.* Januar. 26.	
1401.		Convoc. *York*, Morrow after Corpus Chriſti day,		
1402.		Convoc. *York*, Thurſday, fortnight after *Eaſter*. Tueſday before the Nativ. V. M. Convocat. *York*, Januar. 15.	Parl. Septemb. 30. Eccleſ. Counc. *Lond.* Octob. 21.	
1403.	Parl. Weſtm. Jan. 14.	Eccleſ. Council, *Cant.* Octob. 6.		
1404.	Parl. *Coventre*, October 6.	Eccleſ. Council, *Cant.* April 21. Convoc. *York*, Munday aft. Corp. Xſti. Convoc. *Cant.* Novemb. 24. Convocat. *York*, Decemb. 11.		
1405.	Parl. *Weſtm.* 1ſt Munday in *Lent*, Mar. 1.			
1406.	Parl. (by prorogat.) *Octob.* 25.	Convoc. *York*, Jul. 12	Parl (by prorog) April 25. Convoc. *Cant.* (by Summons) April 26. Sate May 10.	
1407.		Convoc. *Cant.* Lond. *March* 6	Parl. *Glouceſter*, October 20. Eccleſ. Council *Cant.* Oxon, *Novemb.* 28.	

Parl.

A. D.	Parliaments without any Convocation.	Convocations without any Parliament.	Parliaments with but One of the Convoc.	Parliaments with Both the Convocations.
1418.		Convoc. *York*, ſummon'd *May* 4. Summon'd and Held *June* 28. Ibid. (by prorogat.) Decemb. 10. Eccleſ. Council. *Cant.* *July* 23. Eccleſ. Gouncil, *York.* Auguſt 20. Eccleſ. Council, *Cant.* Januar. 14.		
1409. 1410.				Parl. *Weſtm.* a fortnight after *Hillary*, Januar. 27. Ibid. (by prorogat.) April 7. Convoc. *Canterb.* February 17. Convoc. *York*, February 15. Apr. 11. May 23.
1411.		Convoc. *York*, Janu. 18.		Parl. *Weſtm.* November. 3. Convoc. *Canterb* Decemb. 1. Convoc. *York*, Tueſday after St. *Martin.*
1412.			Parl. *Weſtm.* February 3. Convocat. *Canterbur.* March 6.	K. HENR. V.
1413.		Convoc. *York*, Jul. 27. Eccleſ. Council, *Cant.* Nov. 20.	Parl. *Weſtm.* 3 Weeks after *Eaſter.* Convoc. *Cant.* (by prorog.) the ſame day. Thence prorogued to *June* 6.	
1414.	Parl. *Leiceſter.* April 30. At Weſtm. Mund. after the Octaves of St. *Martin*, Nov. 19.	Eccleſ. Council, *Cant.* Octob. 1. Eccl. Synod of *York*, Munday after *All-Saints*, Nov. 5. Convoc. *York*, January 9.		
1415.	Parl. *Weſtm.* Munday after *All-Saints* Novemb. 4. Parl. *Weſtm.* Mar. 16.	Council *Cant.* Lond. Nov. 18. Convoc. *York*, Decemb. 16.		
1416.		Council. *York.* Apr. 30. Convoc. *York.* Jan. 5.	Eccleſ. Council, *Cant.* April 1. Parl. (by prorogat.) 3 Weeks after *Eaſter.* The Eccleſ. Council (by prorogat.) the ſame day. Parl. Weſtm. October 19. Eccleſ. Synod of *Cant.* Nov. 9.	

A. D.	*Parliaments without any Convocation.*	*Convocations without any Parliament.*	*Parliaments with but One of the Convocat.*	*Parliaments with Both the Convocations.*
1417.			Convoc. *York*, *Januar.* 20.	Parl. Weſtm. Nov. 16. Eccleſ. Council *Cant.* Nov. 26.
1419.			Convoc. *York*, January 13.	Parl. *Weſtm.* October 16. Convoc. and Counc. *Canterb.* Octob. 30.
1420.	Parl. *Weſtm.* December. 2.			
1421.	Parl. *Weſtm.* Dec. 1.		Convoc. *York.* Septemb. 22. Eccleſ. Council at the ſame time: prorogued to *Jan.* 14.	Parl. *Weſtm.* May 2. Eccleſ. Council *Cant.* May. 5
1422.	Parl. *Weſtm.* Nov. 9. Munday before St. *Martin.*	K. HENR. VI.	Eccl. Council, *Cant.* July 6. Eccleſ. Council, *York.* Sept. 23, and Nov. 18.	
1423.	Parl. *Weſtm.* October 20. By prorogat. morrow after *Hillary.*			
1424.	Parl. *Weſtm.* Nov. 12.		Convoc. *Lond.* October 12. Ibid. (by prorog.) *January* 29. Convoc. *York*, October 6. By prorogat. December 1.	
1425.	Parl. *Leiceſter.* February 18.			Parl. *Weſtminſtr.* April 30. Council *Cant.* April 23.
1426.	Parl. (by prorogat.) April 29.		Eccclef. Council *Cant.* April 15. Convoc. *York*, Aug. 12. Octob. 5. Februar. 25.	
1427.	Parl. a fortnight after *Michaelmas.* By prorogat. a fortnight after *Hillary.*			
1428.			Convoc. or Council of *Canterb.* July 5. By prorogat. Novemb. 12. Council of *York*, Auguſt 2.	
1429.	Parl. (by prorogat.) Mund. after *Hillary.*			Parl. *Weſtm.* Septemb. 22. Council of *Cant.* (by prorog) Octob. 19.

Parl.

A. D.	*Parliaments without any Convocation.*	*Convocations without any Parliament.*	*Parliaments with but One of the Convocat.*	*Parliaments with Both the Convocations.*
1430.		Convoc. *York*, Aug.	Parl. *Weſtm.* Friday before *Hillary.* Convoc. *Canterbur.* Febr. 19.	
1432.	Parl. *Weſtm.* May 12.	Eccleſ. Council, *Cant.* Sept. 15. Convoc. *York*, October 3.		
1433.	Parl. *Weſtm.* July 8.		Parl. (by prorog.) a fortnight after *Michaelmas.* Convoc. or Council *Canterb.* (by ſumm.) Nov. 7.	
1434.		Eccleſiaſtic. Council, *Cant.* Octob. 7.		
1435.			Parl. *Weſtmin.* October 10. Convoc. *Cant.* Nov 12.	
1436.	Parl. *Weſtm.* Jan. 21.	Convoc. *York*, June 11. Convoc *Canterb.* Novemb. 12.		
1437.		Convoc. *Cant.* April 29.		
1438.		Convoc. or Council *Cant.* Apr. 28, By prorogat. October 6. Convoc. *York*, Apr. 21.		
1439.	Parl. (by prorog.) Januar. 14.		Parl. Weſtm. Nov. 12. Convoc. *Cant.* Novemb. 21.	
1440.	A Great Council.	Eccl. Council *York*, Aug. 17.		
1441.	Parl. *Weſtm.* January 26.			
1442.		Convoc. *Cant.* April 16. Convoc. *York*, October 4.		
1444.	Parl *Weſtminſter.* February 25.	Convoc. *Cant.* October 19.		
1445.	Parl. (by prorog.) April 29. Parl. (by prorog) Octob. 20. Parl. (by prorog.) January 24.	Convoc. *York*, Septemb. 30.		

A. D.	*Parliaments without any Convocation.*	*Convocations without any Parliament.*	*Parliaments with but One of the Convocat.*	*Parliaments with Both the Convocations.*
1446.	Parl. *Edmunds-Bury*, Febr. 10.	Convoc. *Cant.* June 22.		
1448.	Parl. *Weſtminſter* Februar. 12.			
1449.	Parl. (by prorogat.) May 7.		Parl. *Wincheſter* (by prorog.) June 16. Convoc. *Cant.* (by Writ of Summons) July 1. Parl. *Weſtm.* Nov. 6. Convoc. *Canterb.* Novemb. 14.	
1450.	Parl. *Weſtm.* November 6. Parl. (by prorog.) January 20.			
1451.	Parl. (by prorogat.) May 5.			
1452.	Parl. *Reading*, March 6.	Convoc. *York*, June 12. Ibid. (by prorogat.) Octob. 6. Jan. 29. Convoc. *Canterb.* February 7.		
1453.	Parl. *Weſtm.* (by prorog.) April 25. Parl. *Reading*, (by prorog.) Nov. 12. Febr. 11. 14.			
1455.	Parl. *Weſtm.* July 9. Ibid. (by prorog.) Novemb. 12. Ibid. (by prorog.) Januar. 14. Another Council or Parliam. 2?			
1459.	Parl. *Coventry*, Nov. 20.			
1460.	Parl. Octob. 7.	Convoc. *York*, Apr. 30. Ibid. (by prorogat.) Jnne 9. &c. Convoc. *Cant.* May 6.		
1461.	Parl. *Weſtm.* Nov. 4.	Convoc. *York*, (by prorog.) March 23.		K. EDW. IV.
1462.	Parl. (by prorogat.) May 6.	Conv. *Cant.* July 21. Convoc. *York.* Sept. 1. Convoc. *Cant.* Nov. 2?		
1463.	Parl. *Weſtm.* Apr. 29. Ibid. (by prorog.) Novemb. 4. Febr. 20. *York.*	Convoc. *Cant.* July 6. Convoc. *York*, Auguſt 8.		

Parl.

A. D.	*Parliaments without any Convocation.*	*Convocations without any Parliament.*	*Parliaments with but One of the Convoc.*	*Parliaments with Both the Convocations.*
1454.	Parl. (by prorogat.) May 5. &c. Januar. 21. Sate.			
1465.		Eccleſ. Council, *York.* Apr. 26. 2 ?		
1467.	Parl. *Weſtm.* June 3. Parl. *Reading*, (by prorog.) Nov. 6.			
1468.	Parl. (by prorogat.) May 5.		Parl. ſate (by Prorogation, May 12. Convoc. *Cant.* May 12. (by Summons.)	
1470.	Parl. *Weſtm.* Nov. 16. 49. Henr. vi.	Convocat. *Canterbur.* July 27.		
1471.		Convoc. *Cant.* Januar. 23.		
1472.	Parl. *Weſtm.* Octob. 6.		Parl. (by prorogat.) Febr. 8. Convoc. *Cant.* (by Summ.) Febr. 3.	
1473.	Parl. (by prorogat.) Octob. 6.	Convoc. *Canterb.* prorog. to Octob. 11. Dec. 15.	Parl. (by prorogat.) Jan. 20. Convoc. *Cant.* January 24.	
1474.	Parl. (by prorogat.) Sate May 9. Parl. (by prorogat.) June 6.			Parl. (by prorogat.) *Jan.* 23. The two Convocations by Summons *York*, Febr. 6. *Cant.* Febr. 9.
1475.		Convoc. *Cant.* January 23.		
1477.	Parl. *Weſtm.* January 16.	Convoc. *York.* October 21.		
1478.		Convoc. *Canterb.* April 10. Convoc. *York*, October 27. And Febr. 18.		
1480.		Convoc. *Cant.* March 21.		
1481.		Convoc. *York*, October 29.		
1482.	Parl. *Weſtm.* January 20.			
1483.	Parl. Summon'd *Jun.* 25. Parl. Summon'd *Novemb.* 6.	Convoc. *Cant.* Summon'd April 18.	Parl. Weſtm. Januar. 23. Convoc. *Cant.* February 3.	K. { EDWARD V. RICHARD III.
1484.		Convoc. *Cant.* February 10.		

Parl.

A. D.	*Parliaments without any Convocation.*	*Convocations without any Parliament.*	*Parliaments with but One of the Convocat.*	*Parliaments with Both the Convocations.*
1485.	Parl. *Weſtm.* Novemb. 7.			K. HENR. VII.
1486.		Convoc *Cant.* February 13. Convocat. *York*, February 19.		
1487.	Parl. *Weſtminſt.* Novemb. 9.			
1488.		Eccleſ. Council *York*, Febr. 27.		Parl. Weſtm. *Jan.* 13 Convoc. *Cant.* Jan. 14 Convoc. *York.* Jan. 27
1489.	Parl. (by prorogat) Octob. 14. Parl. (by prorogat.) Jan. 25.			
1491.	Parl. *Weſtm.* October 17. By prorogat. *January* 26.	Convoc. *Cant.* June 21. Convocat. *York*, (by Summons) March 1.		
1495.			Parl. Weſtm. October 14. Conv. *Cant.* Octob. 19.	
1496.		Convoc. *York*, Munday after *Aſcenſion*-day, *May* 16.	Parl. *Weſtm.* Jan. 16. Convoc. *Canterb.* January 23.	
1497.		Convoc. *York*, April 26.		
1501.		Convoc. *Cant.* February 14. Convocat. *York*, February 21. Contin to Octob 15. 1502.		
1503.			Parl. *Weſtm.* January 25. Convoc. *Cant.* Febr. 16.	
1504.		Convoc. *York*, Auguſt 5.		
1508.		Eccleſ. Council, *York.* Febr. 7.		
1509.			Parl. Weſtm. *January* 21. Council or Convoc. *Cant.* Jan. 26.	K. HENR. VIII.
1511.			Parl. Weſtm. February 4. Convocat. *Canterbur.* Febr. 6.	
1512.		Convoc. *York.* April 26. Ibid. June 17.	Parl. (by prorog.) Novemb. 4. Convocat. *Cant.* (by prorog.) Nov. 6.	

Parl.

A. D.	*Parliaments without any Convocation.*	*Convocations without any Parliament.*	*Parliaments with but One of the Convocat.*	*Parliaments with Both the Convocations.*
1513.	Parl. (by prorog.) *Jan.* 23.			
1514.	Parliam. *Weſtminſter*, Febr. 5.	Convoc. *Cant.* June 22. Eccleſ. Council, *York*, January 22.		
1515.			Parl. (by prorog.) *Novemb.* 12. Convoc. *Cant.* Nov. 13.	
1516.		Convoc. *York*, April 9.		
1518.		Legatine Council: Summoned the morrow after the Nativity B. V. M. Held *1ſt* Munday in *Lent*.		
1522.		Convoc. *York*, March 22.		
1523.			Legat. Council, *Weſtminſt.* April 22. Another ſummon'd *June* 8: Afterwards *June* 2.	Parl. *London*, April 15. Convoc. *Canterb.* April 20. Convocat. *York*, at *Weſtminſt.* Aug. 20. (by prorogat.)
1529.			Parl. *Lond.* November 3. Convoc. *Cant.* Novemb. 5.	
1530.				Parl. (by prorog.) *January* 16. Convoc. *Canterbur.* Januar. Convocat. *York*, by Summons, *Jan.* 12.
1531.				Parl. (by prorog.) *January* 15. Convocat. *Canterbur.* Jan. 16. Convocat. *York*, Februar. 7.
1532.			Parl. (by prorog.) *Februar.* 4. Convoc. *Canterb.* February 5, & March 17.	
1533.			Parl. (by prorog.) *January* 15. Convoc. *Cant.* January 16.	
1534.		Convoc. *York*, May 5.		

Having

K. HENRY *the* VIIIth. Having given this Ocular Proof of Dr. *A*'s Error in that upon which He was to build the Main force of his Argument, I ſhall need ſay very little to what follows. If the *Convocations*, as it now very Evidently appears, did not Commonly meet with the *Parliament*, as He pretends, nor had any Regard in their Seſſions to it; If our Kings Called them, ſometimes at the ſame time with it, but much more frequently at ſome Other; If when the King called Both the neareſt to one Another, the *Archbiſhops* either *haſten'd*, or *delay'd* their *Convocations* for their own Convenience, and the Eaſe of their *Clergy*, to ſuch Other times, as they liked better; If in fact, it appears, that ſometimes no *Convocation* at all was held during the whole *Seſſion* of *Parliament*; ſometimes only *One*; Often the *Parliament* and *Convocations* met at three different times; nay and in *different* Years too; I think no Demonſtration can be plainer in a Matter of this Nature than this muſt make it; that the *Parliament* and *Convocations* had no ſuch Neceſſary *Relation* to, or *Dependance* upon, One Another, as Dr. *A.* Aſſerts; but that the *King* and the *Archbiſhops* were always at liberty to Call them when they thought Good, without any reſpect to the meeting of the *One*, in the *Aſſembling* of the Other. And if this relation fail, then all that follows muſt fall with it, and paſs only for, what it truly is, a meer *Chimera*; The iſſue of a *warm Imagination*; not the *Law* or *Rule* of our Conſtitution. However let Us hear what He has farther to Offer.

[1] Rights, &c. pag. 75.

[1] VI. " Theſe *Provincial Aſſemblies*, tho' held apart from the *Parliament*,
" yet belong'd to it; Met by the *Parliamentary* no leſs than the *Pro-*
" *vincial Writ*, and were *State Meetings* as well as *Church*
" *Synods*.

That theſe *Provincial Aſſemblies* belong'd not to the *Parliament*, I have ſufficiently ſhewn. That they met not by the *Parliament Writ* is ſo plain, that One would wonder how any *Author* ſhould adventure to Aſſert that They did. But I muſt not repeat here, what I have ſo largely proved before; That the two *different Writs* by which the *Clergy* were Called to *Parliament* and *Convocation*, do unanſwerably prove them to be two *Different Aſſemblies*; and, in reverſe of Dr. *A*'s pretences, Evince the *One*, to have neither any Relation to, nor Dependance upon, the *Other*.

VII. " In them (the two *Convocations*) *Parliamentary Matters* were tranſact-
" ed, and *Parliamentary Forms* and *Methods* Obſerved: The *Members*
" of Them were intituled to *Parliamentary Wages*, and Enjoy'd *Parliamen-*
" *tary Priviledges*.

Why Dr. *A.* adds the Word *Parliamentary* to the three firſt of theſe, I ſhould be glad to know. Nothing is properly *Parliamentary*, but what is ſo peculiar to the *Parliament*, as not to Agree at all, or not to be Equally applicable to any Other *Aſſembly*. But now no matters were treated on in Our *Convocations*; No *Forms* or *Methods* Obſerved in them; No *Wages* paid to the *Members* of Them; but what were *tranſacted*, *obſerved*, and *paid*, in Our *Church Councils*, as well as in Them. And yet I hope Dr. *A*'s *Parliamentary Affection* is not ſo warm, as to turn them too into *Parliamentary Aſſemblies*. As for *Parliamentary Priviledges* they Enjoy'd None before the time of King *Henry* the *6th*, and then that was by *Act* of *Parliament* Granted to the *Convocation* which had always been Enjoy'd by the *Parliamentary Convention*. A Plain Demonſtration that the *Convocation* was not, as He affirms, by our Conſtitution, a *Parliamentary Convention*: For if it had, it would moſt certainly by the *Rules* of the ſame *Conſtitution*, have always Enjoy'd the Great *Parliamentary Priviledge*; ſo late, and that by a poſitive Law, Extended to it.

VIII. " The *Inferior Clergy*, tho' divided in Place from the *Lower Laity*, yet
" JOYN'D with them OFTEN in the ſame ACTS, and PETITIONS; and were
" ſtill *Eſteem'd* and *Called* the *Commons Spiritual of the Realm*. And what
" THEY, and the PRELATS (EGO ET REX MEUS) in *Convocation* did,
" was *long* after the *Separation* ſpoken of in Our *Records* as done in *Par-*
" *liament*.

Dr. *A.* muſt bring ſome new Evidences of this if He means to be credited; for I will adventure to ſay He has not yet advanced any One proof of it that will bear an *Examination*; or that has not had a ſufficient *Anſwer*.

IX. " Theſe *Parliamentary Conventions* of the *Clergy* were held firſt *near* the
" *time* at which the *Laity* Met; *afterwards* with a *Latitude*: But this Irre-
" gula-

" gularity was *Reformed* before the *Reformation* of *Religion*, and their MEET- K. HENRY
" ING and DEPARTING FIX'D within a DAY of the *Aſſembling*, and *Diſmiſſion* the VIIIth.
" of the *Parliament*.

How our *Convocations* have been held, and what reſpect they have had to the *Seſſions* of our *Parliaments*, for the laſt 240 Years, I have before ſhewn. How truly Dr. *A.* Repreſents their *near Meeting*, and *Departing*, ſince; I ſhall hereafter Enquire. In the mean time, this is clear from what has been already ſaid; That during this *Period*, our *Convocations* have not been any ſuch *Neceſſary Aſſemblies* as Dr. *A.* affirms, *Eſſential* to our *Conſtitution*, and by Rules thereof Obliged to *Attend* upon Every *Seſſion* of *Parliament*.

But I muſt not cloſe up this part of our Hiſtory without taking Notice of One thing more, for which Dr. *A.* has been pleaſed to treat me neither with the *Civility* of a *Scholar*, nor the *Charity* of a *Chriſtian*. I had affirmed, in my *Other Treatiſe*, that the main End and Deſign, for which our *Princes* were wont to *Summon* our *Convocations*, was for their *Aid*; to Obtain the like *Supply* of their *Clergy* there, which they Received from the *Laity* in *Parliament*. Sect. 79.

How true this was I have now in the Courſe of my Hiſtory Sufficiently ſhewn. Our *Kings* in their *Writs* of *Summons* plainly ſpeak it; and ſcarce a *Convocation* was Called for the firſt Hundred Years, without a particular Declaration of it. Being met, for as many Years, little elſe was done by the *Clergy* on the *Kings Account* in them. If they took that Opportunity upon their Own account, to draw up their *Grievances*; to preſent them by the *Archbiſhop* and *Biſhops* to the King; and by their Mediation to deſire a Redreſs of them; yet was not this the *End* for which the *King* Aſſembled them; nor did they often find it, by the ſucceſs of their Complaints, ſo to be. In ſhort; the Points which I affirm'd, I ſtill abide by: 1*ſt* * That the *Main End* of our Princes in Calling theſe Aſſemblies at all, before the *Act* of *Submiſſion*, was to obtain a Supply from the *Clergy*, (This I have abundantly proved already:) And 2*dly* * That the reaſon of their *Calling* them at the time of the *Parliaments Seſſion* afterwards, was that the *Grants* which they ſhould make, and which were wont to be Confirm'd by their *Own Spiritual Authority before*, might be *Ratified* by the *Authority* of *Parliament* Afterwards.

'Well; and what ſays Dr. *A.* to this matter? " Why this is ſo FALSE and ' Rights, &c.
" SCANDALOUS a REFLEXION upon our PRINCES, and thoſe MEETINGS; and upon pag. 269.
" the CONSTITUTION its ſelf, that I wonder how it could drop from the Pen of
" an *Engliſh Divine*, that had any Regard left for his *Church* or his *Country*: And
" how EVEN THIS WRITER, as meanly as he may think of SYNODS, and their
" *Powers*, could yet prevail with himſelf to ſay it.

The Man is in a Paſſion, and therefore muſt be excuſed if He do's not Write ſo *Accurately*, any more than ſo *Civilly*, as He ought to do. But pray Good, Little, Angry Sir, what have *State Convocations*, or as you call them, *Parliamentary* Ones, to do with *Church Synods*, and *Their Powers?* Or who Authoriſed you to apply what was ſpoken of the One, to the Nature, Buſineſs, or Power of the Other? *Eccleſiaſtical Synods*, we all know, were called for other purpoſes: They met not for *State Affairs*; and even when they did *Grant Money*, yet that was not the *End*, much leſs the *main End*, for which they Met. It was juſt the contrary in our *State Convocations*: They were held for *Civil*, not *Eccleſiaſtical Affairs*. And tho', in proceſs of time, *Church Buſineſs* was ſometimes tranſacted in them, yet that was not the *End* for which the *King Called* them; but an *Occaſional Uſe*, which, being met, the *Archbiſhop* and *Biſhops* made of Them.

Let us then Lay aſide the *Eccleſiaſtical Synods* of our *Archbiſhops Aſſembling*, and reduce the *Point* to its proper Bounds: That the Great *End* for which the *King* Called, or rather Commanded our *Metropolitans* to Call their *Convocations*, was for the *Aid* of his *Clergy*: To receive that Help from them in thoſe Aſſemblies, which they did not care to be brought to Grant in *Parliament*. And upon this true *State* of it, let this *Warm Orator* flouriſh as He pleaſe; I dare affirm He ſhall never be able to *Anſwer* the *Arguments*, which I have from plain, and poſitive *Records*, produced in Proof of it.

But I will Examine his Reaſons, after having once again premiſed, what I have elſewhere Obſerved; That to make Good the *Negative*, that this was not the *Great End* for which our *Princes* required theſe *Convocations* to be *held*, it is not ſufficient to ſhew that ſome Other things were Done by the *Clergy* when

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they were *Aſſembled*, but that it was for that *Other Buſineſs*, and not for their *Aid*, that they were Called by the King.

Sect. 80.
[1] Ibid. pag. 270, 271.

[1] To Dr. *A*'s firſt Argument; That "Money has been as frequently given, "by *Parliaments* as by *Convocations*, and has been as much the deſign of Calling "them; Nevertheleſs the *Reaſon* and *End* of thoſe *State Meetings*, is not to be "fetch'd purely from *Money*, but *Redreſs* of *Grievances*; I have many things to reply. That the *Redreſs* of *Grievances* in thoſe Caſes wherein it properly becomes a *Parliamentary Affair*, is ſuch a Work, as can be tranſacted no where elſe but in *Parliament*, and therefore muſt neceſſarily be done there. Will Dr. *A.* pleaſe to tell us, what Other *Peculiar Affairs* there were for *Convocations* heretofore, that could not have been tranſacted but only in thoſe *State Meetings?* And then ſhew, that thoſe *Affairs* were as *duly*, and *conſtantly* the Buſineſs of the *One*, as the *Redreſs* of *Grievances* has been of the *Other*. *The High Court of Parliament* has always been the Supreme Court of *Judicial Determinations*, as well as of the *Legiſlature* of this *Realm*. Its Power, and Buſineſs, has been not only to Defend the *Kingdom* by their *Counſel* and *Aid*, from its *Enemies abroad*; but to Regulate the *Civil Government*, to *make* new *Laws*, to *Repeal* Others already made; to *hear Cauſes*; to offer and receive *Impeachments* againſt the *Greateſt Miniſters* of *State*; And, in One Word, to keep the whole *Policy* in *Order* at *Home*. To exclude all the *Other Ends* of its *Aſſembling*, and to reduce the *whole* to *Aid*, would therefore be as *Abſurd*, as it would be *Falſe*. But what is there like this in the *Convocation?* The *Civil Intereſts* of the *Church*, the *State* of the *Clergy*, for that very Purpoſe *Call'd* to *Parliament*, were to take care of. For the *Spiritual Policy*, Each of our *Archbiſhops* had his *Provincial Council*, which *He Summon'd*, *Held*, *Menaged*, and *Diſmiſs'd* at his Will; as the *needs* of the *Church* required. The *Convocation* was an *Aſſembly* Called by the *King* for *State Ends*; and of thoſe, I again affirm the main to have been for *Aid*; to Demand and *Obtain* thoſe *Supplies* of the *Clergy there*, which they would not be prevailed with to *Grant Elſewhere*.

Again: Can Dr. *A.* ſhew me in all the *Clauſe Rolls*, where our *Kings* have in their *Writs* of *Summons* expreſly declared their deſign in Calling of their *Parliaments* to have been for their *Aid?* Where at the *Opening* of the *Parliaments*, our *Lord Chancellors*, by their Order, have Year after Year, Demanded a *Supply* of *Money*, and ſeldom or never mention'd any other End of their *Meeting*; any *Other Deſign* of the *King* in *Calling* of Them. Yet this I have ſhewn, not Once or Twice, but conſtantly to have been the Caſe of the *Convocation*. Our Kings in their *Writs* have avow'd the Aid of the *Clergy* to have been the ſole Reaſon of their *Call*; And by their *Commiſſioners*, when met, have Declared it to be the main *Buſineſs*, on which He expected they ſhould *Conſult*.

There is therefore no Manner of *Parallel* in the Caſe between the *Parliament*, and Convocations, as to this Matter: Nor can any Argument be drawn from what is the *End of holding the One*, to what has been, or ought to be, the End of Calling the Other.

But Dr. *A.* Go's on; and in anſwer to what I alledged not as a Matter of Argument, [2] but only as an Occaſional reflection; viz. That little was done in theſe *Antient Convocations* more than Granting of *Subſidies* to the King; will Undertake to ſhew as a *Second Argument* againſt my Aſſertion, that this is a Great Miſtake; for that much *Buſineſs* beſides was done by them; nay that we Owe to theſe *Meetings* the whole *Body* of our *Provincial Conſtitutions*. Should He be in the right, yet ſtill this would not come up to the *Point*, unleſs He could alſo ſhew of *this Other Buſineſs*, as I have done of their *Subſidies*, that it was for the doing of it, that the *King Required* them to be *Aſſembled*: The Queſtion here being not what the Clergy did in their *Convocations* when they were met together; but what it was that *Moved* our *Princes*, at any time, to *Aſſemble* them. However I will follow him in his *Proofs*; and ſee what He has to Offer, even in a Matter not much to the Purpoſe, to juſtifie his *Wrath*, or Rather his *Fury*, againſt me, for having ſpoken the plain truth in this Matter.

Sect. 81.
[2] Authority, &c. pag. 281, 282.

[3] "That the *Clergy* when met had a great deal of other Buſineſs to do, beſides "raiſing money, appears from Numerous, and Undeniable Arguments. And "if Dr. *W.* cannot find 'em, as he ſays, it is becauſe he has not look'd where "they ought to be found, or at leaſt not with that care He ought to do in Order to find Them. Had He look'd into *Spelman*, or *Lyndwood*, methinks He "might

[3] Rights, &c. pag. 271, 272.

" might have found that they made *Provincial Canons*, and *Conſtitutions*, all a-
" long, for the good Government of the Church. But who are THEY of whom
Dr. *A.* ſpeaks? And *where* did *They* do this? Were *They the Convocation Clergy?*
Then I am ſure *Lynwood* was much in the wrong, when He made this the Sub-
ject of a Remark, on the Occaſion of a certain *Conſtitution* paſs'd by *Archbiſhop*
Stratford, [1] *Quæ perſonæ interfuerunt in hoc Concilio, Ignoratur.* &c. Or did They,
who ever they were, make *Provincial Canons and Conſtitutions* in their *State Con-*
vocations Aſſembled by Virtue of the *Kings Writ?* Let him now in his turn
look into *Spelman* and *Lynwood*, the Authors to whom He ſends me, and ſee
among all the *Provincial Conſtitutions* of our *Church*, how *few* were paſs'd in ſuch
Conventions? And then let him remember that the *Kings Deſign* in Calling of
the *Clergy* together, was not for paſſing even thoſe *few*, but for their *Counſel*
and *Aid*; the meaning of which *Phraſe*, I ſhall more fully Explain by and by.
In ſhort, as Theſe *Canons*, and *Conſtitutions*, were the moſt of them made in the
Provincial Councils of our *Archbiſhops* held for *Church Affairs*, by their own *Me-*
tropolitical Authority, ſo at the Paſſing a great part of them, the Provincial *Bi-*
ſhops and PRELATS only were preſent: And for this I am ready to enter on a
particular Proof, whenever Dr. *A.* pleaſes.

[1] *Lynw* de Loc. & Conduct. cap. *Licet.* Sect. provinciali Concil.

But he go's on. [2] " Had he (Dr. *W.*) look'd into our Hiſtorians as nicely as
" he would be thought to have done, particularly into *Harpsfield* and *Antiquit.*
" *Britann.* He would have found, that they were taken up often in foreign, and
" more often in domeſtick affairs, of the Utmoſt importance: In deputing ſome
" of their Members to *General Councils*, (*a*) and preparing their Inſtructions:
" In reſtoring peace to the Church, when it was broken by the Claſhing of
" *Popes* with *Councils*, (*b*) or by the Contentions of *Rival Popes* about the Law-
" fulneſs of their *Titles*; (*c*) in Reſiſting *Papal Encroachments* and *Proviſions.*
(*d*) Now that all this our *Clergy* did do; and that, by degrees, they did tranſact
ſome of theſe matters in their State Aſſemblies, when the frequency of thoſe
Meetings had much abated the Uſage of *Provincial Councils* in our *Church*; and
brought our *Metropolitans* to Conſult of the Affairs of the One, very often in the
Other, I do not deny. But then when they did this, they *Acted* not as a *Con-*
vocation, but as a *Council*. The King Conven'd them for his *Own State Ends*;
but being met for thoſe, the *Archbiſhop*, by his *Eccleſiaſtical Authority*, Em-
ploy'd them about *Other matters* than thoſe for which they had firſt been Aſ-
ſembled.

[2] Rights, &c. pag. (272.)

(*a*) Harpsfield, pag. 610, 611.
(*b*) Ant. Brit. pag. 227.
(*c*) Harpsfield, pag. 608.
(*d*) Ibid. 618. 654.

And accordingly the Earlieſt of Dr. *A*'s Inſtances Riſes no higher than the
1*ſt* of *King Henry* the 4*th*. The preceding *Age*, when our *Archbiſhops* kept up
a more *Exact Diſtinction* between the *Kings Convocations*, and their Own *Synods*,
afforded him none of theſe weighty Remarks. Then the Buſineſs of the *Convo-*
cation was *Money*; and *Money* only. For that they *met*; and little more than
that, was therein debated of by them. But in proceſs of Time a *Confuſion* en-
ſued: The *Archbiſhops* turn'd their *Convocations* into *Synods*; and took the Oppor-
tunity of the *Clergy*'s meeting upon the *Affairs* of the *State*, to deliberate with
them about thoſe of the *Church*.

However that I may not ſeem to *Decline*, rather than to Anſwer his Allega-
tions; let us come to Particulars, and ſee what his Inſtances will amount to.
[3] In the *Synod* of 1408, to which he firſt referrs, the *Clergy*, he ſays, deputed
Members to the *General Council*, and gave them their *Inſtructions*. I agree that
that they did; but then withal I do affirm, that that meeting was a proper *Ec-*
cleſiaſtical Council, and not a *Royal-Convocation:* And for this I refer to what I
have before alledged in Proof of it.

[3] Harpsf. pag. 610, 611.

His Second *Synod* is of the ſame kind: It was held the ſame Year; Called upon
the Occaſion of the ſame Schiſm, and was purely and properly an *Eccleſiaſtical*
Council, not a *State-Convocation*.

The third Inſtance from [4] *Harpsfield* is the very ſame with thoſe already con-
ſider'd. It belongs to the ſame *Synods*, and the ſame *Buſineſs*; and therefore
the ſame *Anſwer* may ſuffice to have been given to it.

[4] Harpsf. pag. 608.

His [5] fourth Teſtimony is from the *Synod*, of 1399. Now that *Convention* met
by the Sole *Authority* of the *Prior* and *Chapter of Cant.* in the Vacancy of the See:
The *King* neither *Summon'd* it to ſit; nor *made* any *Uſe* of it when *ſitting*; more
than to paſs a Complement upon them for their Kindneſs to Him, and to beg
their Prayers on his behalf. This therefore again was no *Royal Convocation*; nor

[5] Ibid. pag. 618.

can

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can it concern me to enquire for what End the King *Aſſembled* a Meeting, which He did not *Aſſemble* at all.

To his laſt [1] Inſtance, I have two things to offer: 1*ſt*; It was not properly a *State Convocation:* It met by the *Popes*, as well as by the *Kings Authority:* It met wholly about *Eccleſiaſtical Buſineſs*; and, which Dr. *A.* ought eſpecially to conſider, no *Parliament* met either with it, or near it. But to allow that it was nevertheleſs a *Convocation*; ſuch an Aſſembly as we are now diſcourſing of. Did the *King Call* it to reſiſt the *Papal Encroachments* and *Proviſions?* Was that his *main End*; nay, or was it any part of his *Deſign*, in directing the *Convening* of it? Let the *Reader* judge by a ſhort touch of the Hiſtory of it. [2] The King, with the Aſſent of his *Council*, had granted the Biſhoprick of *Eli* in *Commendam* to *Lewis Archbiſhop* of *Roan*; and *Pope Eugenius* Confirm'd the Kings *Grant* to Him. By this *Royal* and *Papal Proviſion* He became ſeiſed of it, *April* the 3*d*. 1437. The *Archbiſhop* of *Canterbury* ſtood out a long time againſt the *King* in this Affair; and great Conteſts aroſe between Him and the *Proctors* of the *Commendatory Biſhop* upon this Account. To ſupport Himſelf the better in this Controverſy, wherein He had both the *King*, and the *Pope*, againſt Him; in the *Synod* before mentioned of 1438. called by the *Popes* Order for chooſing of *Proctors* for the *Council* of *Ferrara*, the *Archbiſhop* propoſed this, as the *Second Cauſe* of his *Convening* of his *Clergy:* [3] "That the *Pope*, by his *Letters*, had provided, and com-
"mitted the Church of *Eli*, by way of *Commendam*, to the *Archbiſhop* of *Roan*;
"which being a new thing, and of ill Example, as he there ſhew'd by many
"Reaſons; might turn to the great loſs and detriment of the Church of *Eng-*
"*land*. And therefore, He told them, that he would have them to *Conſult*, and
"*Deliberate* about it.—This is the Caſe to which Dr. *A* refers us: Let him now tell us, whether He thinks this in good earneſt to have been One of the Cauſes for which the King cauſed this *Council* to be held; which after all was truly an *Eccleſiaſtical Synod*, not a *State Convocation*; and apply'd its ſelf both in *this* and the *next Seſſion*, only to the Affairs of the *Church*.

But it may be his next *Proofs* will be more pertinent; let us take a View of them. [4] "But above all; had he (Dr. *W.*) look'd into the few *old Acts*, and
"*Journals* of *Convocations* ſaved out of the general Wreck, and yet remaining,
"He would have found that the *Articuli Reformandi*, or *Gravamina Cleri*, were
"put up almoſt at every *Seſſion:* That *Subſidies* were ſeldom Given without
"them, and that they were ſuggeſted often, when no *Subſidies* were Given.—
Now to allow again forthe truth of all this, which yet Dr. *A.* wrote at a Venture; not upon any Examination that he had then made into theſe Particulars; and againſt which many juſt Exceptions might be taken, were I at liberty to enter on a full enquiry into theſe Matters: My former queſtion ſtill returns; Did the *King* Summon the Clergy for this Purpoſe, to draw up theſe *Articles* and *Grievances*; Or was this their Own *Work*, which they took care Themſelves to do, when they were Met together for the Other End, and *Purpoſe*, for which I affirm, they were Generally wont to be Called by Him? Let the Kings *Own Writs*, the moſt Authentick *Teſtimony* that can be recurr'd to in this Caſe, determine it between Us. If he can ſhew me from them, that this was the *Avow'd* End for which the *King Call'd them*, as I will preſently from the ſame *Writs* ſhew Him, that the Other, which I offer'd, *viz.* for their *Aid* and *Aſſiſtance*, was; I ſhall yield. Otherwiſe, I muſt again deſire Him to ſhew, for what *Other Purpoſe* beſides that of *Money*, the King *Aſſembled* the *Clergy* in *Convocation*; not what *Other Buſineſs* they Themſelves did, when they Came together there.

Why yes, ſomething of this Dr. *A.* will ſhew; and that indeed is to the Purpoſe: Let us hear how he do's it. [5] "Reforming Grievances (ſays He) was ſo
"much the END of the Clergies *Conciliary Meetings*, that the ARCHBISHOP men-
"tion'd it oftentimes in his very PROVINCIAL MANDATE. It would have been more to his purpoſe, could He have ſaid that the KING had done it in his ROYAL WRIT. But we will be content with what he is pleas'd to give us, ſince we cannot have what we deſire. What are his Inſtances of this? Why He offers two; the *Synods* of 1328, and 1341. A Scanty *Induction*, if pertinent; if otherwiſe, a poor and ridiculous *Fallacy*. Well, and what *Synods* were theſe two? He tells us himſelf, They were PROVINCIAL COUNCILS STRICTLY ſo *called*? So that in ſhort then, all this Argument Ends, at laſt, in this little Sophiſtry; that the *Archbiſhop* in two *Mandats* of *Councils ſtrictly ſo called*, ſpeaks of the *Reformation*

[1] Ibid. 614.

[2] Hiſt. Elienſ. pag. 669.

[3] Regiſtr. *Chichley*, par ii. fol. 104.

[4] Rights, &c. pag. (272.)

[5] Rights, &c. pag. (273.)

tion of *Grievances* as the *Great Buſineſs* of their *Meeting*: And therefore, The Reformation of Grievances; and not *Subſidies*, was the *main End* for which our Kings Cauſed the *Clergy* to be Called to *Convocations*, and the *Great Uſe* they made of them when they were *Aſſembled*. K. HENRY *the* VIIIth. Sect. 82.

But I proceed. [1] "As they (the Clergy) were always ſure of his (the *Archbiſhops*) good Offices, ſo ſometimes it has ſo happen'd, that He himſelf has ſtood "in need of theirs: And accordingly the Subject of their Debates has been how "to Screen an *Archbiſhop* from the diſpleaſure of his Prince. With what ſtrange ſecurity do's this Man write? and refer us to Authors, for that wherein they ſpeak directly contrary to his Allegations from them. Take this ſtory in Dr. *Heylins* own Words; and let the bare relation of it be, as it is, a ſufficient Anſwer to the *Uſe* which he would make of it. [1] Ibid. pag. (273.)

[2] "Together with this *Parliament* was held a *Convocation*, as the Cuſtom is: "In the beginning whereof, an Inſtrument was produced under the *Seal* of "*Archbiſhop Grindall* for ſubſtituting Dr. *Jo. Elmore*, then Biſhop of *London* (a "Prelat of great Parts and Spirit, but of a contrary humor to the ſaid *Archbiſhop*) to *preſide* therein: Which in the incapacity of the Other he might have challeng'd, as, of right, belonging to Him. Nothing elſe Memorable in this *Convocation*, but the admitting Dr. *William Day*, the *Dean* of *Windſor*, to be *Prolocutor* of the *Clergy*; the paſſing of a Bill for the *Grant* of *Subſidies*; and a *Motion* made unto the *Prelats*, in the *Name* of the *Clergy*, for putting the *late Book* of *Articles* in Execution. (So wonderfully was this *Convocation* Employ'd in Other *Affairs*, beſides the *Grant* of Subſidies!) "Nothing elſe done WITHIN thoſe WALLS, tho' much was agitated, and reſolved on by thoſe of *Grindall*'s party in their PRIVATE MEETINGS. Some of the *hotter Heads* amongſt them had propoſed in *Public*, *that the Clergy ſhould decline all Buſineſs, even the Grant of* Subſidies, *till the Archbiſhop was reſtored to his Place and Suffrage.* But this could find no Entertainment amongſt Wiſer Men. Others adviſed, *That a Petition ſhould be drawn in the Name of both Houſes, by which her Majeſty might be moved to that Reſtitution.* And tho' I find nothing to this *Purpoſe* in the *Public Regiſters* (which may *ſufficiently evince* that it NEVER PASS'D AS AN ACT OF THE CONVOCATION) yet I find that ſuch a *Petition* was agreed upon, and drawn into Form by Dr. *Tobie Matthews*, then *Dean* of *Chriſt Chuch*, and by SOME FRIENDS preſented to her *Majeſties* Sight, &c. This is Dr. *Heylins* Account of this Matter: I ſhall only add that ſo far were theſe Friends from SCREENING the GOOD ARCHBISHOP by what they did, from the diſpleaſure of his Prince, that the *Hiſtorian* expreſly takes notice, [3] "that no ſuch Anſwer was given to this *Petition*, as by his Friends had been Expected; but that He continued under his Suſpenſion till the time of his Death. [2] Dr. *Heylin*, Hiſt. of the Presbyt. book vii. Sect. 21. [3] Ibid. p. 250.

Dr. *A.* go's on: [4] "Sometimes they have conſulted of Meaſures for *Advancement* of *Learning*, and *Encouragement* of *Univerſities*; and have come to Reſolutions very much to the Honour, and Advantage of thoſe famous Bodies, and have, by that means, made way for them when under a Cloud to the Favour and Bounty of Others. Dr. *A.* is here again upon his Old Fallacy. The *Conventions* to which he referrs were thoſe of 1417, and 1421. The One a proteſs'd *Eccleſiaſtical Council*,; the Other called meerly by the *Authority* of the *Archbiſhop*, not by any *Order*, or *Mandate* from the *King*. Now what is it but a Manifeſt departure from the point in Debate, concerning the End of our *Kings* in *Calling* of *Convocations*, and the *Uſe* which they generally made of them, to entertain Us with the Story of what was done in ſuch *Aſſemblies*, as the King *Call'd* not; tho' ſometimes, as in theſe very Caſes, He did indeed make a profitable *Uſe* of their *Meeting*. [4] Rights, &c. pag. (273.)

[5] "At ſome times the Regulation and Improvement of *Grammar Schools* at other the looſeneſs and diſorders of the *Stage*, have been the Subject of their Debates. He ſhould have ſaid, have been the End for which our Kings have *Aſſembled* them, and the *main Uſe* they have made of them when met. For here is no Controverſy between Dr. *A.* and me, Whether the *Clergy* in *Convocation*, did not frequently *Debate of*, and *Determine*, concerning *Other Matters* beſides *Subſidies*. Here therefore we muſt again enquire not what they did, but what it was for which the Prince Aſſembled them; and ſhould we fail even there, it would be no great wonder. The times, when theſe *Convocations* ſate, were very *Critical*. The One met towards the *latter End* of King *Henry* the 8*ths* [5] Rights, &c. ibid.

Reign,

K. HENRY *the* VIII*th.* when *Archbiſhop Cranmer* drove on the good Work of the *Reformation*, as faſt as he ſaw it prudent, and Adviſable to do: The Other about the Middle of *Queen Marys*, when they were as diligent to undo, what King *Edward the* VI*th* and his *Father* before had done. So that we ought not to think it at all ſtrange, if in ſuch times, when both our *Governors*, and their *Clergy*, had ſuch Affairs upon their Hands, and were ſo Eager in the purſuit of them; Our *Convocations* were alſo more buſie and employ'd, than they had commonly been for a hundred years before.

Sect. 83. But we will take his own Proofs. In 1555. The *Clergy* in *Convocation* deliberated, he ſays, about the *Regulation* and *Improvement* of *Grammar Schools*. In a *Synod* which did ſo much more, and more conſiderable *Church Buſineſs*, I wonder why that *Inſtance* alone was pick'd out by him. On that very day (which in my *Notes* is *January* the 8*th*. not the 7*th*, as he quotes it;) they debated about the Propriety of Certain *Words*, in order to the *Tranſlation* of the *New Teſtament*; to ſay nothing of many Other things which were debated of in this Aſſembly. There was then no want of *Church Buſineſs* to be done in this *Synod*: But was this nevertheleſs the *main deſign* of the *Queen* in Calling of it? Let the minutes themſelves which remain of this *Convocation* determine between us; where we are told that the *Prolocutor* being preſented, at the *Second day* of their Meeting, the *Clergy* were order'd to return, and chooſe Eight, or Ten of their *Houſe* to come up to the *Lords*, with their *Prolocutor* to hear what was to be declared to them not only on the *King* and *Queens Behalf*, but alſo of the *Cardinals* (Poole) concerning the Public good of the *Realm* and *Church*. What was ſaid to them when they came up, I ſhall ſet down in the Words of the Minutes themſelves, as being the leaſt liable to exception; "*Quibus vice Omnium Dom. Elienſ.* "*dixit*, Unam Cauſam *hujus* Conventus Provincialis *eſſe*, *uti Prælati & Clerus* "*Cant. Provinciæ illuſtriſſimis Dominis Regi & Reginæ, multo ære alieno gravatis, &* "*pecuniæ penuria laborantibus, de aliquo Grato* Subſidio *Eis elargiendo ſubveniant:* "*Commemorans maxima illa Beneficia, quæ dignitas Regia huic Clero hactenus impen-* "*derat, tam remittendo primos fructus, & perpetuas Decimas, quam etiam reſtitu-* "*endo de ſua Gratia Clero omnia illa Beneficia ſive Sacerdotia Unita, quæ olim Mo-* "*naſteriis Collegiis, &c. unita fuerunt.* ---- This was what was order'd to be ſaid to Them *ex Parte Regis & Reginæ*. As for the Remainder, that which was to be declared to them from the *Cardinal*, it concerns not our preſent Debate, and therefore I ſhall not need to make any *tranſcript* of it.

Altho' then not only that other Buſines which Dr. *A.* mentions, but much more, had He thought fit to take notice of it, was done in this *Convocation*; yet even here the *main End* of the *Queen* in holding this *Synod* was for their *Aid*; which accordingly they, in the firſt place, took into their Conſideration, and declared their Agreement to it, at the very next *Seſſion*. Indeed in the Other *Convocation* 1541: not Only no ſuch *Aid* was at all treated of in that *firſt Seſſion* of it, but the King himſelf declar'd, by the *Archbiſhop*, to them; that He had call'd the *Prelats* and *Clergy* together for *Other Purpoſes*. The Words of the *Archbiſhop* to this Aſſembly, as ſoon as he had admitted the *Prolocutor* of the *Lower Houſe* are remarkable, and may deſerve to be particularly taken notice of. "*Tunc expoſuit Eis*, EX PARTE REGIS, *quod intentio Ejus erat ut ipſi inter ſe delibe-* "*rarent de* REFORMANDIS ERRORIBUS, *&c. & ibi tradidit Prolocutori quoſdam li-* "*bros Examinand. et ut conficerent leges de* Symoniâ vitandâ, *& referrent judicia* "*ſua prox. Seſſione.* Dr. *A.* therefore needed not to have ſingled out one particular point from a *Synod* whoſe whole Debates turn'd on theſe Matters. But how do's this contradict my *Aſſertion?* Or prove that becauſe this particular *Convocation* of 1541. was called by the King for *Church-Affairs*; therefore theſe *Affairs*, and not *Subſidies*, were the *Main*, or rather *Only End*, of our Kings *Aſſembling* ſuch *Conventions?* If Dr. *A.* can make up a fair Induction of *Convocations* Call'd upon ſuch other Accounts as he aſſerts to have been the Proper End of their Meeting, and the Main *Uſe* which our Kings made of Them being met; He will then indeed do ſomewhat to invalidate my Aſſertion. But otherwiſe a ſingle Inſtance (nay or ſeveral more, ſhould he be able to diſcover any ſuch) will only ſhew that I had reaſon to *limit* my *Propoſition*, as accordingly I did, in the very paſſages which himſelf Cites, and Grounds his Quarrel againſt me upon: [1] "*All the Uſe that was* GENERALLY *made of them, was to concur with the Other* "*Eſtates in Granting Money to the King; which having done they were* COMMONLY "*diſ-*

[1] Rights, &c. pag. 269.

" *dismiss'd without entring on any Other Business:* " *The* main design *our Princes* " *seem to have had in Assembling these Convocations,* &c. *was to get Money from* " *them.* --- *This was the* Great Use *the King was* wont *to make of our Convocations.* " ... For the most part *the great* End *our Kings had in summoning of them was to* " *get Money from them.* These are the Passages which Dr. *A.* himself recites as the most Obnoxious in my *Book*; and all these amount to no more than this; that this was *Usually* the *Chief design* which our *Kings* had in appointing of these *Meetings*; but is so far from denying, that it rather implies, that sometimes they might have some *Other End* for their *Summoning* of Them, and *something else* for them to do when they *Came* together.

This therefore might be a full, and fair *Reply*, to his last Allegation; the only pertinent *Instance* he has yet brought. But indeed if my Notion of this very *Assembly* be right, even this Instance will prove as little to the purpose as any of the foregoing: And I shall Offer it with the Greater Assurance, not only because I am fully convinced of the truth of it; but because whether it be allow'd of by Dr. *A.* or no, my Cause is in no danger. My Opinion then is, that that last *Synod* of 1541. was a proper *Ecclesiastical Council*, as well as a *State Convocation*; and in *that Capacity* did Those things, One of which Dr. *A.* has quoted against me.

For the better clearing of which Notion I must observe that before the 25*th* of King *Henry* the viij*th*, as our *Kings* had a Right to require the *Archbishops* to *Summon* their *Clergy* together in *Convocation*, whenever they thought it necessary for their Affairs, that they should be Assembled; so our *Metropolitans* had likewise a double Right, which by the *Act* of *Submission*, pass'd that Year, they were deprived of: 1*st*: That they could also, at their own Pleasure, freely *Call* their *Provincial Prelats*, and *Clergy* together, to deliberate with them about the *Affairs* of the *Church*, in a *proper Church Synod*. And 2*dly*: That having *Conven'd* them in *Convocation*, for *State Ends*, in Obedience to the Kings *Writ*; They could either by their *Order* Require them, or by their *Allowance* permit them, to Enter upon *Spiritual Affairs*; and thereby make Use of them at once both as a *Council*, and as a *Convocation*.

Being by that *Statute* tied up, so that from thence forth they could neither Assemble any *Synod* without the *Authority* of the *Kings Writ*; nor having call'd them as a *Convocation*, could Authorize them to *Act* as an *Ecclesiastical Council* without his *License*; We have now no Means left to judge what kind of Assembly the *Clergy* thus *conven'd* are, but by the *Powers* it has from the King when met, and the Business which, in vertue of those *Powers*, it do's transact. If the *Clergy* be call'd together by the *Usual Writ* of a *Convocation* issued out from the King, and Executed by the *Archbishop*, after the manner it was wont to be, before the *Passing of that Act*; the *Clergy* so conven'd are, by that *Summons*, a *Convocation*; and Authoriz'd to Enter upon any such Business as a *Convocation* was wont heretofore to do. And therefore so long as they continued to dispose of their own *Money*, they needed no other *License* or *Authority*, (notwithstanding the 25*th* H. 8. c. 19.) to Debate of, and agree upon any *Subsidy* that they thought good for the King. They have also thereby a sufficient power to consider of their *Civil Grievances*, and to make any *Address*, or *Request* to the Prince, which they shall think necessary with relation thereunto. But still, by this Summons, they are no more than a *Convocation* for *Civil* or *State Purposes*; a *Church Synod* they are not, unless they are farther Empowr'd. When therefore the King, having thus caused them to be *Summon'd* together in *Convocation*, Grants his *License* unto them, according to that *Act*, to enter upon *Church-Business*; He thereby makes the *Assembly*, which before was *legally* no more than a *State-Convocation*, from thenceforth become a *Proper Provincial Council*. He gives it a *new Power* which before it had not; and by that means puts it in a *Capacity* of doing such Business as before it might not Lawfully have done.

Now this was the Case of the Meeting in 1541. The King order'd the *Archbishop* to *Call* his *Clergy* together in *Convocation*. They met by *Authority* of the Kings *Writ*, and in *Obedience* to the *Archbishops Mandate*. Had the King stopp'd there, they would have been only a *Convocation*; and their proper *Business* would have been, *Consilium & Auxilium*; to debate of, and to grant an *Aid* to the Prince, for the *Defence* of the *Church* as it is a *Member* of the *State*. But the King had at this time another *Design* in Assembling of the *Clergy*, and another

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Use to make of Them. He therefore commanded them, by the *Arch-Biſhop*, and in Conſequence of that Command He *Licenſed* them, as the *Statute* directed, to deliberate about the *Reformation* of *Errors*, and other Proper *Conciliary Matters*: And by ſo doing, he not only Enlarged the *Powers*, but (in the Eye of the *Law*) Alter'd the very *Nature* of the *Aſſembly*. He made it a *Council*, as well as a *Convocation*; and in that *Capacity* it *debated* of and *did* thoſe *things*, One of which Dr. *A.* is pleaſed to object to me.

[1] Rights, &c. pag. 274

As for his next Inſtance (which according to his uſual Confuſion runs us a hundred Years backward) relating to the [1] *Auncel-Weight*; it has been already conſider'd in its proper place, and thither I refer Dr. *A.* for my Anſwer to it.

[2] Ibid. pag. (275.)

To his laſt parting [2] Remark, that I confeſs the *King* frequently ſent his *Prohibitions* to the *Convocation*, and that this implies that they *were otherwiſe Employ'd* than in *Money matters*; I reply in ſhort; that to *Convocations* call'd by his *Own Writ*, (and of ſuch I muſt be underſtood, when I ſpeak of the *Kings deſign* in calling of them) no *Prohibition* was ever ſent. Let Dr. *A.* firſt ſhew that his Allegation is true, and then I will conſider what is needful to be ſaid to take off the force of it.

And thus have I follow'd this *Author*, thro' all that he has Offer'd within the *Period*, and even beyond the Time I have hitherto been treating of; to ſhew that Our Kings had ſome *Other Ends* in iſſuing out their *Writs* for the Aſſembling of our Convocations than to obtain an *Aid* of them; and that this was not the *Great* or Only *Uſe*, which they *generally* made of them. What he farther adds from the *Convocations* of the *laſt Century*, will more properly be conſider'd as I paſs thro' the Hiſtory of it. In the mean time let the Equitable *Reader* now judge, What this warm Man has at laſt brought in Oppoſition to my Aſſertion, with which He is ſo much Offended? Or how he has proved it [3] to be

[3] Ibid. pag. 269.

" that *Falſe* and *Scandalous* Reflection upon our *Princes* and thoſe *Meetings*,
" and even upon the *Conſtitution* its ſelf, that at his firſt ſetting out, He charg-
" ed it to be?

Sect. 85.

Shall I need in return to this Noiſe, and Nothing Elſe, to reſume again the ſeveral Inſtances by which I have ſhewn my *Aſſertion* to be moſt undoubtedly true, in the ſeveral parts both of this, and the foregoing *Chapters*; and thereby prove yet more plainly than I have already done, that Dr. *W.* did both know ſomething of theſe *Matters*, and did not diſſemble his knowledge of them: And therefore, is neither to be *Pitied* for his *Ignorance*, nor yet to be *Detſteed* for a *much worſe Quality*; As in his kind *Dilemma*, He is pleaſed to ſtate the Caſe, upon this Occaſion? I will then briefly declare the *Ground* of my *Aſſertion* from theſe two Conſiderations, which Dr. *A.* who is ſo great a Maſter in theſe Matters, will, no doubt, quickly ſhew me to have been as much miſtaken in, as I was in the Poſition which I built upon them, (1*ſt*) From the *Original* of theſe *Kind* of *Convocations?* And (2*dly*) From the *Authentic Teſtimonies* of thoſe very *Writs*, by which they have been *Summon'd*; and the conſtant *Intimations* of the *Kings Pleaſure* to them, when they came together.

(1) As for the firſt *Original* of Theſe *Aſſemblies*, I have before ſhewn that it was about the time of King *Edward* the 2*d*, that they began to be ſetled; and the Occaſion of them was this. His Father, King *Edward* the 1*ſt*, had by the *Premunitory Clauſe* brought the *Lower Clergy*, as by his Other *Writs* he had done the *Lay Commons*, to *Parliament*. His deſign in ſo doing was to demand, and obtain the more eaſily, from time to time, an *Aid* of them there, than He thought He could do in their own ſeparate Meetings. The *Clergy* to avoid this, induſtriouſly declined coming to any Reſolutions of a Subſidy in thoſe *Conventions*. They alledged that the *Regular Clergy* being Call'd but in a ſmall number thither; they could not do any thing without conſulting together in a fuller Body, in ſome *Provincial Meeting* of their Own. Sometimes the Other *Clergy* Either came not at all, or but in a very little proportion, to it. They ſtood upon their *Exemptions*; and pretended that they were not obliged to Obey a *Lay Summons*: And tho' the King provided againſt this, by iſſuing out *Provincial Writs* to the two *Archbiſhops* to Summon the *Clergy* of their reſpective *Provinces* to *Parliament*; yet they had an Anſwer ready to that too; that the *Archbiſhop* could not Lawfully Summon them out of his *Own Province*; and ſo One half of the *Clergy* had ſtill a Pretence for their abſence, notwithſtanding they were Called by their *Archbiſhop* to *Parliament*.

By

By these and the like means, they soon brought the *King* under a Necessity of complying with them; and leaving them to meet in their *Own Provincial Congregations*; where they were more easily induced to gratify his desires. This therefore gave the first Ground to the *setting up* of those *Assemblies* which we properly Call *Convocations*; and which were in this especially easily to be distinguish'd from the *Provincial Councils* of those times; that the One after a little while, (when things Settled into this Method) were *called* by the *Archbishop* in Obedience to the Kings *Writ*; the Other by his Own *Metropolitical Authority*; without any Order, or Authority from the King so to do. The One were Assembled for the obtaining of those *Aids* of the *Clergy* there, which they refused to *Grant* in *Parliament*: The Other for such *Ecclesiastical Affairs*, as the Circumstances of the *Church* required their deliberation of. KHENRY *the* VIIIth.

If therefore the End of this *Assembly* may be taken (as in all reason it ought to be) from that which Apparently gave the *first Occasion* to the Introduction of it; and, but for which, there never had been any such *Assemblies Conven'd* by the King at all; then the Aid of the *Clergy* must be allow'd to have been the main End of our *Convocations*; As certain it is, and I have before shewn, it was the reason for which our *Princes* did *Consent* first, to the meeting of the *Clergy* after this manner; and afterwards did *Require* them, whenever they wanted their *Aid*, to be thus *Called* together by their *Archbishops*.

(2) And for this I appeal to their *Own Writs of Summons*; which was the Other proof I proposed to make of my *Assertion*. For if in those *Publick Instruments* it be avow'd that the Cause why our Kings commanded the *Archbishops* to *Summon* their *Convocations*, was for their *Aid*: If they therein press and require them to do what in them lay to induce their *Clergy* to *Grant* their *Aid* to them: If this, and this only, be Alledged as the End of their *Assembling*; and if this be the *Language* not of One or Two such *Writs*, but of *Maney*, nay of most of them, till they fall into a *Common Form*, which implied the same thing; Then I conceive it must follow, that as we cannot any Way better know what was the true End and *Occasion* of these Meetings, than from the solemn Declarations of Those who Call'd them; so neither ought we to doubt but that That ought to be accounted the true Occasion of their *Assembling*, which these *Writs* set forth to Us as such. Sect. 86.

To proceed therefore to a particular Enquiry into this matter: One of the Antientest *Convocation Writs* that I have met with, is that of King *Edward* the 1st. Ao. 1290. a few years before he Call'd the *Clergy* to *Parliament*. The *Province* of *Canterbury* had granted him a Supply in their Meeting at *Eli*, *October* the 2*d*. He therefore directs his *Writ* to the *Archbishop* of *York* to Call his *Clergy* together for the same End: --- *Cum Venerabilis Pater Joh. Cant. Archiepiscopus, & ejusdem Provinciæ Clerus totus Decimam de Anno præsenti nobis liberaliter concesserunt ---- Paternitatem vestram affectuose Requirimus & Rogamus quod nobis si placeat Curialitatem consimilem, vel aliam honorabilem & decentem concedere, & vestræ Provinciæ Clerum ad Eam nobis similiter concedendam, modis quibus melius Expedire videritis, inducatis.*

Anno 1310. The *Archbishop* of *Canterbury* expresly conven'd the Clergy of his Province, at the *Kings Request*, to anticipate the *Payment* of the *Triennial Tenth*, imposed by the *Pope* upon the Church.

The next Year, 1311. The Archbishop of *York* summon'd his *Clergy* in like manner by Order of the *Kings Writ*; *ad tractandum nobiscum de præfato Subsidio per dictum Dominum nostrum Regem a Nobis petito, & ad consentiend. & Faciend. Ulterius super Illo quod Communi videbitur Judicio faciendum.*

Two Years after Ann. 1313. The King having obtain'd a *Subsidy* of the *Clergy* of our *Province*, Order'd the *Archbishop* of *York* to Convene his for the same purpose. The Archbishop Obey'd, and Summon'd them in these Terms: *Nos etiam ex parte ejusdem nostri Regis cum Magna fuerimus instantia requisiti quod Prælatos & Clerum nostræ Provinciæ Efficaciter inducere Curaremus, ut consimile Subsidium ob causam prædictam eidem Domino nostro Regi concederent.*

Anno 1314. The King issued out his *Writ* for the Clergy of our Province, to meet the *morrow* after the *Ascension*, *Ad tractand.*-- *super* Competenti Auxilio *a Clero Provinciæ vestræ Cant. nobis impendendo.* The words are the same in the *Writ* of that Year for the *Clergy* of *York*, who were to meet the morrow after *Trinity* for the same End.

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Anno 1316. The inſcription of the *Convocation Writ* upon the *Clauſe Roll*, is, *De Convocatione Cleri faciend. pro* Subſidio *Regis*, &c. 9 E. 2. m. 17. d. And the Purport of it is the ſame, *ad tractand. & conſentiend. --- de certo* Subſidio *nobis ut præmittitur faciendo.* The whole *Writ* runs to the ſame Effect, and was alike ſent into *Both Provinces.*

The *Archbiſhop* of *Canterbury* holding a *Provincial Council* the ſame Year after *Michaelmas*, the King directed his *Letters* to it after the ſame Manner; as in my account of this Year may more fully be ſeen. Having obtain'd what he deſir'd in our *Province*, He order'd a *Convocation* to be Calld for the ſame End in the Other. He declared his Neceſſities to them; Order'd their Convention, and then pray'd them *de Nous faire aſcun Covenable Eide* --- as may in the *Writ* more fully be ſeen.

Anno 1318. The King renew'd his Requeſt in the like manner to the *Clergy* of *York*. The *Archbiſhops Mandate* thus expreſſes it; that He had been with great Inſtance required to Call his Province together, and there effectually to induce them, *ut ab eodem Clero ſibi ex præmiſſa Cauſa competens* Subſidium *concedatur.* For this He calls them *ad tractandum in dicta Convocatione --- ſuper negotio antedicto, ac ad faciendum ulterius ſuper illo quod Communi videbitur Judicio faciend.* He wrote alſo in like manner to the *Clergy* of our *Province*; whom he required the Archbiſhop to Aſſemble in *Craſtino Purificat. ſuper hujuſmodi* Subſidio *Nobis faciendo*, as the words of the *Roll* are.

It would be too tedious, or as Dr. *A.* ſpeaks, too *Dry a Task* to paſs thus minutely thro' all the following Years. I will therefore take the Liberty to refer the Reader to the foregoing Hiſtory of my Two laſt *Chapters*, who deſires a more particular account of this Matter; and Content my ſelf to touch only upon it, at ſuch eaſie Diſtances, as may ſuffice to make my Induction full, and yet not Engage me in an Endleſs Repetition.

Rot. Clauſ. 16. *Edw.* 2. m. 20. is thus intituled. *Pro Rege de Subſidio à Clero Provinc. Cant. & Ebor. procurand.* The *Writ* recites the Miſchief done by the *Scots*, and the Kings Reſolution to repreſs them. What charges this would pnt him to; and what Intereſt the *Church*, as well as *State*, had in this matter; for which he hoped that they alſo would *manus apponere adjutrices:* And therefore he Orders each *Archbiſhop* to *Convene* his *Clergy*; *Et in eodem Concilio expoſitis Negotiis & Neceſſitatibus prædictis, quanto utilius & expreſſius poteritis Auxilium Competens a Prælatis & Clero --- terminus competentibus & feſtinis nobis ſolvend. procuretis Concedi.*

As *Edward* the 1*ſt* and 2*d* began, ſo *King Edward* the 3*d* continued theſe Aſſemblies: And *Aid* was ſtill the Great End for which he Call'd them. In his firſt Year, He order'd our *Convocation* to meet at *Leiceſter*; and required the Archbiſhop to be there at the time appointed, and to uſe his labour and diligence *que tiel Eide nous ſoit grantes d'ont nous nous pouvons ſentir Comfortes et Aides:&c.* The Archbiſhops Mandate runs to the ſame effect, He Calls his *Clergy*, *Una nobiſcum tractaturi & Ordinaturi ſuper* Subſidio *& remedio competentibus imponend. in præmiſſis.* The remedy ſpoken of was that of a miſtake committed in the *Parliament* at *Lincoln*, which hindred the *Clergy* from *Granting* a *Supply* there. This I mention leaſt any one ſhould think ſome of Dr. *A*'s *Buſineſs* might poſſibly be couch'd under that doubtful Expreſſion.

4. *Edward* the 3*d* the *Clauſe Roll* is thus intituled; *Pro Rege, de Auxilio habendo a Clero pro reſiſtentia Guerræ Franciæ.* And the *Writ* requires the *Archbiſhops* to Call their *Convocations*, *Manus apponere adjutrices:* And that they ſhould *Eis dicta Negotia & Pericula imminentia ſerioſius Exponere*; and thereby induce them *quod in tanto neceſſitatis articulo tale Nobis Subſidium faciant pro tantis periculis evitandis, quod per veſtram & ipſorum ſubventionem Jura & Honorem noſtrum & totius Regni noſtri Conſervare, ipſoſque & totum Populum noſtrum ab hoſtium incurſibus tueri & protegere valeamus.*

7. *Edward* 3*d*. The King thus Writes to the ſame effect; that Conſidering the imminent danger which threatned them, and that *omnes fideles noſtri pro ſuportandis Oneribus defenſionis Regni*, &c. *manus tenentur apponere adjutrices*, they ſhould *Aſſemble the Convocations* to treat about the premiſes, *Veſtrumque & ſuum Connſilium & Auxilium impenſur.* The very ſame *Phraſe* Occurs in the *title* of the next *Writ* of the ſame Year: *De Convocatione Cleri faciend. ad Tractand. ſuper Conſilio & Auxilio Regi concedendo.* And that this *Counſel* and *Aid*, related to the

their Debating about a ſuitable *Subſidy* to be Granted to him, the Body of the *Writ* ſhews; which recites firſt the Kings Confidence in the *Archbiſhop*, *quod pro defendendo & recuperando Coronæ noſtræ Regiæ Juribus nobis vigilanter velitis aſſiſtere, & in Opportunitatibus quantum ad vos attinet efficaciter Opem ferre*: Then gives an Account of his Expedition into *Scotland*; and how by that means *innumerabiles & quaſi infinitos ſumptus nos effundere Oportuit*. That nevertheleſs Other *Affairs* broke out, *in quibus Veſtro & aliorum Prælatorum & Cleri Regni noſtri* Conſilio & Auxilio *indigemus*: And for this End commands the *Archbiſhops* to *Summon* their *Convocations*, to treat of the ſame *Affairs*, *veſtrumque & ſuum* Conſilium & Auxilium *impenſuri*.

The *Writ* of the next Year, 8 *Edward* the 3*d*, is, if poſſible, yet more full to the ſame Effect. It expreſly requires the *Convention* of the *Clergy ad Tractandum & Conſentiendum ſuper aliquo Auxilio* competenti --- *Nobis concedendo*; nor mentions any Other Buſineſs. So do thoſe of the 10*th*, and 11*th* of *Edward* the 3*d*. The *Writ* to the Archbiſhop of *York* 13*th* of *Eward* the 3*d*: is all for *Subſidy*. In another of the ſame Year to the Archbiſhop of *Canterbury*, *Conſilium* & *Auxilium*, are again plainly Expounded after the ſame manner as before: So is it in that of the 16*th* of the ſame King to the Archbiſhop of *York*. The Writs of the 25*th* of *Edward* the 3*d*. to both *Archbiſhops*, expreſly require their *Convocations* to be called for the ſame purpoſe. They recite the great *Burdens* of the King, and the *Dangers* of the Kingdom: They require the Help of the *Clergy*, and that to this End they ſhould call them to their ſeveral *Convocations*, *Et expoſitis Eis dictis Negotiis ibidem, ipſos ad aliquod Competens* Subſidium *Nobis in Auxilium ſupportationis dictorum Onerum Concedendum cum Efficacia inducatis*.

I put theſe things together the more briefly, becauſe I have taken particular Notice of the moſt of them, as I have paſs'd thro' the Years to which theſe *Writs* belong; and I have there made exact and particular References to them. The Writs of the 33*d* of *Edward* the 3*d*. differ in words, and are ſhorter than many of the foregoing: But the ſenſe is ſtill the ſame. They Recite the *gravia Pericula quæ tam per invaſiones* Scotorum *quam aliorum inimicorum noſtrorum*, &c. *tam Sanctæ Eccleſiæ quam Regno evenire veriſimiliter formidantur*: And they order the *Convocations* to be called; and that there *inter vos & ipſos de aliquo ſalubri & conſimili remedio pro Conſervatione & Defenſione Eccleſiæ & Regni prædictorum contra pericula prædicta Ordinare curetis*; *Ut ex hoc tam vobis quam dicto Clero in veſtris agendis teneamur ſpecialius in futurum*.

To haſten to the End of this long Reign: Anno 45. *Edward* the 3*d*; the *Writs* ſpeak fully out as before. They declare the Burdens lying upon the King; *Ad ſupportandum Onerum ſupportationem abſque Adjutorio fidelium noſtrorum non ſufficimus ſicut* [illegible]*ſcitis*. How the King had thereupon demanded a *Supply* of them; and now order'd the Archbiſhops to call their *Convocations*. *Et expoſitis Eis dictis Negotiis ibidem ipſos ad aliquod Competens* Subſidium *nobis in Auxilium ſupportationis dictorum Onerum Concedend. cum efficacia inducere*. This was the ſtile, or rather the very words, of the following *Convocation Writs* Anno 47 *Edward* the 3*d*. the laſt that remain upon the *Clauſe Rolls*.

The *Firſt* of *Richard* the 3*d*, run exactly to the ſame ſenſe, and require the ſame thing: That the Archbiſhops ſhould Cauſe their *Clergy* to be *Aſſembled* in *Convocation* after their uſual manner; *Et eis dictis negotiis, & periculis ibidem pleniùs expoſitis & declaratis, ipſos ad* Subſidium *in hoc caſu competens & neceſſarium* [illegible] *Supportationem dictorum Onerum et Sumptuum nobis concedend. eo ſpecialius et cum efficacia qua magis ſciveritis vel poteritis tanta neceſſitate cauſante inducatis*. The like is the form of thoſe of his *Second Year*. The Writs of the 3*d*. 4*th*. 5*th*. 6*th*. 7*th*. 8*th*. 9*th*. 10*th*. 11*th*. and 12*th*. are all in the ſame Words, with thoſe of the *Second*. Nor are thoſe of the Other Years much different. In this they All agree (that of the 20*th* Year excepted which runs in general terms) not only in Senſe, but even in Expreſſion, that the *King* requires the *Archbiſhops* to *Summon* their *Convocations*; *Et ipſos ad* Subſidium *in hoc Caſu competens et Neceſſarium, in* [illegible]*ſupportationem dictorum Onerum Nobis concedend. eo ſpecialius et efficacius quo magis* [illegible]*ſciverint aut Poterint, ſollicite inducere*.

Thus expreſly do the Kings *Writs*, for a Hundred Years together, openly and plainly ſpeak the End of their Commanding theſe *Convocations* to be held, to be for the *Granting* of *Aids* to them. If in the following times they fell into the more General Expreſſion of *Counſel* and *Aid*; yet the Interpretation of the preceding

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ceding Age ſufficiently determines the Senſe of thoſe *Words*; and gives us to underſtand that they ſtill meant the ſame thing, and called them together for the ſame End.

The 2*d* of *King Henry* the 4*th* is in the Old Expreſs form: It recites the *ſumptuoſa et immenſa Onera* that lay upon him, *pro defenſione et ſalvatione Regni*, &c. *nec non Eccleſiæ Sanctæ*. And it orders the Archbiſhop to call his *Convocation*; *et ipſos in hac parte ex cauſa prædicta ad Subſidium in hoc caſu Competens et Neceſſarium — inducere*. The ſame is the form of his 5*th* Year. Thoſe of the 7*th* and 9*th* of *King Henry* the 5*th* run in the *like ſtile*; and direct to the *ſame End*. From thenceforth the *Convocation Writs* have been drawn up almoſt wholly in the ſame *general terms* that they now are, and ſometimes before were. But then the meaning of them has been all along Explain'd, *ex parte Regis* to the *Convocation*; by ſuch *Commiſſioners*, as they have been wont to ſend to it; And Dr. *A.* too well knows, to need my Information, that what has been declared to them from the *King* by his *Commiſſioners*, as the *Cauſe* of his Calling them, has been generally, I might ſay conſtantly, for their *Aid* and *Aſſiſtance*, with a very few Inſtances, to the Contrary. Thoſe who have Examined the *Acts* of our *Convocations* know this to be true; And I am ready from thence to make an Expreſs proof of it, if Dr *A.* ſhall think fit to deny the Allegation, and thereby give me Occaſion ſo to do.

Let this then ſuffice to ſhew upon what Grounds my Opinion is founded, which I formerly advanced, and in deſpight of all his Wrath, do ſtill adhere to, *viz.* That the *Great Deſign* and End of our *Princes* in requiring their Archbiſhops to *Summon* theſe *Convocations*, was Generally this; for the *Aid* of their *Clergy*. I ſhall now leave it to Dr. *A.* to prove (if he can) by the like plain, and Authentic *Induction*, that any thing elſe that He ſhall pleaſe to lay down againſt it, was an *Equal*, or a more *Eminent*, and *Principal Inducement* to them in this Caſe. Till that be done I ſhall, I hope, be Excuſed, if I leave Him to his own Rude, and Unlucky *Dilemma*, which he was pleas'd to Level at me; "If Dr "*A.* knows nothing of theſe things; He is to be pittied for his Ignorance: If "He do's, and yet diſſembles the knowledge of them, He is to be deteſted for "a much worſe Quality. Let him take his own Choice, whether of theſe He would have the World agree upon: But let him remember that without making ſome ſatisfactory proof in this particular, That our Kings had Commonly *ſome Other more primary Ends* in *Aſſembling* theſe *Convocations* than that which I advanced, under One of theſe Condemnations He muſt fall, by his *Own Sentenee*; which otherwiſe, I do aſſure him, ſhould never have been made my *Cenſure*.

CHAP. IX.

Dr. *A*'s *Laſt Argument* to prove the *Right* of the *Convocations* to *Sit* and *Act* in Time of *Parliament*, drawn from CUSTOM, propoſed, and ſtated. The Inſufficiency of it ſhewn, ſuppoſing that there were ſuch a *Cuſtom* as He pretends: The matter of *fact* examined; Whether there has been any ſuch *Cuſtom* or No?

Sect. 1. WE are now come to the laſt of thoſe Arguments, by which Dr. *A.* pretends to prove the *Right* of Our *Convocations* to *Meet* and *Sit* during the *Seſſion* of every *Parliament*. I have before ſhewn, that neither the *Canons* of the Church have any *Authority* to confer ſuch a *Right* upon them; Nor has the *Conſtitution* of our *Government* made the *Calling*, much leſs the *Meeting*, and *Sitting* of the *Convocations*, neceſſarily Concurrent with that of our *Parliaments*. That the Modern pretence of *Attendance* in this Caſe, is not only a *New Invention*; but ſuch as the Practiſe of above 200 Years, after the ſettlement of our *Great Councils* upon their preſent Eſtabliſhment, do's apparently contradict. In all which time not *One Parliament* in *Ten* had either of the *Convocations* called together with it; Nor One in *twenty*, if in *thirty*, had *Both*. The truth is the

very *Conſtitution* of our *Parliament*, were men willing to be convinc'd, is of its ſelf an irrefragable Argument to prove that the *Convocations*, of which we are now diſcourſing, were never deſign'd to be either any part of it, or any *Attendants* upon it. For by that the *State* of the *Clergy* is Summon'd together with the *Laity*, as the Repreſentative Body of the whole *Clergy* of the *Realm*; and was intended to Appear on their behalf there. To this *Great Council* They have had their *Writs* of *Summons* ever ſince the time of King *Edward* the 1*ſt*; and in Obedience to thoſe *Writs*, they continu'd for ſeveral Reigns, to come to it. There they Acted in a *National Body*, under their *Prelats*, with the *Other Eſtates* in *Parliament*: And had not their own Wilfulneſs forc'd our Princes upon Other Meaſures, there had never been any ſuch *Meetings* as Thoſe of our *preſent Convocations* known in our *Country*. In ſhort; To this Great *Aſſembly* of the three Eſtates of the Realm, the *Clergy* are ſtill Called by the Kings Writs, as they ever have been; and the Biſhops do ſtill continue to come: And I think no Demonſtration can be clearer than this, in a Matter of this Nature; that the Eſtate of the *Clergy* being call'd Nationally to *Parliament*, by the Kings *Parliamentary Writs*, and being by vertue thereof an Eſſential Part of that Great Council, and Repreſented there; the *Parliament* is thereby compleat in its Eccleſiaſtical, as well as in its Lay Members; and has no need of any Other Aſſembly of the *Clergy* to make up the Integrity of it. This I am ſure muſt be allowed; Or (to omit ſuch other Inconveniences as will attend a Contrary Aſſertion) it muſt be granted that our *Parliaments* for the firſt 200 Years were a very defective Body; in all which time I have abundantly ſhewn; that the Two *Convocations* ſeldom, or never, met at the ſame time with them; and very often our *Parliaments* both met, and roſe without any *Convocation* that may but ſeem to have had ſo much as a diſtant Regard to Them. K. HENRY the VIIIth.

To proceed therefore to Dr. *A*'s laſt Argument, taken from the Cuſtom of our *Convocations* ever ſince the 25*th* of *King Henry* the 8*th*, to Meet and Sit in time of *Parliament*. That ſo they have done, they tell us is Undeniable: Now this *Cuſtom* having been thus Obſerved for above 150 Years laſt paſt, do's, they ſay, give the *Clergy* a Right thus to Meet and Sit; and therefore they cannot without a great Injuſtice be denied ſo to do. This is the Argument; and this I find urged not only by Dr. *A*. but by ſome Others, who are not very fond of his Other Notions; but rather diſclaim his *Parliamentary* Pretences, as Vain and Erroneous. Sect. 2.

In return to this Allegation, two things there are that will need to be Enquired into for the better diſcovery of the force, or rather Weakneſs of it.

1*ſt*. Suppoſing that there has been ſuch a Cuſtom as they Pretend; How far that Cuſtom ſhall prevail againſt the Royal Prerogative of the *King*, and the Juriſdiction of the Metropolitan, and give the *Clergy* a Right to Meet, and Sit, during the time of *Parliament*, in deſpight of Both?

2*dly*. Whether there has been any ſuch conſtant and continued *Cuſtom*, as is pretended in this Caſe?

But before I enter upon theſe diſquiſitions, it will be fit that we take a true ſtate of the matter in debate, that ſo we may Go on upon a ſure Bottom; and know both what it is that is Contended for; and upon what grounds the Claim of Right, in this particular is built. Sect. 3.

As for the former of theſe, the Right which Dr. *A*. in this Caſe contends for, it is this; A Right not only of being Summon'd by the *Kings Writ*, and the *Archbiſhops Mandate* thereupon to *Convocation*, but of Meeting and Sitting too: p. 69. Of Aſſembling, and Acting, p. 71. --- Of Aſſembling and Sitting: p. 268. Or as he more fully delivers his ſence: p. 267. "The *Clergy* have a Right to ſome- "what more than a bare Summons: They have a Right actually to Aſſemble; "to be form'd into a Body; and to fill the Chair of the Lower Houſe; And, if "they have any Petitions, or Motions to make in Church-matters, they have "a Right to Sit ſo long as till they have made them: For thus they have been "always Accuſtom'd to do: --- Now this Right He accounts to be ſo far Veſted in the Body of the *Convocation* (or rather of the *Lower Clergy*) as to leave i. no longer in the *Kings*, or the *Metropolitans Power* to hinder the Exerciſe of itt For being Called by the *Kings Writ*, and Aſſembled at the time preſcribed, in the *Archbiſhops Mandate*; He affirms, that neither the One, nor the Other can, from thenceforth, Prorogue them, till they have had their Sermon, Choſen their Rights, &c. pag 69, 7 267, 261

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their Prolocutor, and conſidered what they have to do; Nor afterwards without their Conſent; or at leaſt without a tacit Allowance, and Intimation given, That they have Nothing to Do. "Dr. *W.* is, He ſays, the firſt Writer that

Ibid. pag. 75. "has ever Aſſerted theſe *Meetings* to be Precarious; and put it in the *Princes*, "or the *Archbiſhops Power*, whether they will have ſuch Aſſemblies or No. And in another place ſpeaking of the "Reaſons, which may Occaſionally "move *Inferiors* to *Claim* the Recontinuance of theſe Meetings, He tells us, this "may be One, That their Right begins to be queſtion'd by the Diſcontinuance. Now of their being Summon'd, and Meeting, in *Parliament* time, there has been no Diſcontinuance: This therefore Dr. *A.* cannot mean. The Diſcontinuance of which He ſpeaks is that of Aſſembling, and Acting, and gives us the Key how to Underſtand that bold Reflection which follows; "Eſpecially if

Ibid. pag. 23, 24. "the *Superior* ſhall take care to *Aſſert* his *Own* [Right] at the ſame time that "He *ſets aſide Theirs*: And Commanding Them to Come; ſhall yet not ſuffer "them to Aſſemble in Form; nor let them, inſtead of being a *Convocation Legally* to Confer together, and to frame their Requeſts to their *Lordſhips*, the "*King*, or *Parliament*, be ſo much as a *Congregation* once to ſay their Prayers "together, and hear a Sermon. This it ſeems has been the Reſult of the *Archbiſhops* Arbitrary Prorogations; and this plainly fixes the Charge; or rather the Scandal, upon Him.

It is to the ſame Effect that he ſpeaks p. 77. where taking particular Care, to inform us that what He contends for is the Holding, not the Calling only, of the

Ibid. pag. 77. *Convocation*, "for that (ſays He) is the Right we ſpeak of; He adds, "A Right "that has been all along Own'd by Conſtant Practice; or if perchance not Exerciſed at ſome particular time thro' forgetfulneſs, or Diſtraction (to allow "the utmoſt, and more perhaps than can be proved) yet was *never Purpoſely*; "and, if I may ſo ſpeak, *Regularly neglected till now*. But more plain is the load which upon this Account He lays upon the *Archbiſhop*, p. 115: Where having ſhewn how much the *Convocation* may Do, without any Licenſe from the *King*, notwithſtanding the Act of Submiſſion; He thus proceeds to Reflect upon the Metropolitan for having prevented this, by his Illegally Proroguing of them:

Ibid. pag. 115. "And whether ſuch Applications are neceſſary, ſhould, I ſuppoſe, be left to "the *Convocation* to determine; tho' *Others* afterwards may either ſecond, or "reject theſe Applications; Who may in theſe Caſes have the power of *Judging*, but not of *Prejudging* the Actions of a Lawful Aſſembly. This can belong to no Body but the *Archbiſhop*, who indeed is by all theſe Circumſtances as Evidently pointed out, as if he had been expreſly named, as He was. p. 75. And what follows, p. 116. confirms it to Us: "The Innovation made in theſe Matters,

Ibid. pag. 116. "has begun within theſe Ten Years laſt paſt. For tho' it has been uſual to "Adjourn Convocations a few days after they had Met, and Sate, when there "was little or no buſineſs to do; yet it was never till

	1ſt Edit.	*2d Edit.*
Addit. pag. 53.	"this time known that a *Convocation* "was Adjourn'd before it ſate, that "is, indeed before it was a *Convocation.*	"now known that a *Convocation* was "Adjourn'd, on and on, for large "ſpaces of time, before it ſate; that "is indeed before it was, properly "ſpeaking, a *Convocation.*

Ibid. pag. 264. —"This *New Practice* (which Dr. *W.* in my Opinion by as *New Law* juſtifies) we know the date of; and have Reaſon therefore to obviate it whilſt it "is *New*: and to take ſome *Care* that it may not in a little time be *Able* to plead "a *Quiet Preſcription.*

"*Time* out of *Mind*, the Cuſtom has been, that whenever the *Parliament* has "Met, the *Convocation* (ſhould not only be *Summon'd*) but *Meet* too: And "accordingly for *ſome Ages* now it has met with it; and been Opened in Form, "by the *Archbiſhop*, or in the Vacancy of his See, by ſome Biſhops Commiſſion'd from the Dean and Chapter of *Canterbury*; Divine Service has been "ſaid; a Sermon preach'd, and a *Prolocutor* Choſen. There *are Inſtances* indeed when they have *Gone no further than this*, and *done no other Buſineſs*; but "it was when they had no Other Buſineſs to Do; for they were always put into a Poſture of doing it, and into a Capacity of making ſuch Motions and Requeſts as they ſhould judge proper for the Good of the Church, or the Re-

"dreſs

dreſs of Grievances. Till late Years it was never known that *Convocations* ſhould Meet [[1] time after time] purely in Order to be Adjourn'd: That the *Members* of the *Lower Houſe* ſhould Attend, only to be told when they ſhould Attend next, without being Allow'd to offer their Adviſes, or Complaints, or even to put themſelves in a Condition of Offering of Them. This *Cuſtom* we know is but *Nine Years Old*; whereas the *Contrary Cuſtom* is as *Old* as theſe *Aſſemblies* themſelves are: And if Cuſtom be the Law of *Convocations*, (as Dr. *W.* allows it to be) He will be pleaſed to tell Us, how this *Eſtabliſh'd Cuſtom* can be broke in Upon, and ſet aſide, without a *Breach of the Law*; and whether the *Clergies* not being Suffer'd to *Meet*, and *form Themſelves* into a *Body*, according to the Intent of their Summons, be not (upon Dr. *W*'s. Principles) as plain a *Violation of their Rights*, as it would *be not to Summon Them.*

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[1] Ibid. Addend. pag. 57.

Here then we have, I think, a full, and clear Account, of Dr. *A*'s Claim on behalf of the *Convocation*, that is, in his meaning, of the *Lower Clergy* there. For as in Dr. *A*'s Eſtimation the *Convocation* of this *Province*, is the *Only Convocation* that he ſeems to have had any Regard to, in ſettling the Rights of an *Engliſh Convocation*; ſo the *Lower Houſe*, is that which in his Extraordinary Regard to the *Epiſcopal Eſtabliſhment* of the *Church* of *England*, He, for the moſt part, means when He ſpeaks in General of the *Convocation*. The Summ of it is this; That as the *King* is Oblig'd every *Parliament* to *Summon* the *two Convocations*, and to let them Sit without any diſturbance on his Side, during the Seſſion of *Parliament*; (and accordingly we muſt withGratitude Acknowledge that his *Late Majeſty* did duly, and conſtantly do this, how much ſoever Dr. *A.* has been pleaſed in his Ignorance of the Hiſtory of that very thing for which he writes, to Reflect upon him as if he had not;) ſo being Call'd by the *King*, they have Right in deſpight of their *Metropolitans*, the *Legal Præſidents* of their reſpective *Convocations* to *Meet*; to Go to Prayers; to hear a *Sermon*; to Chooſe a *Prolocutor*, and to make what Motions ſoever they think Good; Who are not to preſume to exerciſe their Power of Prorogation till the *Clergy* ſhall think fit to give Them leave; either by Expreſly telling Them that they have nothing to do; or by ſufficiently intimating of it to Them by their doing of Nothing when they are Met.

[2] Rights, &c. pag. 267, 268.

This is the Claim, both with reſpect to the *King* and the *Archbiſhops*: And we are thus far Happy, if Dr. *A.* will pleaſe to let us be ſo, that the One has not hitherto broken in upon in upon theſe darling Rights; tho', it muſt be confeſs'd, if the Caſe be ſo as he pretends, the Others have apparently Offended in this Particular; and thereby merited that Chaſtiſement which this warm *Presbyter* is pleas'd, with a peculiar freedom, and ſeverity, to give them for it.

The Grounds on which he builds this Claim, is *Cuſtom*; And that ſo Old, Un-interrupted, as to warrant Dr. *A.* to aſſert, the Aſſembling of the *Convocation* in time of *Parliament* to be *Eſſential* to our *Conſtitution*; and to give a *Legal* Right to the *Clergy* not only to be Summon'd, but to Sit too: So that in Short the *Archbiſhops* by their late Prorogations of them, have not only infring'd the Liberty of the Church, but broken in upon the *Parliamentary Eſtabliſhment* of the State likwiſe. The Charge runs as high on this ſide, as the Claims of Right did on the Other; And it will be neceſſary for me to ſhew that this is Dr. *A*'s true Senſe, and No Aggravation of my Putting upon his words. Let us hear how he ſumms up his own Performances. p. 76. "The reſult of all is this, that if *ſome hundred Years Cuſtom* can *make* a *Law*, then we may without offence affirm it *to be the Law*, that the *Convocation* ſhould Sit with every *New Parliament*: If the true Notion of a *Convocation* be, that it is an Aſſembly of the *Clergy* always attending the *Parliament*, then it is no preſumption to ſay that we have the *Same Law* for the *Sitting* of a *Convocation* as we have for that of a *Parliament*. And by this *Law* the *Clergy* — are not only under a Duty to Attend, but have alſo a *Right* to *Meet*; So that as their Writs for Aſſembling Concurrently with a *Parliament*, are not meer Letters of Grace, and Complement, but to be Emitted *ex debito Juſtitiæ*, and whether the Government has any thing to propoſe to them or No; ſo likewiſe are their *Aſſemblies* at *ſuch times* to be *held* by the ſame *Law*, notwithſtanding it may be pretended that there is no Occaſion for them. And, in another Place, ſpeaking of the

Sect. 4.

[3] Rights, &c. pag. 76.

[4] Ibid. pag. 263.

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This is the Cuſtom from which he inferrs his right: a *Cuſtom of ſome hundred Years*: As in the next Page he calls it to the ſame purpoſe, of *ſome* Ages; and *Time out of mind*. And yet more fully, as to the Strength of his preſent Argument from it, p. 267: Where he doubts not to lay his Claim in theſe words: "If *Cuſtom* therefore creates a Right, we are ſure the *Clergy* have a Right to "ſomewhat more than a bare Summons: They have a Right to Aſſemble, to "be form'd into a Body, and to fill the Chair of the Lower Houſe; and if they "have any Petitions or Motions to make in Church matters, they have a Right "to Sit ſo long as till they have made them; *For thus they have* been *Always ac-"cuſtom'd to Do*. This he had before aſſerted as to the Kings part of Aſſembling the *Convocation* in *Parliament* time: p. 251. "Since *Cuſtom* is the Law of *Par-"liaments*, and it has *Perpetually* been the *Cuſtom* to iſſue out theſe (*Convocation*) "*Writs* to the *Archbiſhops*, whenever Writs went out for the *Parliament*, it is "Certain that the *Clergy* have a Right to theſe *Provincial Aſſemblies* in *Parliament* "time on the Account of this *antient Preſcription*. And here He equally Aſſerts it as to the *Archbiſhops* Duty of permitting them actually to Sit, at leaſt till they ſhall ſignifie their own conſent to be Prorogued.

Sect. 5. What we have here ſeen in theſe very large, and General terms of ſome *hundred* of *Years Cuſtom*; *Cuſtom time out of mind*; *Always*; and *perpetually Accuſtom'd*, and the like; He elſewhere puts ſome Bounds to; and we ſhall do well therefore to Enquire what his Limitations are, that ſo we may the better judge of what force his Argument drawn from this Topick is. P. 215. He tells us, that

Rights, &c. pag. 215. "two *Convocations* have for near 400 Years paſt conſtantly Attended (the *Parlia-"ment*) and are therefore, in this reſpect, as ſtated an Aſſembly as the *Parlia-"ment* its ſelf. To the ſame effect he both Aſſerts, and Argues, p. 251. "

Ibid. pag. 251. "a Cuſtom, ſays He, of three or four hundred Years ſtanding will not create "a Right, I know not what will. When he firſt ſet out on this Notion, his thoughts were warm, and he run his Cuſtom ſomewhat higher; p. 28. He tells

Ibid. pag. 28. us that "thus the Caſe had ſtood for 400 *Years*, and Upwards, to ſpeak at the "Loweſt. But that is no great matter: It is more wonderful to ſee how far he has elſewhere ſunk this pretended Ancient and Immemorial Cuſtom of many *Ages*; to One Century and a half; which indeed is All that with any Colour of Truth can be affirm'd in this Caſe, and in which I ſhall hereafter ſhew more

Ibid. pag. 68. defects than he is aware of: p. 68. "Sure we are that the *Convocations* of the "*Clergy* have (as has been ſaid already) *for above* 150 *Years* been us'd to *Meet* "and *Riſe* within a *Day* of the *Parliament*: And if *Cuſtom* therefore be the Law "of *Convocations*, as it is of *Parliaments*; (and we have Dr. *W*'s word for it "that it is) then is it *Law* that the *Convocation* ſhould *meet Only* and *Always* in "*time* of *Parliament*. And therefore p. 75. having own'd ſome Difference in point of Time to have prevail'd for above a hundred Years together in the meeting of theſe two Aſſemblies, the *Parliament* and *Convocation*; He adds

Ibid. pag. 75. "That this Irregularity was Reform'd before the Reformation of Religion "and their Meeting, and Departing, *fix'd within a Day* of the Aſſembling and "Diſmiſſion of the *Parliament*; and, ſays He, this *Cuſtom* has *Now* for above an "*Age* and *half* Continued. For ſo long therefore (not to ſay how much longer) "the *Convocation* has been a Word of Art, which ſignifies a Meeting of the "*Clergy* in Time of *Parliament*. He adds, That ſuch Meetings have by all the "underſtood our *Conſtitution* been held *Neceſſary*. Dr. *W*. being the firſt Writer that has ever aſſerted them to be Precarious; and put it in the Prince's "or the *Archbiſhops* Power, whether They will have ſuch Aſſemblies or No.

I have now put together Dr. *A*'s ſenſe as well as I could gather it from the ſeveral parts of his Book: What his Opinion is, or on what to fix in this caſe, is pretty hard to determine. Immemorial Cuſtoms, which have *always* and *perpetually* Obtain'd, are certainly in All Caſes of Great Authority; and eſpecially very Sacred in the Eye of our Own *Law*, a good part of which is built upon no other Foundation. A Cuſtom of 3 or 400 Years, in the Buſineſs of our pre-

ſent *Conſtitution*, ought to be held no leſs Sacred; eſpecially in the Opinion of thoſe who derive the perfect Eſtabliſhment of our preſent Form of *Parliament*, from no higher an Original than the Latter End of King *Henry* the 3*d*, or the middle of King *Edward* the 1*ſts* Reign; that is, from about the ſame diſtance of time, that Dr. *A.* aſſigns for the Settling of his *Convocations*, in their Duty, or Right (I know not whether I ſhould call it) of Attendance upon it. And could this have been made out, without Examining any farther into the Nature or Original of ſuch a Cuſtom, I would, for my part, have freely Cloſed in with Dr. *A.* and have ſtood upon the Preſcription of it. But the Error and Falſeneſs of this pretence has been too apparently diſcovered already, to need any farther Enlargement upon it. I have ſhewn as plainly as Any thing can well be ſhewn, that to the time of King *Henry* the 8*th*, and in good part of his Reign too, no ſuch Cuſtom did Obtain in this Kingdom. That from King *Edward* the 1*ſt*, to King *Henry* the 8*th*, for above 200 Years the *Convocations* ſeldom, or never ſate, at the ſame Time with the *Parliament*. But the *King*, and the *Archbiſhops* were at their perfect liberty to Call their *Parliaments*, and *Convocations*, according to their own Pleaſure; and did Convene them at the ſame, or at different Seaſons, as they thought it beſt ſuited with their Convenience to do. K. HENRY *the* VIII*th.*

To ſo much therefore of Dr. *A*'s Argument, as pretends to *Time out of mind*; to 3 or 400 *Years Cuſtom*, in this Caſe; my Anſwer is briefly this: There was no Cuſtom for the *Convocations* being either Summon'd, or Sitting, either in, or during, the Time of *Parliament*, before the 25*th Henry* the 8*th*: nor can therefore either the Kings Prerogative, or the Metropolitans Authority, be at all affected by any thing that has been, or can be Alledg'd, before that Time. Our only buſineſs will be to Enquire, How the Caſe has ſtood ſince? Whether from that time forward it has been the *Conſtant Cuſtom* for the *Two Convocations* to Meet and Sit with every *Parliament*, after that ſtrict Manner, that Dr. *A.* now affirms they ought to do? And whether, if it has, that *Cuſtom* ſhall ſo far limit and Determine both the Kings and the *Archbiſhops* Right of Summoning, and Proroguing theſe Aſſemblies, that it ſhall no longer be in their Power, either not to Call Them, or having Call'd them, to Prorogue them, when, and while the *Parliament* is Aſſembled? And to the End the Matter of Right may be the more clearly diſcuſs'd, without any Mixture of what has paſs'd in point of Fact, ſince the time to which this debate doth properly belong; I will

1*ſt* Abſolutely Suppoſe, that from the 25*th* of King *Henry* the 8*th* the *Convocations* have always been Summon'd by the *Kings Writ*, with Every *Parliament*; and been ſuffer'd by the *Archbiſhops* to Meet and Sit, without any ſuch Prorogations as are now complani'd of; during Every ſuch Seſſion of *Parliament*; and upon that Suppoſition will Enquire; How far ſuch a Cuſtom ſhall prevail againſt the *Kings* Prerogative, and the *Archbiſhops* Metropolitical Authority; and give the *Clergy* ſuch a Right to be Summon'd and Aſſembled; to Sit and Act, as Dr. *A.* Claims on their behalf? And having clear'd that, I will then proceed in the

II*d* Place to Examine the matter of Fact; and Enquire, whether there has been any Innovation made in the late Reign; any thing done either by the *King*, or our *Archbiſhops*, which had not been done, by former Princes, and Metropolitans?

Firſt then; Suppoſing that from the time of *King Henry* the 8*th* to the preſent Reign, the *Convocations* have been duly Summon'd by our Princes, and allow'd to Sit, and Act, during the Seſſion of every *Parliament*, by our Metropolitans; Let us Enquire whether ſuch a *Cuſtom* ſhall ſo far Prevail againſt the Prerogative of the One, and the Authority of the Other; that it ſhall be no longer in the Power of Either or Both, to deny them ſuch a Liberty of Meeting, and *Sitting*, as is now claim'd by Dr. *A.* on their Behalf? And this we will try, Sect. 7.

1*ſt*. By the *General Rules*, and Principles of the Canon Law conſiſtent in this matter, with the Laws of the Realm, and therefore it if not of an abſolute force to Oblige in ſuch a Caſe, yet neither lightly to be Rejected. And

2*dly*, By the *Maxims* and *Determinations* of our Own Law, which to be ſure we muſt abide by in this Particular.

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1st. That Custom, tho' never so Inveterate, is not always of Force to Introduce a Legal Right, much less to Destroy a Right both by Law, and Custom vested in another Person, or Corporation, is a Principle that all Laws and Constitutions of Government have ever agreed in. The Canon Law, I am sure, is very positive in this particular: In which these, and the like Principles, are received as certain, and authoritative, [1] *Si Consuetudo ratione non constet, non est servanda:* [2] *Veritate & Ratione contraria Consuetudini manifestata, cedere debet Consuetudo:* [3] *Consuetudinem Ratio et Veritas semper Excludit:* And therefore [4] *Consuetudo est servanda, vel ea cui suffragatur Veritas, vel ea cui saltem non est contraria Ratio et Veritas.* But on the other side, [5] *Mala Consuetudo non minus quam pernitiosa Corruptela vitanda est.*

[1] Dist. viii. c. 7, 8.
[2], [3] Ibid. cap. 4, 5.
[4] Ibid. dist. xi. c. 1.
[5] Ibid. dist. viii. c. 3.

Upon these first principles equally allow'd of both in the Canon and Civil Law; we find several other Consequential Rules establish'd, in the reason of which tho' we do not agree with the Canonists, yet may they serve nevertheless to illustrate the Maxims before laid down, and shew thus much at least with Reference to the Point in Hand; that Those make too great a hast to their Conclusion, who overlooking the Nature, and Quality of the things for which they plead a Prescription, content themselves with this Uncertain, and I think in the present case very false, Inference; That for such a Summons and Assembling, as we now speak of, the *Clergy* have Custom on their side: And therefore they are by Right intituled to them; so that neither the *King* nor the *Archbishop* can Legally refuse the One, or hinder the Other. Such are for Example these: * That no Custom can be valid, which derogates from the Liberties of the Church; or by which any Grievance is brought to it. * That all such Feudal Customs are void, by which *Clergy* men are, upon the account of their Lay fees, Convened before a Sæcular Lord. * That no Custom can prevail, whereby to make the sentence of a Lay-man valid in an Ecclesiastical Cause. * That no Exempt places can plead Custom for the Public Celebration of Divine Offices in the time of a General Interdict; with many Others of the like kind.

Sect. 8. But not to insist upon the doubtful, or Erroneous Inferences, which either have been, or may be, drawn, from certain and true Principles. In this both Law and Reason agree; That, to give to any Custom the Authority of a Law these following Conditions are required; * That it must be in a Matter that is Capable of a Prescription: * That it must carry a Natural Equity with it: * That the Custom must have had a Reasonable beginning; and neither have been introduced, nor kept up, by Error. * That it must have the consent of the Prince, or of such Other Person, whose Authority is primarily concern'd in it: * That it must be in its self Reasonable: And lastly, * That the Acts, upon which the Custom is founded, must have been design'd to introduce a Law; and to have Effect and *Obligation* as such. We will briefly Examine the present Pretences of Dr. *A.* on behalf of the *Convocation*, by these Measures; and that under the (3) following Enquiries:

(1) Whether the Thing it self, which is here founded upon, and Claim'd by Vertue of this Supposed Custom, be such as is Capable of being Prescribed by *Custom?*

(2) Whether the Acts, by which the pretended Custom in this Case must have been introduced, were such Acts as are requisite to found an Authoritative Custom upon? And,

(3) Whether the Custom here alledged, has had all that Authority that was necessary to Give the Force of a Law to it?

Sect. 9. (1) Whether the thing it self, which is here founded upon, and Claim'd by Vertu of, this *Supposed Custom* be such, as is Capable of being Prescribed by *Custom?*

That there are a great many things, in which it is generally agreed, that *Custom* has no force, no body can doubt, who has either at all enquired into these matters, or considered them as he ought to do. It is one of the Conditions Essentially requisite in such a *Custom*, as is to have the Efficacy of a Law that the Thing prescribed by it, be neither Evil, nor Unreasonable. [6] *Suarez* Go's yet farther: He tells us, that to make a *Custom* valid to the End of a Law it must not only be without any of these Defects, but must be positively Useful and Honest. Insomuch that he doubts not to place the very Form of it in the Two: "*Ideo illius quasi forma*, says he; *erit Ejusdem honestas et utilitas.* It

[6] De Legib. lib. vii. c. 9.

makes the very same Qualifications, Objectively taken, to be the final Cause of it too: "*Utilitas publica vel Ratio Consuetudinem Honestans*; as his words are. And, in another Place, he adds yet more; where shewing that in a *Lawful Custom* all the necessary Conditions do concur, which are requisite to make a Law, and from thence Arguing that it has a sufficient force to introduce a Law; He gives this Account of the matter of it: [1] "That such a *Custom* ought to be Reasonable; And that it will be so in Order to this Effect, if its Matter be not "Contrary to the Law of Nature, or of Revelation; if it be Profitable to the "Public Good; and not too Difficult, *vel a Communi more honeste vivendi Exorbitans.* And in this the whole Body of the Canonists and Civilians seem generally to agree with him.

[1] Ibid. c. 15.

I have already shewn what the Maxims of the [2] former of these are to this purpose: As for the latter, I shall only mention a Constitution, or two of the *Roman Law* to the same Purpose; such as that of the *Digest*: [3] *Quod contra Rationem Juris receptum est, non est producendum ad Consequentias*: And that other of the *Code*; [4] *Consuetudinis Ususque longævi non vilis Auctoritas est; verum non usque adeo sui Valitura momento, ut aut Rationem Vincat aut Legem.*

[2] Vid. Alteserr. in Tit. de Consuetud. cap. *Ad Nostram*: Et ib. cap. *Cum inter*. Gonzal. in Eund. Tit. cap. *Consuetudines*, &c.

[3] Lib. 1 Tit. iii. Sect. 14.

[4] Lib viii. Tit. 53. Sect. 2.

But here then a difficulty will arise, What *Custom* is to be adjudged Useful, and Reasonable, and so Capable of Obliging; and what Unreasonable, Unprofitable, and Dishoneſt, and therefore to be condemned as a *Corruption*, not received as a *Custom?* This is a Question, which has given some trouble both to the *Casuists*, and *Canonists* in the Resolution of it: Who after many Considerations, seem willing to come, as to what concerns the matter of Practise, to this Conclusion; that the Determination hereof must be left to the Will, and Decision of the Judge; who must follow his Own Reason, and Conscience, in it. But this is a direction that will not satisfie in our present Case; I will therefore Endeavour to Give some farther light to it; at least so much as may suffice to answer my purpose in it.

And, *First* it is out of all doubt, that where the [5] Matter of any *Custom* is in its self morally Evil; and Establish'd by such Acts as no *Humane Power* can justifie, or make Lawful; there the *Custom* its self must necessarily be both Wicked and Unreasonable; and so Uncapable of inducing any Obligation, but only to Repentance and Reformation.

Sect. 10.

[5] Suarez: de Legib. lib. vii. cap. 6.

Secondly: [6] If the *Custom* be not directly Sinful, yet if it carries a Moral Turpitude, or Indecency along with it: so as to render it Unbecoming the Nature of the Thing, to which it is Applied, or the Persons who Use it; such a *Custom*, I conceive, may justly be accounted Unfitting & Unreasonable, and so Incapable of Obliging. Let us take the Instance, which *Suarez* gives us of this. Suppose then, It should have been the *Custom* of any *Country* to celebrate some certain Festivals by Indecent Sports, or Exercises; such as Baiting of Bulls, or the like; it cannot be doubted but that such a *Custom* being, tho' not directly Unlawful, yet in its self Indecent, and Unsuitably Applied to the *Celebration* of a Sacred Festival, ought for that Reason to be Rejected and Disallow'd.

[6] Ibid.

Thirdly: A Practice that is neither in its self Morally Evil, nor Indecent, but on the contrary is Good and Commendable; may yet be Unreasonable, as to the Inducing of an Obligation, because it would be too Burdensome to the People; Or Otherwise inconsistent with the Necessities of particular Persons, Or Prejudicial to the Public Good. [7] Should a Practice, for Example, be set up in any *City*, or *Corporation*, that so many days in the Week all persons should shut up their Shops, and laying aside their Ordinary Business, should give themselves up intirely to fasting, and prayer; to the service of the *Church*, and the Exercises of devotion; tho' this be in its self not only a Lawful, but an Excellent Practice; and if voluntarily done by such Persons as could conveniently spare the Time, and bear the Discharge of it, highly Commendable; Yet to introduce such a *Custome* as should in this Case become Obligatory to a whole Society; and Lay a General *Constraint* upon all the Members of it to comply with it, would be both Burdensom, and Unreasonable; and in Order to such an End, the very Practice its self would deserve to be Censured as Rash and Inexpedient.

[7] Suarez: loc. citat.

Yet farther: *Fourthly*: There are some things, which are of such a Nature, as to be above, and beyond the Power of *Custom* alone, to Reach, or Controul: Such are the Rights and Prerogatives of the Supreme Authority in every Society,

Sect. 11.

* whe-

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whether Eccleſiaſtical, or Civil; Becauſe indeed, not only the force of *Cuſtom*, but all the Other Laws, which are made with reſpect to *Public Society*, do ſubſiſt by Vertue of the Supreme Authority within that Society, and muſt therefore be Inferior to it. And it would be altogether Unreaſonable in its ſelf, and contrary to the Public Good, that *Cuſtom* ſhould Deſtroy that, by whoſe Authority it prevails; and for the ſake of which alone it either was, or ought to have been Introduced. Thus in the Eccleſiaſtical State, founded in Hierarchy, and Eſtabliſh'd upon the Order and Authority of the Biſhops and Prelats of it; which partly the Inſtitution of *Chriſt* and his *Apoſtles*, and partly the General Agreement and Practice of the *Chriſtian Church*, has ſettled in it, No *Cuſtom*, which would ſubvert, or change the Eſſential Rights or Priviledges of this Politie, can be adjudged to be either Uſeful, or Reaſonable; nor by Conſequence of any force by the Laws and Conſtitutions of the *Church*. To give ſome Inſtances of this, which occur in the *Canon Law*, and have been adjudged to this purpoſe by it. [1] Some Perſons pretended by *Cuſtom* to Exempt themſelves from paying ſuch Procurations, as were due to their Biſhop, and his Officials, upon the Account of their Viſitations. This was declared to be Invalid; and the *Cuſtom* reſolved to be of no force: Becauſe the Viſitation its ſelf being a Matter of *Common Right*, wherein not only the Authority of the Biſhop, but the Good Government, and Ordering of the *Church* is concern'd; whatſoever depends thereupon, or is neceſſarily united to it, as the Support of the Viſitor in the Diſcharge of his Duty, in that particular, is; belongs to the very Policy and Government of the *Church*, and therefore cannot by any *Cuſtom* be Preſcribed againſt.

[1] Gonzales in *Decretal.* Tit. de præſcript. cap. *Cum non.*

For the ſame reaſon it has been [2] agreed, that no Dioceſs can plead a *Cuſtom* to be Exempt from the Viſitation of its Proper Ordinary: Becauſe this would break the Diſcipline of the *Church*; would obſtruct the *Correction of Manners*, would overthrow the Power of the Ordinary, and be contrary to the Public Good and Welfare of the Society.

[2] Ibid. cap. *Cum inter.* Et Cap. *Ex parte* de Conſuetud.

In like manner; [3] It has been judged, that for any Perſons, or Corporations to be Exempt from the Obedience of their Proper Prelat, No *Cuſtom* can be pleaded; becauſe this would divide the Members from their Head; would break the Nerves of all *Church diſcipline*, which conſiſts in the due Obedience of Inferiors to their Superiors; would Evacuate the Laws of the *Church*, which require ſuch a Subjection; and ſo, in the End, would tend to the Diſorder and Deſtruction of the *Church*.

[3] Ibid. de præſcription. Cap. *Cum non Liceat.*

The Caſe is the ſame in the *Civil*, that it is in the Eccleſiaſtical State, and founded upon the ſame Reaſons. The Peace of the Public; the Security and Welfare of the People; the Defence both of their Perſons and Property; and the Authority of the very Laws themſelves, All depend upon the Safety, and Preſervation of the Government, which is Legally Eſtabliſh'd in every Place. Whatſoever *Cuſtom* therefore is contrary thereunto; or would Weaken the Conſtitution of any *Civil Government*, or any conſiderable part of it; muſt, upon that account, be look'd upon to be Unreaſonable within that Society; and Inconſiſtent with the Public Good of it; And being ſo, muſt for that reaſon alſo be declared Null and of no force. Hence it is, that all *Cuſtoms*, which would Derogate from the Authority of the Prince, or thoſe juſt Rights, which either the known Conſtitution, or Laws of the Government, have veſted in him, have in all Eſtates been eſteemed an Undue Uſurpation: And whenever any ſuch *Cuſtoms* have been alledged (as ſometimes they have been by ſeditious Perſons and for ill Ends) they have ſtill been accounted Violent, and Unlawful; and if by unjuſt force they have for a while prevail'd, yet have they always been Reprobated, as ſoon as things have return'd to a quiet ſtate, and that the Voice of Law and Reaſon were to be hear'd againſt them.

But much more is this clear in ſuch Caſes, where only One Part of the Society, would, by the pretext of *Cuſtom*, diminiſh the Authority by which the Whole is Govern'd and Supported. Becauſe ſhould this be allow'd, the Conſequence would be, that ſome particular Perſons, or Corporations, might juſtly make their Own Separate Advantage, by that which might turn to the Detrimert of the whole. A thing ſo Unreaſonable in Society, that the *Civil Law* would not ſuffer *Cuſtom* to affect ſo much as a *Common Road*, or to deprive the Publi

Public of the Uſe of it, for the Benefit, or Conveniency, of a particular Town, Village, or Perſon, which might happen to Gain by it. K HENRY the VIIIth.

The Summ then of this Matter is this; That whatſoever *Cuſtom* would Introduce any Right or Priviledge, that is Morally Evil; or Indecent; That is Unreaſonably burdenſom to the People, Or Otherwiſe Prejudicial to the Society; which being Admitted, would Weaken, or Subvert the Order and Government of the State, into which it ſhould be introduc'd, and ſhake the very *Conſtitution*, under which it is to be Eſtabliſh'd, muſt be counted a Wicked, or Unreaſonable *Cuſtom*, and as ſuch not qualified to Oblige.

I ſhall cloſe up theſe Remarks with that diſcourſe of *Suarez*, wherefrom the Maxims of the *Canon Law*, which declare, that *All ſuch Cuſtoms are Unreaſonable, as are neither Supported by Reaſon, nor agree with the Canons of the Church*; and again, that Thoſe are to be held to *which are Supported by Reaſon, and do agree with the Canons*. He doubts not to Affirm, That a *Cuſtom* is to be judg'd Unreaſonable, if it be Deſtitute of *Reaſon, tho' it be not apparently Contrary to Reaſon*. And from thence draws this Inference; That to enable any *Cuſtom* to introduce a New Law, there is more required, than that it ſhould be barely Honeſt; and therefore Reaſonable in Order to that End. For beyond that, ſays He, it muſt alſo be conſider'd, whether it has the Other Conditions of a juſt Law; namely, that its *Obligation be tolerable*; and that it be *Profitable* to the *Public Good*. To Enable it to Repeal a *Law* already made; it muſt have ſome Reaſonable Cauſe, for which it ſhould be introduced in Oppoſition to the Law: Becauſe otherwiſe it would be Unreaſonably Set up againſt it: foraſmuch as, Generally ſpeaking, to Repeal a Juſt Law, without a Lawful Cauſe, muſt needs be Injuſt. [t] De Legib. lib. vii. cap. 6.

From theſe Maxims and Opinions of the *Schoolmen* and *Canoniſts*, which, I confeſs, ſeem to me to carry with them as well the Force of Reaſon, as the Authority of Law; Let us now ſee, what the Concluſion muſt be in our preſent Caſe. Before the 25*th* of King *Henry* the viiith, it is certain, that the King had Authority, when ever He pleaſed, to direct his Writ to Either of his *Archbiſhops*, and to Require them to Call a *Provincial Convocation* of their *Prelats* and Clergy for ſuch Ends as, when they were Aſſembled, ſhould be declared to them. They were neither by Law, nor Cuſtom, Obliged to Iſſue out their Writs for this purpoſe at ſome *Certain times*; nor Reſtrain'd from doing it at any Others. This, I ſay, is Certain; and I will venture to add that I have proved it, beyond all Controverſy, ſo to be.

Till that time the *Archbiſhop* of Each *Province* was, in like manner, at Liberty, to Aſſemble his Reſpective *Provincial Suffragans* and *Clergy*, not only at ſuch Times as the King, by his Writ, Commanded him ſo to do; but whenever He thought it neceſſary; or that it would be for the Good of the Church that they ſhould be Called together. In both Caſes, whenever the *Metropolitan* ſent out his *Mandates* for their Aſſembling, they were obliged to Obey; and to Attend at the time and place which He aſſign'd for that purpoſe. Thoſe who either neglected, or Refuſed, to come, (if any ſuch there were) were pronounced Contumacious by Him; and Puniſh'd after ſuch a manner as the Laws of the *Church directed*, and the Quality of their Offence did ſeem to Require.

Being thus Convened, the *Archbiſhop* was thus far Obliged by the Kings Writ, having Aſſembled the *Convocation* at his Command, to continue its Seſſions till the King had declared his Buſineſs to them, and they had ſufficiently deliberated upon it, and given their final Reſolution concerning it: Which having done, He Either preſently Diſſolved the Meeting, or Continued it ſtill on: at His Own Pleaſure, and by his Own Authority. Whilſt they ſate, He freely preſided either in Perſon, or by his Commiſſioners, over them: He prorogued their Seſſions as He ſaw fit; Directed their Proceedings; and by his Concluding Suffrage, either confirm'd, or Diſallow'd of what was done by them.

By the Act of Submiſſion, made in the 25*th* of *King Henry* the 8*th*, the Kings Prerogative in this particular was ſomewhat Enlarged, and the *Metropolitans' Authority*, not a little Abridged. For from thenceforth, the *Arch-Biſhop* was Reſtrain'd from Aſſembling his *Provincial Synod* without the *Kings Writ* to Licenſe, and Authoriſe him: which was all the Change that was made in this point, from what had been both the Law, and Practice before. Since the paſſing of that Act, it has been the General *Cuſtom* for our Kings to iſſue out their Writs

to

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to their *Archbiſhops*, to hold their *Convocations* when ever They have A
their *Parliaments*. This they have done by their Own free Will and P
not in purſuance of any Law, which either Required them to Order th
biſhops to Call Them at thoſe Seaſons; or Reſtrain'd them from *Co*
them to Call them at any Other times. But they found thoſe Seaſons t
moſt convenient for their Affairs; and the Obvious Reaſon of the t
ſelf, which I ſhall hereafter obſerve, ſhews it to have been ſo. A
Archbiſhops, excepting in the One particular of not being now at liberty
their *Provincial Councils* at their Own Pleaſure, without the Authorit
Kings Writ, they do in all other Reſpects Remain in the ſame State th
before; with Relation to their *Provincial Suffragans* and *Clergy*: And
larly, they have the ſame Authority; to Preſide over their Synods, a
rect their Proceedings, as ever they had before the making of that Ac
ly, as before, whenever they Called their *Convocations* in Obedience to t
Writ, They were Obliged to continue their Seſſions in ſuch wiſe as t
Affairs Required, and for that were anſwerable to Him; ſo were, th
wards, in like manner, Obliged to take his Directions, as to the men
of theſe Aſſemblies when convened; and not to deprive the Prince of
portunity, of making whatever uſe of them, He had either been Acc
or ſhould otherwiſe think fit, Legally to Do.

In conſequence hereof, as the King has Generally cauſed the *Cour*
Meet in Time of *Parliament*; ſo, for the moſt part, having had buſine
poſe to them; the *Archbiſhops* have likewiſe Order'd their Actual Aſſembli
cauſed a Sermon to be preach'd; a *Prolocutor* for the *Lower Clergy* to be
and the whole Aſſembly to Sit from time to time, as the buſineſs to
by them has Required. If nothing was to be done for the *King*, nor h
any thing to Recommend to them, or Require of them, Themſelves
Caſes they Met but ſeldom, and in a very ſmall Number; and that in
their farther Prorogation, And all this as it has Pleaſed the *Metropolit*
der and Appoint.

Sect. 13. This is the caſe (at leaſt we are now to Suppoſe it ſo to be) And the
to be Reſolved upon it, are theſe: 1*ſt*; Whether the *Kings Cuſtomary*
the *Convocations* in Time of *Parliament*, and Suffering them to continue
Government of their Reſpective *Archbiſhops* during the Seſſion of it
the End of which They have not Ordinarily interpoſed, to put an En
Aſſembling) and the *Clergies* Meeting thereupon, ſhall have ſuch a for
Oblige the King by the meer Authority of ſuch a *Cuſtom*, Neceſſari
them at ſuch Times, whether He will or no? And ſo lay this double
upon his Prerogative; That He ſhall be Abſolutely Obliged to Sum
Convocations with every *Parliament*; and ſhall be precluded from the
Summoning them at any Other Time? And, 2*dly*; Whether the *A*
having, in Obedience to the *Kings Command*, and for the diſpatch of
neſs as He had for the *Clergy* to do; Or otherwiſe by their Own Will
advice of their Suffragans, generally Suffer'd, or rather *Commanded*,
to Meet, as often as they thought needful, in Order to thoſe Ends; Ha
Cuſtomary Allowance, or Precept, ſo far deprived themſelves of the
political Authority of *Preſiding* over, and *Proroguing* their *Convocations*,
no longer in their Power to Exerciſe it as the King ſhall Direct, or
Themſelves ſhall think fit, but that They are Obliged, by this *Cuſto*
them Meet, Sit, and Act, as they have commonly been wont to do,
ſhould think it to be neither Neceſſary, nor Expedient to the Good of th
but rather needleſs and inexpedient, that they ſhould do ſo?

This I take to be the true ſtate of the Queſtions under debate; a
ſwer to both, I do humbly conceive, that ſuppoſing ſuch a *Cuſtom*, as i
ledged, yet neither the *Kings Prerogative*, nor the *Archbiſhops Author*
be Affected by it; Becauſe They are not ſuch Matters in which *Cuſtom*
Force; or ought to be allow'd any Power to Oblige.

Sect. 14. For 1*ſt*. As to what concerns the *Kings Prerogative* in this Caſe, it neith
from, nor depends upon any *Particular Laws*: It flows from the Co
of the *Government*, to which all Laws and Cuſtoms within the Realm a
dinate; and therefore is above being Limited, or Determined by any
than an Expreſs Law of that Conſtitution. It is true by a particular

the Common Consent both of the *Clergy* and *Kingdom*, the Prerogative K. HENRY
thus far Enlarged beyond what it had been before; that the *Metropolitan* the VIIIth.
ld not, from thenceforth of his Own Accord, call a *Convocation*, without
Princes Allowance; but should have his Writ to Authorize him so to do.
the King had always a Right antecedent to that Statute, or any other Po-
e Law, to Command his *Archbishops*, whenever he thought fit, to Assem-
eir Respective *Convocations*; and the *Archbishops* were always obliged to
his *Command*, and Assemble them accordingly. Now this being a Right
Crown, which the King by his Royal Prerogative, and the *Constitution*
Government, is Vested withal; nothing can deprive him of it but that
has power to Alter the *Constitution*, which no *Custom* of any Particular Bo-
r *Corporation*, has Power to do.

in answer to this, it shall be said, that this *Custom* do's not Destroy, but
limit the Prerogative; and that This *Custom* may do; I must beg leave to
, that in my Apprehension such a *Custom* do's totally Destroy the Prero-
in this Particular. For it makes that Power which before was free, and
become, by this means, Necessary and Constrain'd. For so it must needs
all that Remains to the King, in this Case, be but this; that He shall be
d, whether he approves of it or no, to Issue out his Writs for the *Convo-*
to Meet, whenever the *Parliament* Sits; and shall not be Permitted to
em at any Other Time, than when the *Parliament* is to be held, tho' He
have never so much Reason, or Occasion, to move him so to do. Men
ve things what names they please; but when all is done, where there
reedom, there can be no Prerogative: much less such a Royal Power;
Kings, by the Constitution of our Realm, were Endow'd with, and have
et given their *Consent* to be deprived of.

ther it would be for the Good of the *Church*, that such a *Custom* should
'd the force of a Law; may I think very justly be question'd. *Parlia-*
ow-a-days are frequently Assembled, and long continued. If this *Cu-*
valid, then must All the Deans and Archdeacons, and a Great number
ost Eminent *Clergy* of the whole Realm, be all that while Obliged to
eir Business, and Countries, and met together in two places, and there
our, or five months in the Year, to their Own Great Cost, and to the
of their functions and Cures; and that at a time, when the Bishops are
rom their Dioceses, upon the Account of the Public, and therefore their
nate Ministers ought the Rather to be personally present in them. To Meet
gether at such times when there is any Real business to be done for the
the *Church*, that may countervail the trouble, charge, and inconveni-
their Assembling, is readily acknowledged to be useful and necessary.
times therefore, and for such Affairs; They ought not only to be per-
but Required so to do. The *Metropolitans* will certainly desire it; and
d Prince will Refuse them the liberty of it. But to be Obliged, at all
res, to Assemble so often, and to Sit so long, as every *State Council* is
nd continued, would I conceive, be a Great Burden to the *Clergy*; and
ment to the *Church*: And as, for that Reason, no *Custom* ought to be
for it, so neither should any be Allow'd to deprive the King of that
which alone can protect the *Church* against so Great a Trouble and In-
ence.

far the Allowance of such a *Custom* may be prejudicial to the State as well
e *Church*; I shall not pretend to divine. But sure I am no *Custom* can
for One part of the People, which may turn to the *Public Injury* and
nt of All the Rest. And thus far the whole Realm must be concern'd
s not to admit of any *Custom*, that would weaken the Reins of Govern-
and Obstruct the Lawful Exercise of the Kings Royal Prerogative; and
deprive him of the Power of either not Assembling, or of proroguing,
lving the *Convocations*: if any difficult Times should come; and the *Clergy*
take part with the Divisions of the People, and by their Counsels or
, when met in a Body together, should help to increase the Public Dis-
All which I may presume to say Carries no Impossibility in the Suppo-
tho' I hope it should never be verified in their Practise.

clude then; that this *Custom*, as far as it concerns the *Kings Prerogative*;
ntrary to the Essential *Constitution* of our Government; inconsistent

K. HENRY the VIIIth. with the Rightful Power of the Sovereign, burdenſom, and injurious to the *Church*; and which may turn to the *Public Detriment* both of *Church* and *State*; is for the Matter of it, Unfit, and Unreaſonable, and therefore ſuch in which *Cuſtom* cannot Oblige.

As for what concerns the *Metropolitans Right* of *Prorogation*; that alſo I take to be ſuch a *Right* as *Cuſtom* alone has not *Authority* ſufficient to Deprive him of. The *Metropolitical Juriſdiction* has now for theſe 1400 Years paſt been ſettled, and Received in the *Chriſtian Church*. Our Own *Church* in particular has been confeſſedly founded in it; and we can Scarcely carry our *Chriſtianity* its ſelf higher than we can do the Exerciſe of it. Now the (3) Great Branches of the *Metropolitical Juriſdiction* by the *Canons* of the *Univerſal Church* are theſe; To *Conſecrate* the *Provincial Biſhops*; To Viſit, and in certain Caſes determined by the *Canons*, to *Order* the Affairs of the Province; and to *Call*, and *Preſide* in the Synods of it. The *Synodical Power* of the *Metropolitan*, is therefore an Eſſential Branch of his *Metropolitical Juriſdiction*: Which He enjoys by the *Canons* of the *Catholic Church*, and by the Univerſal, and truly Immemorial Practice of it.

Now ſuch an Authority as this, I do preſume, cannot be taken from any *Metropolitan*, by the bare *Cuſtom* of any *One Province*: Becauſe this would be to make a breach in the Government of the *Univerſal Church*; would weaken the *Metropolitical Authority*; would give an ill Example and Scandal to Other *Churches*; and be little leſs than to form a Schiſm in Policy, for the *Clergy* of One Province to depart from the Received Juriſdiction, practiſed and allow'd of in All Others; and by the General *Canons* of the *Church*, (which we profeſs to Receive, and I ſuppoſe pretend not to alter) preſcribed to Us, as well as to Any. If the *Eſſential Rights* of the *Metropolitical Juriſdiction* above mentioned may by ſo little a Power, as the particular *Cuſtom* of ſome *One Church*, be deſtroy'd; I do not ſee but that in time One part of it may be loſt as well as the Other: And ſo the *Metropolitan* be left deſtitute of all but the meer Name without any *Canonical Rights*, or *Powers* to ſupport his Character, or to Govern His *Province*.

Whether the *Public Good*, and *Order* of the *Church* will allow of ſuch *Principles*; as do not only actually Rob the *Archbiſhop* of One of the higheſt and chiefeſt Exerciſes of his *Metropolitical Authority*, but may open the way to deprive, if not him, yet *Other Metropolitans* of all the Reſt, may deſerve to be Conſidered. As alſo, whether it would not be very dangerous to the whole *Policy* of the *Church Catholic*, to allow, that a *Particular Cuſtom*, or *Non-Uſage* of *Power*, in One part ſhall Abrogate the General Rules and Canons of the Whole; and introduce a Practice quite Contrary to Them. In Matters of Great Moment the Remoter Conſequences ought to be weighed. We all know how violent the Affections of moſt men are after an undue Liberty; and how hardly they are brought to yield even to the moſt Lawful Exerciſes of Authority, if contrary to their Intereſts or Inclinations. And what Attempts the prevailing in ſo conſiderable a Point may encourage, if not in the ſame *Province*, yet in Other parts of the *Church*; and how this may, in time, not only divide, but weaken, the whole *Epiſcopal Eſtabliſhment* of it; I ſhall leave it to Thoſe who are the moſt fond of this Pretence, in the preſent Caſe, to conſider. In the mean time, I ſhall only beg leave to ſuppoſe yet once more, as to our Own Concern in the matter under debate; Should ſuch Heats ariſe, or ſuch things be agitated, in any of Our *Convocations*, that without putting a preſent ſtop to them, the *Clergy* might loſe not only the Affections of the Laity, but the very Protection of the *Civil Government*; might run themſelves into a *Præmunire*; Or form ſuch parties among themſelves, as would be Scandalous, as well as otherwiſe Injurious to the *Church*. And ſhould they, in the height of their Carier, not only not tacitly conſent to the *Metropolitans Proroguing* of them, but openly declare againſt it. Would not this be of a mighty prejudice to Religion; to Themſelves, and to the Publick to have them left to their Own Will; to diſcharge them from the Power of the *Metropolitan*, on ſuch, or on any Other the like Reaſonable Occaſions, to ſuſpend their *Aſſembling*.

But of the *Archbiſhops Power* of *Prorogation* I ſhall ſay no more, that Argument having been fully not only Handled, but Exhauſted, by another Writer. Only becauſe that is the thing chiefly contended for, and indeed all that there is any *Pretence* of *Cuſtom* to ſupport; that the *Clergy* ought not to be prorogued

till they have *been* at *Prayers*, have *heard* a *Sermon*, and Chosen a *Prolocutor*; Give me leave to Ask but this one Question, and to the Reason of Mankind I shall submit it to determine what Answer is to be given to it; would it countervail the Expence, and Labour of above a *hundred Clergy Men*, at the worst *time* of the Year, to undertake a Journey of *Sixty*, *Eighty*, or a *Hundred Miles*; only to Come up to London; to answer to their Names; and hear a *Sermon*; and choose a *Prolocutor*; and then take it for a favour to have leave to go Home again, and tell their Neighbours what they had done? Is it not of greater Benefit, and a more *Rational Practise*; for the *Metropolitan*, in a Fatherly tenderness to his distant *Clergy*, to assure them that they shall not be surprised; When there is any business to be done, for which they shall be Required to *Choose* a *Prolocutor*, and *Meet* in *Convocation*, They shall have a timely Notice given Them of it; and in the mean while He will Excuse their Absence, and not Exact their Attendance, nor Treat them as *Contumacious*, tho' they do not Appear according to their *Summons?* This is the truth of the Case; let Common Reason say which is most for the *Advantage* of the *Church*; and would be least *Oppressive* to the *Members* of it?

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But because it cannot be doubted but that both the King and the *Archbishops* were in Possession of the Power now denied to them, as well as I take them to have still a Right to it; so that *Custom* in this Case is alledged with a design to Destroy the *Antient Power*, and *Prerogative* of both, and to Convey it into other hands, who can pretend to no Other Right to it but what *Custom* must give Them, I must not conclude this point without taking notice of that Just Rule of *Suarez* to this Purpose: "*That to Enable* any *Custom* to *Abrogate a Law be-*"*fore in being, it must have some Reasonable Cause for which it should be introduced,* "*in Opposition to the Law; because otherwise it would be Unreasonably set up against* "*Law; forasmuch as to repeal a Just Law, without a Reasonable Cause, must* "*needs be Unjust.* Here therefore I would desire to be inform'd; What is that *Just*, or *Reasonable Cause*, for which either the *Prince* should, by this *Custom*, be deprived of his *Prerogative*, or the *Metropolitan* of his *Authority?* Wherein have they either of them Abused the *Power*, with which the *Constitution* of the Realm, and the *Canons* of the *Church*, have entrusted Them? Or what *Detriment* has Experience shewn to have come either to the *Clergy*, or *People*, by their *Exercise*, or *Enjoyment*, of it; This those who *Alledge Custom* in this Case must shew; or their *Argument* must be disallow'd: For the *Principle* on which it proceeds, is Certainly both *Just* and *Reasonable*; That no *Rightful Power* ought to be destroy'd, without some Cause, or Reason, for the *Annulling* of it. And *Custom* is then only of *Force*, when it has Reason of its side; but is on all hands allow'd to have none, if it be *against Reason*; as till this be shewn, we must persume it to be.

Let this then be the first Exception against the Authority of *Custom* in the present Case; that the *Power* and *Prerogative*, which is endeavour'd to be Destroy'd by it, is such, against which no *Custom* has any *Right* to *prescribe*. The next Enquiry will carry us yet farther; Viz.

(2*dly*) Whether those Acts by which the *Custom* here insisted upon must have been introduced, were such Acts, as are sufficient to found an *Authoritative Custom upon?* Sect. 16.

For the better discovery whereof we must distinctly consider two periods of time; The *beginning*, and the *prosecution* of every *Custom*; How it came at first, to be introduced? and by what Acts it was afterwards Establish'd?

Concerning the former of these, it is, I think, universally agreed both by the *Lawyers* and *Casuists*, that if a *Custom* takes its Rise not from Reason, but Error; if the *Foundation* of it were not laid upon a *just design*, to Establish that which by a Due *Continuance*, and *Repetition* of Acts, afterwards becomes a *Custom*, and so Obliges; but was owing to Chance, or Fortune, to *no Reasonable Purpose at all*, or to an *Erroneous One*; in that case the *Custom* it self will be Invalid; and the Ground of it being declared, and proved, to be faulty, the Force of it will be taken away, and its *Obligation* be Renderd Void and of no Effect.

The *Civil Law* is express to this purpose: [1] *Quod non Ratione introductum est, sed Errore primum, deinde Consuetudine obtentum, in aliis similibus non obtinet.* from which our own [2] Dr. *Zouch*, not to mention any Others, lays down this Maxim, that *Consuetudinis initium debet esse Rationabile*; and so the Antient *Glossators*

[1] Digest. lib. 1. Tit. 3. Sect. 39.

[2] Elementa Jurisprud.

K. HENRY *the* VIIIth. *Glossators* understood it, tho' the following *Civilians* inferr'd a quite contrary Doctrine from it.

[1] *Suarez* is positive to the same effect; He lays it down as one of his conclusions in this Case; That no Acts done by Error, or Ignorance, can introduce a *Custom*; and he alledges that Rule of the *Law* for it; *Consuetudo præcedens & Ratio quæ in Consuetudinem evasit*, custodienda est: Which, says He, supposes that the *Custom* ought to proceed from Reason, not from Error; Because that if it arises from *Error*, as soon as the Error shall be discovered, all the seeming Reasons of the *Custom* will Cease; and then the *Custom* also must Cease with it; which cannot Subsist without *Reason*.

[1] De Legib. Lib. vii. cap. 12.

The *Acts* then which begin a *Legal Custom*, must be Just and Reasonable. They must not proceed either from Mistake, or Ignorance: Otherwise no subsequent practice can make it oblige any longer than till the Original Defect of it shall be discover'd. Let me add farther that both those, and all the other *Acts* by which it is introduced, and establish'd, must also be *Free* and *Voluntary*: Because they give Authority to the *Custom*, not upon their own Account, as they are such, or such *Acts*; but as those *Acts* do declare the Consent of the People, and by that Consent make a *Law*. Now no *Acts* can declare the Consent of any Persons but such are free; In which they have it in their Power to *Act*, or not to *Act*; and again to *Act thus*, or *Otherwise*, according to the *Dictates* of their Own *Reason*, and the *Liberty* of their Own *Wills*. [2] And therefore some have thought it needful to put such a Consent into the very Definition of a *Custom* that is to Oblige: And those who do not expressly make mention of it there, yet nevertheless agree that it is to be look'd upon as implied in it.

[2] See Suarez Loc. cit.

It is for this Reason, that a [3] *Custom* cannot be introduced by any *Acts* which arise from *Force*, or *Fear*: Especially if the *Force* be *Great*, and the *Fear* such as may move a *Constant* man. Because these hinder the *Freedom* of *Action*; and thereby disable those *Acts* which proceed from such Motives, to be proper to declare the Consent of any People; or by consequence to Oblige them by what is done upon such Grounds. And for the same Reason what is done in *Obedience* to a *Written* [4] *Law*, tho never so often Repeated, or never so long continued, cannot introduce any *Custom*; because in that Case Men Act by a *Mere Constraint*; They are not at Liberty to Choose, or Do as they please, but are determined to Conform their Practise to what the *Law* requires. Indeed, if a *General Custom* prevails to Neglect altogether the Observation of a *Law*; or not to Obey it strictly, according to the Letter of it, but with such a Latitude as seems more accommodated to the *Good* or *Ease* of the *People*, and these *Customs* Obtain; the *former* may, in time, abrogate the *Written Law*, as the *Latter* may *Determine* the *Observation* of it, to such a manner, as has been *Customarily* allow'd of by the *Prince*, and *Practised* by the *People*. But if the Law Commands any thing to be done, and the *People Customarily Obey* according to the Law; there no *Custom* is introduced; only the *Written Law* is Continued, and Kept in Force by a due and regular Execution and Observation of it.

[3] Suarez ibid. cap. 12.

[4] Ibid. cap. 1, 2.

But this is not yet all: The Acts by which a Custom is to be introduced must not only be Rational and Voluntary: free from *Error*, *Ignorance*, and *Constraint*; but they must moreover be done with an express Design to found a *Custom* upon them. So [5] *Suarez* again determines: *Ad Consuetudinem non sufficiunt Actus, sed necesse est ut fiant Animo inducendi Consuetudinem.* And in this He tells us he has both the *Doctors* and *Lawyers* on his side. And the Reason of it is plain; Because otherwise the People might *Oblige* themselves against their own Wills, or at least without having any thought, or intention so to do; supposing that whatsoever were Customarily done by them, without any design of making a *Law* of *Custom* by it, should nevertheless bind, and tie them necessarily hereafter to do, what they had usually, for some time, done. But indeed the very nature of the Acts, by which alone it has before been shewn, that a Custom can be Establish'd, do's argue the Necessity of this: Seeing no Act can be properly Voluntary, as to the Effect of introducing an *Obligation*, but what intends so to do. If it do's not Intend it, and yet by a frequent Repetition should nevertheless *Oblige*, we must then say that a *People* may *Oblige* themselves by their *Own* Acts, without knowing what They do; a Principle which we have before disclaim'd, as Contrary to the reason of the thing its self; and inconsistent with that Knowledge and Liberty, without which no *Custom* can be of any force

[5] De Legib. Lib. vii. cap. 12, & 15.

to *Oblige*. In ſhort, as in a *Written Law*, which proceeds primarily from the Will of the *Prince*, it is of the very Eſſence of ſuch a Law to be intended by Him; ſo is it no leſs Eſſential to an *Unwritten Law*, which begins with the People, and derives its force immediately from their Conſent, that it ſhould not be Valid without their Intention, which would be in Effect to make it ſo without, or it may be againſt their Conſent.

It is for this Reaſon that [1] *Suarez* admoniſhes us, above all things to conſider in *Cuſtoms*, whether they were Deſign'd for ſuch, or whether they Came up without any ſuch Intention; becauſe if They prevailed without any Intention to eſtabliſh a *Cuſtomary Right* of *Obliging*, they are not proper *Cuſtoms*, nor ſuch as will make a *Law*. And this Intention muſt be an Intention not only of *Fact*, but of *Right*: A Will not barely to introduce a *Cuſtom*, but by that *Cuſtom* to Eſtabliſh an *Obligation*. As the *Lawyers* expreſs it, it muſt ariſe from ſuch *Acts* as were done *cum animo inducendi Conſuetudinem*; and that by *Cuſtom*, *jus in poſterum fiat*.

[1] Ibid. cap. 14.

The Summ then of this matter is this, That to make a *Cuſtom Obligatory*, and of *Force* in *Law*; it muſt proceed from a *Reaſonable Beginning*; it muſt be Carried on, and Eſtabliſh'd by the Voluntary Acts of the *People*; ſuch as may ſuffice to declare their *Free* and *Unconſtrain'd Aſſent* to it, and deſire of it; And thoſe Acts muſt be done with an Intention of Introducing a *Legal Obligation*; and after ſuch a Manner as may ſuffice to ſhew that that was the Deſign of thoſe who did Them.

But a *Cuſtom* may be Eſtabliſh'd not only by poſitive Acts, but by a Ceſſation of Acting; And a Law, or Right, be ſometimes Annulled by the *One*, as well as Introduced by the *Other*. And this *Deſuetude* the *Civilians* doubt not to call by the Name of *Cuſtom* too: [2] *Deſuetudo*, i. e. ſays *Gotofred*, *Conſuetudo vincit Legem*. Now of this all that I ſhall at preſent obſerve, is this: That as ſuch a *Non-uſage* may be either *Negative*, or *Privative*, as the Schoolmen ſpeak; ſo muſt it be carefully conſider'd, whether of the Two it is; becauſe the former can have no Effect as to the *Eſtabliſhing*, or rather *Abrogating* of a *Law*; tho' the *Other* may. Now a *Negative Omiſſion*, or *Non-Uſage* of any Right, is that which conſiſts meerly in a preſent, *Actual Forbearing* to do that, which a man has, a *Lawful Right*, whenever he thinks fit, to do. It implies a Suſpenſion of the Act, not a Renuntiation of Right; And denotes a man only not to have *Exerciſed* ſome *Priviledge*, which He had the *Power* to have *Uſed*, and may *Exerciſe* when ever he will hereafter. But a *Privative Omiſſion* is of another kind, it is ſuch an *Omiſſion* as Carries a tacit Intimation along with it, that the Perſon by Neglecting to Uſe his Right when He might, and ought to have done it; tho's intend thereby to depart from it; and by a *Continued*, and *Cuſtomary Neglect*, to introduce an *Oppoſite Right* againſt it.

[2] In Dig. lib. 1. Tit. 3. Sect. 32.

To apply now theſe General *Rules* to the Particular Caſes under debate. I have before ſhewn that our Kings by vertue of their *Prerogative Royal*, had always a Right to Require our *Archbiſhops* to Summon their Reſpective *Convocations*, whenever they thought it Neceſſary, or Expedient to their Affairs, that they ſhould be *Aſſembled*: and that accordingly they did do this freely, at *All Times*; without any Neceſſary Regard to the Sitting of the *Parliament*, nay or even to the Aſſembling of the *Convocation* of *One Province*, in Calling that of the *Other*. It is agreed, that ſince the time of King *Henry* the viiith our Kings have not Commanded the *Archbiſhops* to *hold* their *Convocations*, but about the ſame Time that they have alſo Aſſembled their *Parliaments*. But then the moſt that can be ſaid in this Caſe is but this, that here has been a *Negative Omiſſion*, or *Diſuſe* of their *Prerogative*, with Reſpect to the Calling of them out of the time of *Parliament*. They have not Aſſembled them at any *Other times*, 'tis true: They ſaw no Occaſion for it, but they might have done it; and ſo whenever they pleaſe they may ſtill do it. For even the point of *Cuſtom*, in this Caſe, is, after all, on their ſide. Their *Prerogative*, as to this matter, conſiſting wholly in this; not that they had Authority to Call the *Convocations* at this time, or that time; In, or Out of *Parliament*; but that they had Authority to Call the *Convocations* freely whenever they pleaſed; and if they liked the time of *Parliament* beſt, and therefore choſe to Call them *then* rather than at any Other; Even, by ſo doing, they have Aſſerted their *Right*, to Call them whenever they think Good; which was their *Original Prerogative*, and is ſtill, by *Cuſtom*, as well as of *Right*, as much ſo as ever it was.

[1] Suarez de Legib. lib. vii. cap. 6.

Here

K HENRY *the* VIIIth. Here therefore there will be no Ground for any plea from Cuſtom, to affect the Kings *Sovereign Power* and *Authority*; till it ſhall be proved, that by Calling the *Convocations* in time of *Parliament*, our *Princes* did intend to abridge their *Prerogative*, to limit themſelves to that *Particular Seaſon*; and to Renounce their Right of Calling them at any Other. But that muſt be proved ſome other way, than by their meer *Omiſſion* of ſuch a Practiſe, becauſe not being *Reſtrain'd* in the Uſe of their Power, in this matter, They were at liberty to Call the *Convocations* at any time that they pleaſed; and we ought to preſume that it was in purſuance of this Liberty that they did Call them in time of *Parliament*; and that They freely choſe *that Seaſon*, when they might as freely have pitch'd upon any Other.

And for the ſame Reaſon, neither will the *Cuſtom* of *Calling* the *Convocations* with the *Parliament*, Oblige the *Prince*, of Right, to Call them at that Time: Becauſe the choice of the time being left to his Own free Will, and not Originally determined by any *Law*, or *Cuſtom* to that *Seaſon*; the actual Doing of it at that Time muſt have been the Reſult of his Own Voluntary Choice; and ſo have Confirm'd, not Abrogated, his *Right*, of chooſing ſuch times for their Sitting, as he ſhall judge to be moſt Expedient for it.

As for our *Archbiſhops*, they have neither Gain'd, nor Loſt any *Right* or *Priviledge* in this Caſe. Their Duty has ever been to *obey* the *Kings Writ*; and to *Summon* their *Convocations* at ſuch Times as He requires them ſo to do; and the ſame it continues ſtill to be.

The *Prelats* and *Clergy*, being *Summon'd* by their *Metropolitans*, have always Met in Obedience to their Mandates, at ſuch *Times* and *Places* as they have Reſpectively preſcribed to Them. Their Acts, in this Particular, have been nothing elſe but meer Acts of Obedience to their Superiors, in the *Legal Exerciſe* of their Authority over them. Now ſuch Acts, I have before ſhewn, can introduce no *Right* by *Cuſtom* with Regard to them; which were morally *Neceſſary*, not *Voluntary Acts*; and tended to nothing but to ſtrengthen the Power of the *Metropolitan*; by adding *Cuſtom*, as well as *Right*, to his *Authority*; and Obliging the *Provincial Prelats* and *Clergy*, in purſuance of the One, as well as the Other, to *Obey* his *Synodical Mandats*, and Aſſemble according to the *Tenor* of them.

Sect. 18. If it ſhall be ſaid, that the *Clergy* may poſſibly have intended Somewhat farther by their Aſſembling than barely to do their Duty in Obedience to the *Mandates* of their *Archbiſhops*; and particularly, might have deſign'd by their Conſtant *Attendance* in *Convocation* at ſuch *Seaſons*, to introduce a *Cuſtom* of *Neceſſarily Meeting* at that *time*; I muſt deſire to be excuſed if I cannot admit of ſuch a Suppoſition. As for thoſe *Prelats* and *Clergy*, in whoſe time this *Cuſtom* began, it muſt be abſurd to think that they could have had any ſuch *Intention*. The King was then not only at Liberty, as He ſtill is, to *Convene* the *Clergy* when He pleaſed, but had actually been Accuſtomed to Call them out of *Parliament* Time, as well as during the *Seſſion* of it. How could they foreſee that not only King *Henry* the viiith, but all his Succeſſors would from thenceforth Confine their *Writs* to theſe times? Or not foreſeeing this, nor being otherwiſe aſſured of it, how could they Intend to Introduce ſuch a *Cuſtom*, as is now pretended to derive its Original from their Practiſe? If in proceſs of time the *Clergy* having for the moſt part loſt the memory of the former practice, and meaſuring the *Cuſtoms* of paſt ages, by the Uſage of their Own, began to imagine that it had beeen always the *Cuſtom* for the *Convocation* to *Meet* with the *Parliament*, and ſo deſign'd by Aſſembling, not to Introduce, but to keep up, a *Cuſtom*, before, as they thought, *Eſtabliſh'd*; Their Intention was Vain, and of no force in Law; becauſe it was grounded upon a Groſs, tho' Vulgar, Miſtake; and that Miſtake being Rectified, they either ought to Change their Intention; or, if they do not, 'tis no Great matter, they cannot conclude the *Kings Prerogative* by it. In ſhort; The Caſe here is not, what ſome of the *Clergy* might poſſibly in latter times have Intended, but what the Nature of the Acts, on which the *Cuſtom* is pretended to be build, required that they ſhould both have *Underſtood* and *Intended* by them: And that was plainly this; To Obey their *Metropolitans* in Aſſembling at his *Command*; but as for confining either the *King*, or *Archbiſhops*, by ſuch *Acts* as were done meerly in Obedience to the *Authority* of *Both*, 'tis an Abſurdity in the very nature of the thing to Suppoſe, that Either the One or the Other, ſhould looſe their Power by the Exerciſe of it; nay, and which

is yet more, the Inferiors gain a Right againſt them, meerly by their *own Cuſtomary obeying* of them.

As to the *Archbiſhops Right* of *Proroguing* the *Convocation* when Aſſembled; certain it is, that our *Metropolitans*, have not only had a *General Right* by the *Canons* of the *Church* to do this, but have Immemorially Exerciſed that Right at their Own Will; and been Obey'd by their *Synods* in the Exerciſe of it. They have in all Ages Prorogued their *Convocations*, *when*, and *as often*, as they have thought fit; and that ſince the *Act* of *Submiſſion*, as well as before, which has abridged them of no Power in this particular, that they ever Enjoy'd. The only Reſtraint which they lie under, is with Reſpect to the *King*, whoſe directions they are to take; that ſo they may not defeat his Ends by what they do: But having done that, they are at Liberty towards their *Clergy*, who have always Submitted to their Prorogations, and never, that I know of, made any Exception, till now, againſt their Authority in that Particular.

Now this being ſo, I do conceive that the *Cuſtom* of not Proroguing them till after they had *Met two*, or *three times*; had *heard* a *Sermon*, and *Choſen* a *Prolocutor*, (which is the Great thing in which ſome men complain that an *Innovation* has been made) cannot either deprive the *Metropolitan* of his Right in this Caſe, or Give any Right to the *Clergy* not to be Prorogued till theſe *Præliminaries* are over: Becauſe all this depends upon the *General Power* of the *Metropolitan* in this Caſe, to Prorogue his *Synod* when He pleaſes; which having by *Cuſtom*, as well as *Right*, preſerved; and being upon both Accounts allow'd to Him, the Reſt will follow in Conſequence from it; That if He has a *General Power* to Prorogue His *Convocation* whenever He pleaſes, He may do it at One time as well as at Another, and that the Kings Aſſent being ſuppoſed, He is to be directed only by his Own Reaſon, and the Circumſtances of things, in the Doing of it.

Nor do's the Argument, which is drawn from *Cuſtom* againſt this, ſignifie any thing in this Caſe, ſo far as the *Clergy* are concern'd in it: It amounts to no more than a meer *Non-Uſage*, or *Negative Suſpenſion* of his *Power*. He did not Prorogue them, when He might lawfully have done it; and if He had ſo done, would not at all have Exceeded the Juſt Exerciſe of his Authority thereby. But he had his Reaſons why he did not Do it; and thoſe for the moſt part obvious enough; There was buſineſs for them to do on the *Kings behalf*, or it was the *Princes pleaſure*, that they ſhould deliberate on *other Matters*; and therefore He required that as they were *Summon'd* by his Writ, ſo they ſhould Sit too for the diſpatch of the *Buſineſs* for which He had Orderd them to be Aſſembled. Or, as it may be, the *Archbiſhop* himſelf thought it fit that they ſhould Sit; or he was adviſed by His Suffragans, Or, deſired by His *Clergy*, that They might do ſo; and therefore I do not ſay He permitted them; but Order'd them to Meet, to Chooſe a *Prolocutor*; and do the Other things which were done by them. But it do's not yet appear that ever the *Metropolitan* ſuffer'd them to Continue their Seſſions, becauſe they had a Right to Hold them; or becauſe He had no Right at all, or none till theſe Præliminaries were over, to Prorogue them. On the Contrary; whether they Sate, or were Prorogued; whether they Choſe a *Prolocutor*, or Roſe without doing it; (which in fact they ſometimes did;) It appears from all our *Records*, that They did All in Obedience to their *Metropolitans Command*. Their Acts were not Voluntary, nor did they proceed from their Own Motion; but They were directed, and Over-Ruled by their *Preſident*; and therefore Theſe Acts can inferr no *Cuſtom* but what muſt be againſt themſelves, viz. a *Cuſtom* of Obedience to the directions of their *Metropolitan* when met, as well as to his *Mandatory Summons* in Meeting.

If therefore we look up to the Original of this *Cuſtom*, ſo much now inſiſted upon; for the *Clergy* to meet in *Convocation*, to hear a Sermon, to Chooſe a *Prolocutor*; then to Sit, and Do what Buſineſs they had to do; the Reaſon of it before the *Act* of *Submiſſion*, was plainly this; becauſe they were not then Called a-courſe with the *Parliament*, as they have ſince been: But only at ſuch times as the *King*, or *Archbiſhop* had ſomewhat Expreſly for them to do; and it was therefore neceſſary for them thus to Meet, and Proceed, in order to the doing of it. Since that time, till within theſe laſt fourty Years, there has for the moſt part been ſomething for them to Do likewiſe; which Required theſe Præliminaries to be Obſerved; and account for the Reaſon of them. And when there has

K. HENRY the VIIIth. has not, it is well known that they have, for that Reaſon been Omitted; as from the Hiſtory of the *Convocations* of the *Other Province*, the Acts of which alone Remain perfectly to Us, ſhall hereafter be made appear. That therefore the *Clergy* have not Generally been ſpared the trouble of Attending at the *Provincial Convocations*, but have been obliged to Meet and Sit according to their Summons, was not Owing to any want of Power in the *Archbiſhop* of either *Province* to Prorogue them, but to the buſineſs which was to be Done by them; and obliged our *Metropolitans* to Require their Appearance.

Sect. 20. If we conſider the Acts by which this *Cuſtom* is ſuppoſed to have been introduced, they were *Acts* of *Obedience* to the Command of the *Archbiſhop*. They were not free, and Voluntary Acts; but *Morally Neceſſary*; and by ſuch no new Right can be Gain'd by them.

This *Cuſtom* did not begin with the *Clergy* in *Convocation*, as all *Cuſtoms* ought to do; but it proceeded from the Preſident. The *Archbiſhop* required his *Prelats*, and *Clergy*, thus to Meet, Sit, and Act; and it was in Obedience to his Authority that they did ſo.

When they firſt thus Met, and Acted by Vertue of his Command, it do's not appear that they had any the leaſt thought of Uſurping upon the Power of their *Metropolitan* thereby. They often petition'd to be diſmiſs'd; but never, that I can learn, till this time, pretended to a Right, Superior to his Authority, to Meet, Sit, and Chooſe a *Prolocutor*, or aſſumed to themſelves the Judgment of the Expedience, or Inexpedience of their Sitting; ſo that without the Expreſs, or Tacit Conſent of the *Lower Clergy*, it ſhould not be in the *Preſident's Power* to Prorogue his Own *Convocation*. If afterwards any Notions were got into their heads, that they had a Dependance upon the *Parliament*, and were to Sit whilſt that Sate, yet neither then did they ſuppoſe it neceſſary Actually to Aſſemble together all that time; Or if they had, yet the very Ground of that ſuppoſition being, upon Enquiry, found to be an utter Miſtake; no Right can be derived to the *Clergy* by it.

In ſhort; whether we conſider the Summoning, or Sitting, of the *Convocation*; all the Acts of Both, have been *Acts* of *Authority* in the *King* and *Archbiſhops*; of *Duty* and *Obedience* in the *Prelats* and *Clergy*. If any *Cuſtom* therefore were to be founded upon them; it muſt have been this only; that whenever the Clergy are legally Summon'd by their Metropolitan, in Vertue of the King's Writ, they are Obliged by *Cuſtom*, as well as Law, to Aſſemble; and being Aſſembled, to Meet, Act, and Adjourn from time to time, as the King ſhall direct their Preſident; and the Preſident Order and Require Them.

There is yet One Condition farther required, to make any *Cuſtom* Effectual in Point of Obligation; which brings me to the Laſt Point I propoſed in this Caſe to conſider, Viz.

(3*dly*) Whether the *Cuſtom* here alledged has had all that Authority that was neceſſary to give the force of a *Law* to it.

Sect. 21. It is generally [1] agreed that *Cuſtom* being an *Un-written Law*, and deſign'd to have all the Effects and Powers of a *Written one*: No Authority can ſuffice to introduce a *Cuſtom*, but the ſame that might have made a *Law*; and that therefore the Conſent of all ſuch muſt be given to the One, that would have been Required to the Other. This both the Canoniſts and Civilians agree in; and the [2] Schoolmen ſecond them in it. They tell us that in *Civil matters* to make a *Cuſtom* Valid, the *Civil Magiſtrate*; in *Eccleſiaſtical*, the Proper *Prelats* muſt Conſent to it, or it will not Oblige. [3] *Suarez* enquiring into the Chief *Efficient Cauſe* of a *Cuſtomary Law*, lays down this poſition, *Primum omnium ſtatuendum eſt Conſenſum Principis in Conſuetudine introducenda neceſſarium eſſe*. And this He tells us is the Common Opinion of the *Doctors*, a few only Excepted; who admit this in *Eccleſiaſtical*, but ſeem to doubt of it, in matters of *Civil Law*.

To determine what Conſent of the *Prince* is requiſite in Order to this End, [4] The ſame *Suarez* firſt diſtinguiſhes between his *Perſonal*, and *Legal Conſent*. The *Perſonal* Conſent of the *Prince* is that whereby He *Expreſly allows* of it, Either antecedently, by giving Leave for ſuch a *Cuſtom* to be introduced; or by his Conſequently or Concomitantly, Approving of it: And that again, either *Expreſly*, or *Virtually*, as by ſeeing and not hindring of it. The *Legal* Conſent of the *Prince* is that which not the *Prince* himſelf, but the *Law* gives: When a Cuſtom has all thoſe Conditions, which by the *Law*, (made and agreed to by

[1] Gonzales de Conſuetud. cap. *Conſuetudines*.

[2] Aquin. 22. Q. 97. Art. 3. &c.

[3] De Legibus lib. vii. cap. 9, & 14.

[4] Loc. ſupra cit.

Prince) are Allowed to be ſufficient to render it Valid. That the former of These is ſufficient to give Authority to a *Cuſtom*, no One can doubt; and *Suarez* affirms, as I think he has Good Reaſon to Do, that the Latter is ſo too. K. HENRY the VIIIth.

But how ſhall it be known, in the former of theſe Caſes, whether the Prince do's give his *Perſonal Conſent* or no? If he Expreſly declares it there is again no difficulty. If he do's not, [1] yet if He ſees, and knows, and allows of it, 'tis Generally held that that is ſufficient to declare his Conſent to it. But then [2] *Suarez* adds a Condition of ſome Difficulty: He ſays, it muſt be morally certain that the *Princes Allowance* is not barely *Permiſſive*, but *Operative*; and ſuch as carries his Approbation, as well as Sufferance, with it. How therefore ſhall this be found out? He tells us by the Nature of the thing, and the neceſſity of it: If his Approbation be Reaſonable; or that a Bare Permiſſion thereof would not be Sufficient for the Safety and Benefit of the People. And this, at laſt, is only in Ordinary Caſes: For if it be a Matter of ſuch Moment as ought not to be concluded without a previous Examination of the Cauſe, *Great Deliberation*, and a *mature Reſolution*, it is then ſtill doubted, whether the *Prince* ought not to Give his *Expreſs Conſent*, before the *Cuſtom* have the force of a *Law*.

[1] Gonzales de Conſuetud. c. *Conſuetudines*.
[2] Vid. Loc. ſupr. Cit.

Nor are we yet at an End of our difficulties: For tho' we ſhould be ſure of the *Princes Conſent*, yet if he Conſents thro' Error; if he be led by any Miſtake in the ſubſtance of the thing which he Approves, or for want of a Due Underſtanding of it, that Conſent is of no Effect; but the Rule of the *Law* comes in to his Relief, that *Conſentire non intelligitur qui Errat*. The ſame is the Caſe if his *Conſent be Unreaſonable*; that is, ſhould it either be Contrary to Reaſon, or not ſupported by it: So that in ſhort then, to give a legal force to any *Cuſtom*; beſides a ſuitable Matter, and a ſufficient Uſage; there muſt concur the Conſent of that Authority which has the proper Power in that Matter; and that Conſent muſt be ſome way or other *duly declared*; And neither be ſurreptitiouſly obtain'd, thro' Error or Ignorance; nor otherwiſe be deſtitute of ſuch *Reaſon*, as may juſtify the Approbation which is given by Authority to it.

Sect. 22.

Upon theſe Common Principles of *Law* and *Reaſon*, I would now beg leave to ask Thoſe who ſo much cry up the Validity of *Cuſtom* in the preſent Caſe; By what Arguments can they ſatisfy any mans Reaſon, or Conſcience, that either the *King* has Conſented to ſuch a Limitation of his Prerogative, or the *Metropolitan* to ſuch an Abridgment of his Power, as they would perſwade us ought, of Right, to be made of Both? Have our *Princes* ever Expreſly declared, that They were willing to be Obliged *always* to Summon our *Convocations* in time of *Parliament*; and *never* to Call them at any Other Seaſon? Or becauſe that cannot be pretended; Have They otherwiſe Given any *Legal Intimation* of it?

That our Kings have Generally ſince the 25*th* of K. *Henry* the viii*th* ſummon'd theſe Aſſemblies to Meet at the ſame Time with their *Parliaments*, for ſuch juſt and weighty Reaſons as determined them ſo to do, is confeſs'd. That having had Occaſion frequently to do this, they have not thought it neceſſary to trouble their *Biſhops* and *Clergy* to Meet at any Other times, is alſo Agreed. But that by Either, or Both theſe, they ever intended to determine their own free Prerogative; and ſink it from a *Royal Authority*, into a neceſſary Obligation of making Themſelves only the Chief Iſſuers out of Writs for the *Convocation*, but without either a *Power* to *Refuſe* the *doing* of This at ſome times, or a *Liberty* to Do it at Others; is, I am ſure, a thing that cannot without the utmoſt Unreaſonableneſs be ſuppoſed; and therefore it muſt either be very plainly proved, or it muſt be abſolutely Rejected.

If it ſhall be ſaid, that whether they Intended it or no, yet by going on in ſuch a *Practiſe*, by Calling the *Convocations* for 150 Years paſt, *Always*, and *only* in *Time* of *Parliament*, they have Introduced a *Cuſtom* which they have now no Authority to break; beſides what has been ſaid before concerning the Inability of meer *Cuſtom* to prevail againſt the *Royal Prerogative*, I muſt beg leave to add; that Princes are not to be Surpriſed. What they do not Intend, or do not foreſee the Conſequence of, neither can they be Obliged by it. The Rights of the *Crown* are too Sacred, and of too Publick a Concern to be deſtroy'd by *Error* or *Ignorance*. If the *Prince* ſhould do ſomething Really to defeat them, (which however it do's not appear that in this Caſe he has done) yet He is to be ſuppoſed not to have intended it; And therefore as ſoon as ever the Ill-Conſequence

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sequence is discover'd, the Error is to be Rectified, and with that, all the Effect of it is from thenceforth to be Reputed as Void, and of no force.

I will not now dispute how far a *Prince*, in such a *Limited Monarchy* as Ours is, can *Consent* to the diminishing of the *Rights* of the *Crown*, without the *General Consent* of *His People*; or at least of the *Estates* of the *Realm* in *Parliament*. It is enough to determine the present *Point* that it is yet to be proved, that our Kings have ever Consented to Deprive themselves of any part of their *Royal Authority*, in the business of Ordering the *Convocations*, and that without their *Consent*, it is most certain that, they cannot lawfully be deprived of it.

Sect. 23. Nor do's it appear that our *Archbishops* have ever Consented to give up their Right of Proroguing the *Convocations*, any more than our Kings have done their *Power* of *Summoning* of Them. In this latter respect we all know that both the *Metropolitans*, and their *Synods* agreed to Submit their Own to the *Kings Authority*: And the *Parliament* by a *Statute* confirm'd, what they had before Consented to. The *Archbishops* therefore of this *Realm* are thus far Abridged beyond those of some Others; that they cannot hold a *Provincial Council*, without the *Authority* of the *Kings Writ* to Enable them so to do. But that they ever Consented to a like Determination of their *Power* in *Governing* their *Councils* when met; so as not to be able Legally to Prorogue them but after so many previous Sessions; when such and such Circumstances were over; and then too with the Express, or at least presumed Allowance of their *Clergy*, as well as with the Assent of their *Provincial Bishops*; is what I have never heard; and am pretty confident, will never be proved.

And thus have I shewn what Exceptions may justly be made against the *Authority* of *Custom* in the Present Case, with Respect both to the *Prerogative* of the *King*, and to the *Jurisdiction* of the *Metropolitan*. The Principles on which I have proceeded, are the common Maxims of *Law* and *Reason*: And such in a matter of *Ecclesiastical Politie*, ought especially to be regarded; and if not to be allow'd the strict Obligation of a *Law*; yet at least to be consider'd for the *Evidence* of *Reason*, which I am perswaded shines thro' the most of Them. How justly I have applied them to the Points under debate, I must leave it to Every One to judge as He shall see Cause. This only I may be allow'd to say; that if but any one of the Considerations, which I have here offer'd, shall stand Good, (as I would willingly flatter my self, they All shall) it will suffice to destroy the *Authority* of *Custom* in this matter; And shew that till some better Reasons be produced for it; neither ought the *King* to be Abridged in his Freedom of Summoning our Convocations, nor the *Archbishops* in their Liberty of *Proroguing* of them; No, nor yet the *Convocations* themselves to be deprived of the Benefit and Advantages, which may, upon Occasion, be derived to themselves from Both.

Sect. 24. I proceed,

II*dly*, To Examine this same Pretence of *Custom*, with respect both to the *King*, and the *Archbishops*; by the Maxims and Determinations of our Own *Law*.

And that I shall Do in this following Method:

(1*st*) I will Enquire how the *Law* of *Custom* stands with us, as it regards in Common both the *King* and the *Subject*. And,

(2*dly*) I will shew, what particular Provision has been made by our *Law* in defence of the *Kings Prerogative* on these Occasions.

(1) In Enquiring into the *Law* of *Custom* in General, I cannot begin more properly than with the description which our Books give of such a *Custom* as shall be accounted of force with us. In the *Case* of *Tanistry*, Reported by Sir *John Davis*, fol. 31, 32. it is said, that *Custom* in the Intendment of the Law is such a Usage as has obtain'd *vim legis*, and is indeed a *binding Law* to such particular Place, Persons, and Things, as it Concerns. That such a *Custom* cannot be Established by *Grant* of the *King*, nor by *Act of Parliament*: but is *Jus non Scriptum*, and made by the *People only* of such a place, where the Custom obtains. For where the *People* find any *Act* to be Good and Beneficial; and fitting and agreeable to their Nature, and Disposition, they Use and Practise it from time to time; and so by the frequent Multiplication, and Iteration of such *Acts*, *Custom* is made. And being *Us'd time out of mind*, obtains the force of a Law. So that in short, *Custom* is a *Reasonable Act*, *Iterated*, *Multiplied*, *and Continued by the People*

ple, *time out of mind:* And this (says the Report) is the Definition of *Custom*, which has the Vertue and Force of a *Law*.

If this be a Good account of the Nature of *Custom*, as I conceive it is; it will follow that in this our *Common Law* concurs with the General Reason of the thing its self, which from the *Canonists* and *Civilians* I before accounted for; That the *Acts* by which a *Custom* is Introduced, must be *Acts* of the *People*; who by their own long, and voluntary Exercise of them, Establish a *Custom* first, and so (if other Circumstances concur) Obtain some Right by it, which otherwise they would not have had. And in this particularly, distinguish such an *Unwritten Law*, from a *Written* One; that the Latter may, and must Originally proceed from the Authority of the Prince; whereas the former is founded upon, and Arises from, the *Free Acts* of the *People*; who first by practice introduce a *Custom*, and then by long (or as our *Law* requires, Immemorial) Usage, Give Force and Authority to it.

To make such a *Custom* Good in Law, two things we are told, are required; A *Reasonable Beginning*; and a *Sufficient Continuance*; and of Both which therefore We must consider what our *Law Books* say.

Sect. 25.

[1st] The Beginning of *Custom*, [1] says the Report, I before alledged; ought to be upon a Reasonable Ground and Cause. For if it were Unreasonable in its Original, No Usage or Continuance can make it Good. *Quod ab initio non valuit tractu temporis non Convalescet.* And to this the [2] Judges in Court agreed, in the Case of *Paramore* the 41 *Eliz.* That *Customs* ought to be such as may in Reason have had a *Lawful Beginning*, or may in their *Common Intent* consist with Reason: Otherwise they are not truly *Customs*, but pretences of *Customs*, and Vain Words.

[1] Davis fol. 32. Case de Tanistry.

[2] 2d Anderson fol. 152.

It was upon this Maxim that [3] *Littleton* long before determined, that if the Lord of a Mannor should prescribe that there has been a *Custom* within his *Manor, time out of mind*, that Every *Tenant* within the same Mannor, who marrieth his Daughter to any Man without License of the Lord of the Mannor, shall make fine, and have made fine, to the Lord of the Mannor for the time being this Prescription is Void; because None ought to make such fine but only Villains. For every free man may freely marry his Daughter to whom it pleaseth him, and his Daughter: *Et pur ceo que ceste prescription est encounter Reason tiel prescription est void.* The note of my [4] Lord *Coke* on which last passage is to be observed. "This (says He) Contains one of the Maxims of the *Common Law*, which therefore here again agrees with the Civil and Canon Law before treated of) "That All Customs and *Prescriptions that are against Reason are void.* The same [5] *Littleton* speaking of another *Custom*; that, if any Cattel were upon the demeans of the Mannor, there doing dammage, the Lord of the Mannor for the time being has used to distrain them, and the distress to retain till fine were made to him for the damages at his Will; declares it to be a Void *Custom* upon the same Ground, *pur ceo que il est encounter reason*, that a Man should be judge in his own Case. And then Concludes with this General Rule: *Et issint tiel prescription ou ascun auter prescription Use, si ceo soit encounter* reason, *ceo ne doit estre allow devant Judges*; *Quia malus usus abolendus est.* And "Every Use, says my [6] Lord *Coke*, is *Evil*, that is (as our Author saith) *against Reason. Quia in Consuetudinibus non diuturnitas temporis, sed soliditas Rationis est consideranda.*

[3] Sect. 209. 1st Institute.

[4] 1 Instit. fol. 140.

[5] Ibid. Sect. 212.

[6] 1st Instit. fol. 141.

Sect. 26.

But here then the Difficulty returns which we before met with upon the like Occasion: How we shall know when a Custom is Unreasonable; or sprang from an *Unreasonable Beginning*? For this our *Law Books* among Others give Us the following Rules.

1st, If a *Custom* be plainly and evidently against Reason, there is then no difficulty for any Man who will but use his Reason to find it out and be satisfied that it is so: And being convinc'd of its Unreasonableness, He may also be sure that it can be of no force in Law. Thus [7] Mich. 18 Jac. a *Custom* was alledged by Peter *Barker Vicar* of *Stower-Payne*, that Lambs ingendred, faln, and bred upon any One Tenement, or Living, in the same Parish, altho' they belong'd to several Owners, have been Cast, and Reckoned together, as if they were but One Mans; and the *Tenth* or *Tythe Lamb* of them so Counted together, have been pay'd for *Tythe*. The Court was of Opinion that this pretended Custom, was Unreasonable and against *Law*. Because that by this means it might

[7] Hobart. Rep. pag. 329.

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fall out that ſome might have but One Lamb, and that might be taken for *Tythe*, and He that had more, ſhould pay nothing at all. But in the Caſe of *Paramore* before mentioned, the Unreaſonableneſs do's more plainly appear. [1] It was alledged that by *Cuſtom*, *time out of mind*, it had been uſed, that if a Citizen of *London* were indebted to a Burgeſs of *Sandwich*, ſuch Burgeſs might make plaint in the *Court* of *Sandwich*, &c. by *Cuſtom*; where if He were caſt, it was the Uſage to write to the *Mayor* and *Aldermen* of *London* requiring them to hear the Cauſe, and to ſend to them the Defendant, or Anſwer in Bar, &c. This was repeated three times: If thereupon Neither the Defendant appear'd, nor was Anſwer in Bar ſent to *Sandwich*, then it was the *Cuſtom* to Give *Judgment* againſt the *Mayor* and *Comonalty* of *London* for the Debt, and ſend them notice of it; that if they paid it not, Judgment of *Wythernam* ſhould be given out againſt them. And if they did not then pay in 15 days, the *Mayor* and *Jurates* of *Sandwych concedere voluerunt Cap. in Wythernam verſus quemcunque Civem prox. veniens ad Sandwych, Et cuſtodire voluiſſent quouſque, &c.* This now was a *Cuſtom* evidently Unreaſonable to take the Body of One Man, and detain him in Priſon upon a Judgment Given againſt a *Third Perſon*, and that for the Debt of Another: *Car eſt merement injurious de faire un frank.home a perdre ſa liberty pur le offence un det de third Perſon, Et le Reſon eſt, Quia quis pro alieno facto Puniendus non eſt.* Many Other the like Caſes Occur in our *Law-Books*, which have been determined after the ſame manner, upon the ſame Ground. But to be more particular upon this point.

[1] 2d Anderſon fol. 151, 153.

2. If a thing be Incongruent, that is Diſagreeable to the State and Condition or to the Nature of the Perſon, or Thing for which *Cuſtom* is pleaded, it ſhall alſo for that cauſe be look'd upon, in the Eye of our Law, to be Unreaſonable. So my [2] Lord *Coke*, *Rowles* againſt *Maſon*; where He gives this Ground and Authority in Law for it: "10 *Edward* the 3*d*. 5. *Leet* cannot be belonging to a *Church*, inſomuch that it is incongruent; and a Spiritual thing ſhall not be pertinent to a Temporal, and ſo *e Converſo*. And ſo in the 5 *Aſſiſe*. 9. *Hill* and *Granges* Caſe. Com. *Turbary* cannot be Appurtenant to Land, inſomuch that it is incongruent; but it ought to be to a Houſe. So in Time of *Edward* the 2*d*, Tenant of the Mannor preſcribes to have free Bull and Bear, and it is not good for the reaſon aforeſaid; Otherwiſe it is of the Lord of the Mannor: And 9 *Henr.* 5. 45. *Cuſtom* in *Leet* to preſent *Common*; and adjudg'd that it is not good, inſomuch that it wants *Congruity*, for it is not proper to the Court.

[2] Brownl. & Godb. 2 part. pag. 200.

3. If a *Cuſtom* be introduced to Deſtroy the Right of another which He Enjoys by the *Common Law*; it will thereby be accounted in the Eye of the Law to be Unreaſonable, and as ſuch Void. For the *Common Law* is the General *Cuſtom* of the whole *Realm*: It is the moſt Antient of all *Cuſtoms*; and founded upon the Principles of Reaſon; and was therefore firſt received as Law, becauſe it appear'd to be both *Uſeful* and *Reaſonable*. Hence my Lord *Coke* tells Us, that the [3] *Common Law* hath no Controler in any part of it, but the *High Court of Parliament*, And lays it down for a Maxim in Law, [4] "That whatſoever was by "the *Common Law*, and is not Ouſted, or taken away, by any *Statute*; remaineth "ſtill. And this Maxim we find on ſeveral Occaſions judicially Confirm'd; an Inſtance or two of which, for the farther Eſtabliſhment of this Remark, I will juſt mention upon this Occaſion.

[3] 1 Inſtit. fol. 116. b.

[4] In the 12*th* of K. *James* the 1*ſt*, *Peplows Caſe* was tried in the *Kings Bench* upon an Error of Judgment in *Salop*. The Error aſſign'd was, for that in an *Action* upon the Caſe there try'd, the Defendant was Eſſoyn'd, and had day *per Eſſoyne*, & *Quærens habuit Eundem diem*. At the day appointed, the *Defendant* being demanded appear'd not, but made default; *Et habuit diem per default ſecundum Conſuetudinem Villæ prædictæ*, given him by the Court, viz. ſuch a day. At which Day the parties appear'd, and Judgment was given againſt the Defendant *per nihil dicit*. So the plea was utterly diſcontinued; becauſe when the Defendant made default, no Day can be given unto Him when he was out of Court. And the Allegation that it was *done Secundum Conſuetudinem*, could not help it: For, ſays the *Report*, no *Cuſtom* can help that which is againſt *Common Law*.

[4] Crook. Jac. pag. 357.

[5] In the 8*th* of King *Charles* the firſt, the like Error of Judgment was try'd in the *Kings Bench* in *Debt* upon an Obligation. The Error Aſſign'd was becauſe the Triall of the Iſſue joyn'd there was by *Six Jurats* only. It was alledged that it was done *Secundum Conſuetudinem ibidem a tempore*, &c. and there be multitudes of

[5] Crook. Carol. pag. 259, 260.

Records in twenty ſeveral Courts in *Cornwal*, where *Trials* may be by Six; So that if this were reverſed, many Others ſhould be reverſed. Nevertheleſs all the Court held, That ſuch a *Cuſtom* is Void, and againſt the Common *Law*. And *Jones* ſaid, that tho' in ſome parts of *Wales* there be ſuch Trials by Six only, it is by reaſon of an *Act of Parliament* 34 *Henr.* 8*th*, which appoints, That ſuch Trials may be by Six only, where the *Cuſtom*, hath been ſo; which proves that when they were united to *England*, and to be govern'd by the Laws here, ſuch Trials could not be, unleſs they had been ſo provided for by *Parliament*. *K* HENRY *the* VIIIth.

When therefore our *Law-Books* ſay, that a *Cuſtom* ſettled by juſt and Reaſonable Cauſe uſed, Bars the *Common Law*, it muſt be underſtood of ſuch *Antient Cuſtoms*, as have been long obſerved, and were reaſonably introduced; and concern only ſuch particular Perſons or Places as claim by Them; but muſt not be extended to deſtroy that Right which Any other Perſons, or Corporations have by the Common Law of *England*; who are not concern'd in any ſuch *Cuſtom*, nor ought therefore to be deprived by it of any Legal Intereſt, which by Law they have a Right to Enjoy.

4*thly*, No *Cuſtom* which is introduced againſt an *Act* of *Parliament*, can, in the Eye of our Law, be judged to be *Reaſonable*; becauſe ſuch *Acts* are the higheſt Law of All: They Alter even the Common Law it ſelf; and therefore ſhall much more Over-rule all ſuch particular *Cuſtoms* as ſhall be ſet up in Oppoſition to Them. [1] And this was another Ground of the Judgment againſt the *Cuſtom* of *Sandwych* before mention'd: That it was plainly Contrary to the *Statutes*, againſt which no one may Preſcribe, unleſs they are aided by ſome Other Statute. The ſame is the Senſe of my [2] Lord *Coke*; where taking notice of that Maxim of *Littleton*; That *Conſuetudo ex certa cauſa rationabili uſitata privat communem Legem*, He makes this Obſervation upon it, *Privat Communem Legem*, for no *Cuſtom* or *Preſcription* can take away the force of an *Act of Parliament*: and therefore *Littleton* materially ſpeaketh here of the Common Law. [3] It is true there be ſome *Acts* of *Parliament* which do not deſtroy the *Antient Cuſtoms* which were in Uſe before the making of them: And therefore it is rightly to be conſidered of what kind the *Act* is, to know how far its force, in that Caſe, ſhall Extend. But if an *Act* of *Parliament* be firſt made, and ſtill in Uſe, no Cuſtom can be Rationally ſet up againſt it; nor will be allow'd, without ſomewhat elſe to ſupport it, as of any ſtrength in the Law.

[1] 2d Anderſon fol. 153.

[2] 1ſt Inſtit. 113.

[3] Ibid. fol. 115.

5*ly*, No [4] *Cuſtom* contrary to the Public Good, which is, or ought to be, the End of *All Laws*; Or that is injurious and prejudicial to Many, but beneficial only to ſome few, can be accounted Reaſonable; or, by Conſequence, Obligatory; but muſt be look'd upon to have been Unreaſonable, and Void from the Beginning, and therefore not to be made Good by any Preſcription. [5] A *Cuſtom* to receive a *Half-penny* of Every *Footman*, and a *Penny* of every *Horſeman*, that paſſes over a Common *Ferry*, may be Good, becauſe it is a Reaſonable Conſideration: And ſo over a Bridge which the Lord of the Mannor repairs. But if it were to pay 12 *d.* it would be otherwiſe, becauſe it would be Unreaſonable, and contrary to the Public Good. So [6] Mich. 2. Car. a *Cuſtom* was alledged, that all the *Tenants* of a Certain Eſtate have never us'd to pay more than 12 *s.* for any Reparation of the *Pariſh Church*. This was look'd upon as Unreaſonable, becauſe it laid a Burthen upon the reſt of the *Pariſh*. And the ſame we are told of thoſe Uſages of *Hunting* of *Hares*, of *Hawking* for *Patridges*, and and the like over, into, and thorough Other Mens Grounds, which makes it never the more Lawful; nor can a *Cuſtom* be laid for it; or if it be, it will not avail to Juſtify the Treſpaſs, and Wrong that is done by it.

[4] Davis Reports, fol. 32. b.

[5] 2d Bulſtrode fol. 196.

[6] Popham. fol. 197.

To theſe Rules of examining the Reaſonableneſs of any *Cuſtom*, I ſhall add only this Obſervation, [7] that the Determination of all theſe things Relating to *Cuſtom* belongs to the Judges of the *Realm*; The Validity of which muſt be left to them, from theſe and the like Rules, compared with, and explained by former Precedents, of which Multitudes are Recorded in all our *Law Books* to declare.

[7] 1 Inſtit. fol. 344

[2*dly*] And as a *Cuſtom* muſt be Reaſonable, that it may be Valid; ſo muſt it be Antient, and Continued. And this is, by our Law, ſaid to be *Eſſential* to a Good *Cuſtom*. So my Lord [8] *Coke*; Of every *Cuſtom* there be two *Eſſential Parts*, Time and Uſage. *Time out of mind*; and Continual and Peaceable Uſage, without Lawful Interruption. And in this he ſtrictly follows the Rule of his Great *Author*: Who gives us this Note to the ſame Purpoſe: [9] *Et nota, que nul Cuſtome eſt allowable meſque tiel Cuſtome que ad eſte uſe per title de preſcription; &c.*

Sect. 27.

[8] 1 Inſtit. fol. 110. b.

[9] Ibid. Sect. 170.

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detemps dont memorie ne Curst. And again speaking of a good *Custom* at Common Law, He tells us 'tis such a *Custom* or *Usage* that hath been used for time whereof mind of Man runneth not to the Contrary. And this is proved by the Common Method of pleading *Custom*, which always is in these Words, [1] *de tempore cujus contrarium memoria hominum non existit.* Which Words [2] *Littleton* thus explains, *C'est autant a dire, quant ticl matter est pled, que nul home adonque en vie ad oye ascun proofe al' contrary ne avoit ascun Connusans al Contrarie.* So that if either any Person be alive who knew the Contrary; or if by any Records the contrary can be made Appear, the Custom fails, and for want of Sufficient Prescription, becomes invalid. So my [3] Lord *Coke* expresly teaches us to understand it. "For if, says he, there be any sufficient Proof of Record of Writing to the "Contrary, albeit, it exceed the Memory, or proper knowledge of any Man "living, yet is it within the Memory of Man. And this He tells us is the rea- "son that regularly a Man cannot prescribe, or alledge a Custom against a *Sta-* "*tute*, becaus that is Matter of Record, and is the highest Proof and Matter "of *Record* in *Law*.

[1] Rastal Entries fol. 142, 143.

[2] 1 Instit. fol. 114.

[3] Ibid. fol. 115. a.

Sect. 28. Such are the Maxims of our Law in this Particular: Let us now proceed by these Principles to Examine whether the pretended *Custom* set up in Derogation of the *Kings Prerogative*, and the *Archbishops Jurisdiction*, be of any Legal Force or Authority, to prescribe against either.

And *First*; That in this Case, there can be no *Custom* Establish'd to the Benefit of the *Convocation Clergy* against either the One or the Other, seems plain from hence; that those *Acts* upon which, if any, the Custom here spoken of, must be founded, were the Free *Acts* not of the *Clergy*, but of the *King*, and the *Metropolitans*; who therefore alone can gain any thing by the Exercise of Them. It is by them that our *Synods* have all along been Summon'd, Prorogued, Dissolved; The *Clergy* have had no other part in any of these Matters, but only to obey their Orders, and to Meet, or Separate as They, by their Writs and Mandates have required Them to do. If therefore the *Acts* which make a Custom must be the *Acts* not of the *Rulers*, but of the *People*; If they must be the *Free Acts* of Those who pretend to introduce a Custom by Them; as both Reason requires, and our first Ground in *Law* suppos's'd, that they must be; it is plain that here can be no Custom in this Case, but only on the side of the King, and the *Archbishops*; because it is on their side only that the *Freedom* of *Acting* has lain. The *Clergy* have done Nothing but in Obedience to their Authority; and that not in order to Gain a Priviledge, but meerly to do their Duty, and keep themselves from those Censures and Penalties, which they would otherwise have been liable unto for their Disobedience.

To put therefore the Case aright upon the Foot of *Custom* in these Particulars; were there any need of insisting upon it, it should, I conceive, be laid thus: Whether the King having for several Ages past freely Summon'd, Prorogued, and Dissolved the *Convocations* at his Will; and the *Archbishops* having constantly thereupon issued out their Mandates in Obedience to his Writs to this purpose; He has not thereby obtain'd a Right, by Custom as well as Otherwise, to Exercise such an Authority, so that the Metropolitans shall upon that Account, were there no other, be obliged to Obey his Commands in these Particulars? And again: Seeing whenever our *Archbishops* have either sent out their Mandates for the *Convocation* to Assemble the *Bishops* and *Clergy* of their respective *Provinces* have duly Met at the Time and Place prescribed by them; whenever they have Read, or Caus'd to be Read, their Schedules of Prorogation to them, They have Risen, and look'd upon themselves to have been Prorogued according to the Tenor of Them: Whenever they have dissolved them, they have been Reputed as Dissolved both in Law and Fact thereby; this Custom thus Exercis'd by the *Archbishops*, and Acquiesced in by the *Bishops* and *Clergy*; and Obey'd, not for an *Age* and *halfe*; but as our Law requires, *de tempore cujus contrarium memoria hominum non existit*, shall not give a Legal Right to Them in these Matters, and so far conclude the *Clergy* that they shall now be Oblig'd by Law to submit to the Exercise of it. This I take to be the only true Application that can be made of Custom in this Case, And I appeal to the Reason of the thing, as well as to the Maxims of our Law before laid down, whether any other Use can fairly be made of it.

Had it indeed been Customary for the *Clergy* whenever a *Parliament* was Summon'd, to Meet of Course within their several Dioceses, and choose *Proctors*

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or a *Convocation*, without any Command or Licenſe, either from the *King* or *Archbiſhop* ſo to do: Had theſe *Proctors*, ſo Choſen, come up to *London*, and Met together with the *Deans* and *Archdeacons* in St. *Pauls Cathedral*; and there by their own Voluntary Agreement had order'd a *Sermon* to be preach'd; Had Choſe a *Prolocutor*; Sate, Debated, and Prorogued Themſelves, as long as the *Parliament* laſted, without any regard to the Command either of the King or the Archbiſhop for their ſo doing: And had the *King* and *Archbiſhop*, time out of mind, Look'd on, and Conniv'd at all this; and never given any *Legal Diſturbance* to Them in their Proceedings; this (ſuppoſing it to have had all the other Qualifications requiſite to make it Good in *Law*, which ſhall hereafter be conſidered) might have brought in a *Cuſtom* on their ſide, and have afforded them a *Legal Ground* on which to claim the *Benefit*, if there were any, of it. For then the *Cuſtom* would have layn thus; That during the Time of *Parliament* it had been the *Cuſtom de tempore cujus*, &c. for the *Clergy* to Appoint their *Proctors*, and for theſe *Proctors* to Meet in *Convocation* with the Deans and Archdeacons, and to Sit and Act after their own Pleaſure there; and that neither the King, nor the Metropolitan, had ever diſturb'd them in ſo doing; And therefore they do plead, that having had ſuch a *Cuſtom* as this, they thereby have gain'd a *Legal Right* thus to Meet, Sit, and Debate, at all ſuch times; and ought not now to be hindred by the *King* or the *Archbiſhop* in the Exerciſe and Enjoyment of it. But as the Caſe truly ſtands, and I have before laid it; 'tis certain that as the Acts, upon which the Pretence of *Cuſtom*, in this Caſe, is founded, were the *Proper free Acts* of the *King* and the *Archbiſhop*, not of the *Clergy* and *Convocation*; who have done nothing but in Submiſſion to their Authority and in Acknowledgement of their *Legal Power* over them; ſo muſt the Force and Authority of *Cuſtom*, if there be any in this Matter, lie wholly on their ſide; and argue the Right of the One thus to Rule and Govern in theſe Particulars, and the Duty and Obligation of the Other to be thus Ruled and Governed by Them.

Sect. 29.

But tho' I do therefore look upon the whole pretence of *Cuſtom* as it is now Alledged in behalf of the *Convocation* againſt the Rights of the *Prince* and *Metropolitan*, to be utterly defective in its very Ground and Foundation; and upon that account Uncapable of Conveying any Legal Claim of Privilege to them; yet to make this matter the more clear; I will proceed to Examine it by the Properties of a Good *Cuſtom*, before mentioned; and ſhew it to be defective in reſpect of them all.

(1) As for the firſt of theſe Reaſonableneſs, that I conceive is utterly wanting to it. For what can be more Unreaſonable, than to ſuppoſe That the *King* and the *Archbiſhops*, ſhould by their own *Authoritative Acts* deſtroy their Own Authority; and ſo Loſe their Right by the Exerciſe of it. Nor is it any leſs abſurd if we put it the other way; That the *Clergy* by thoſe *Acts* which they did in Acknowledgment of, and Obedience to, the Authority of the *King* and *Archbiſhop* over them; ſhould Deprive them of their Authority; and in the Reverſe of all other *Cuſtoms*, which evermore run on the ſide of Thoſe who are the Authors of thoſe Acts upon which they are founded, ſhould deliver themſelves from the Power of both, by a Long, Continued, and Repeated *Cuſtom* of Obeying of Both. Yet this is the true Conſequence of what is here claim'd in this Particular, which plainly runs to this Effect; That the *Clergy* having been wont at ſuch certain Times, for 150 Years paſt, to be Call'd to *Convocation*, and to Sit and Act there in Obedience to the *Kings* and their *Archbiſhops* Command, have thereby gotten a Right to be Called at thoſe times, and to Sit and Act by their Authority; and the *King* and *Archbiſhop* have no longer any Right to Refuſe to Command and Require Them ſo to do. This is the Caſe as it is now ſtated; and if this be not, in the very Nature of the thing, Abſurd and Unreaſonable, and by conſequence Void, and of no force in Law; I muſt confeſs I cannot tell what is ſo.

(2) It is 2*dly Incongruous*; and for that Reaſon Defective in the next Condition required, to make a *Cuſtom* Valid, viz. of the *Suitableneſs* of the *Cuſtom*, with reſpect to Thoſe who lay claim to the Benefit of it. For it takes away the Authority from the Perſons in whom it ought to be, and was by Law Originally Veſted; and Gives it to Thoſe who are *Legally Unqualified* for it; whoſe part it is to be Govern'd, and Ruled, not to Order and Govern their Superiors. But this

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this is not all; For this *Custom*, should it be allow'd, would not only deprive both the Prince and the Archbishop of that Authority, which the Law has lodg'd in their Hands; but would change their free Power not yet limited by Law, into a Prescribed and Necessary Act; a thing as unsuitable to the Character of a *King*, and a *Metropolitan*, as the Other is to that of the *Clergy*. The Case is plainly this: The King had Originally an undoubted Right to Order the *Convocations* to be held at any Time that He pleased; The *Archbishops* as undoubted a Title to preside in, and over, their *Convocations* when Assembled; and to Prorogue and Dissolve them at their Pleasure, subject only to the Commands of the King. The *Clergy* had nothing to do in Any of these Matters, but only to Obey the Orders of their *Metropolitans*; as the *Metropolitans* were to fulfil the Will of the King.

Of all this *Power* some there are who would now, by a pretence of *Custom* (otherwise of no Force) divest both the *King*, and the *Archbishops*; and transfer it to the *Clergy* of the *Convocation*. They tell us that the King is Oblig'd to Call them at such certain Times; as for Example, whenever the *Parliament* Sits, whether He will or No; and that He cannot Call them at any Other Times, though there be never so much Occasion for them to Meet; or He should never so much desire that they might be Assembled. Being thus Call'd by the King, They add, that the Archbishop shall not have it in his Power to Prorogue Them till they have sate so long, and done such certain Synodical *Acts*; in which his Power indeed must intervene, (as both the *Kings* and the *Archbishops*, must likewise for their sitting;) but yet that both in this, and that, They shall be obliged to Exercise all such Acts of Authority as are requisite to enable them by Law, to Meet, Sit, and Act, as they please, and to indemnify them in their so doing. Now this must certainly be if any thing, most Absurd, and Incongruous in *Law*. That the *King* and *Archbishop* shall still Continue to have a Right to their antient Power and Authority, and yet shall not have any Liberty in, nor by consequence any Real Right to, the Exercise of it. That the *Convocation* shall be Legally Subjected to the Government of Both; and yet, at the same time, shall have a Legal Power to Constrain both to Govern them according to their own Measures; not with any Freedom of Judgment, or Power of Using or not Using their Authority; as they see cause (without which there is indeed no proper Use of it at all) but after a prescribed Measure, which is in truth, to make them only the Officers of the *Clergy*, to do their Business, and to secure them against the Danger of the Law; Which whether it be congruous to the Character of a Prince and a President, with respect to their Subjects, and Council, I may leave it to any Reasonable Person to determine.

If therefore it be absurd in the Nature of the thing, that a Power should Legally remain in the King and the Archbishop, and yet the free Exercise of that Power be Legally taken away from both; If it be not only Absurd, but Indecent, that the Hands of our Rulers should be tied up in the Exercise of those Acts which the most properly belong to them, as such; and the Right of Limiting them in those Acts be transferr'd to Those who are to be Ruled by them, so that the Authority shall be vested in the One, and the Right of Using that Authority be given to the Other; then must the pretence of *Custom* here again be Defective, and notwithstanding any such Usage, the *King* and *Archbishop* will not only retain their Antient and Undoubted Authority, but retaining it, will also enjoy such a Freedom of Using of it, as naturally follows such a Power; and indeed is Necessarily requisite to a Wise and good Use of it; And the *Clergy* be still Oblig'd as they have always been, to Obey, not to Command or Direct their Superiors in their Legal Government of Them.

(3) That such a *Custom* as is here insisted upon must, 3*dly*, be contrary to the Rights of the *King* and *Archbishops* at Common Law, and therefore again of no Force, must be allow'd; or it must be denied, that the King and the *Archbishops* ever had a Right by that Law to Call and preside over our *Convocations* after such a manner, as I have before shewn, and it cannot be doubted but they had. For if by an immemorial *Custom*, our Kings have been wont to Summon These Assemblies of the *Clergy*, or to Cause them to be Assembled at any Time when they saw it Necessary or Expedient so to do; without any Relation to, or Dependance upon their *Parliaments*; as I have before plainly demonstrated that they have been: If our *Archbishops* having Convened their *Provincial Clergy* in Obedi-

end

ence to the Kings *Writ*, were always wont in Fact, as well as of Right, to Preside over them; to Prorogue and Diſſolve them at their Pleaſure: If the *Clergy* have always ſubmitted to the Exerciſe of theſe Acts, and Obey'd both the King and their Metropolitans in Them; then 'tis Evident that they muſt have had a Right by the *Common Law*, as well as by the *Canons* of the *Church*, and the *Conſtitution* of our *Government*, to this *Authority*; and that having ſuch a Right, they cannot by the Late Uſage of an *Age* and *halfe*, be deprived of it.

But indeed, even the *latter Practiſe*, if rightly conſider'd as I before ſtated it, is on their ſide, as well as we are ſure the Antient and Immemorial *Cuſtom* was. For tho' our Kings have, of Late Times, Call'd our *Convocations* only in Time of *Parliament*, yet ſtill it was by the free Exerciſe of their Authority that they did do ſo; when they might have done Otherwiſe; And had it in their Power either *not* to have Call'd them at thoſe Times, or to have Aſſembled them at any Other; as I have ſhewn their Predeceſſors before them to have done. As for our *Archbiſhops*, they have always been thus far Confin'd by the Kings Authority, as to be Obliged to appoint their *Clergy* to Meet and Sit in ſuch as they directed, and their Affairs required that they ſhould. And thus far they are limited in the Exerciſe of their Power ſtill. But to their Clergy as they never ow'd any ſuch Subjection in the Uſe of it, ſo neither did they ever, by any *Cuſtom*, yield to it; but have always Prorogued them *when*, and *after* ſuch a Manner, as they have thought good, without either asking their Leave, or deſiring their Aſſent for their ſo doing.

(4) Whether this pretended *Cuſtom*, were there truly any ſuch, would not rightly be contrary to the *Act* of *Parliament* 25*th Henry* the 8*th*. c. 19. as far as concerns the *King*, may I think be juſtly Enquired: Which having not only confirm'd to Him the Power He always of right had to Aſſemble the *Clergy*, when ever He thought fit, but in this Particular Enlarged his Prerogative, that from thenceforth the Archbiſhop ſhould not Call any *Convocation* without his *Writ*; and that without any Limitation of Times and Seaſons, *when*, or *within which*, He ſhould be Obliged to iſſue out his *Writs* for that Purpoſe; muſt be underſtood to have Granted that Power to Him with the ſame Freedom that both his Prerogative required, and our foregoing Princes, till then, had Enjoy'd and Exercis'd it. And what that was I have abundantly before ſhewn. Which being ſo, I do humbly conceive, that Whatever *Cuſtom* would Reſtrain the *King* from the free Exerciſe of his *Authority* in this Caſe, (by that *Act* of *Parliament* confirm'd to Him) muſt be accounted to go againſt the Intention of the *Act*; And for that, as well as for the ſeveral other Reaſons before offer'd, be of no force.

(5) How far 5*ly*, The Public Good of the Realm may be concern'd in the ſupport of the Royal Authority, in this Caſe, is a Point, which I ſhall not pretend to enter upon the Diſcuſſion of. This only I may offer; That ſhould there ever chance to ariſe a ſet of Turbulent Diſcontented Men, who by their Own Perverſneſs, or the Management of Others, ſhould take Occaſion from ſuch an unbounded Right of Sitting and Acting, without any Controul either from their *Civil* or *Eccleſiaſtical Governours*, to Raiſe, or Keep up, any Factions or Diviſions, among Us; contrary to the Peace of the *Church*, and the *Public Welfare* of the *King* and *Realm*; it might then appear to have been a matter of no ſmall importance to the State, as well as to the Church, to give up ſuch a Power to ſuch an *Aſſembly*; as may ſome time or other bring the King under this Difficulty, that either He muſt Diſſolve his *Parliament*, when He has perhaps the utmoſt need of their Sitting; Or he cannot Diſſolve the *Convocation*, not only tho' He has nothing for them to do; but tho' they ſhould by their violent or diſorderly Proceedings, be likely to Cauſe never ſo much Miſchief to Himſelf, and to the Publick.

If in Anſwer to this it ſhall be return'd, that ſuch a Suggeſtion is a little hard, and ought not to be admitted againſt ſuch a Body of Men, as 'tis to be hoped both know their duty better, and will more religiouſly practiſe it, than to make ſuch Uſe of the Liberty now contented for; I ſhall only ſay, that I hope the ſame. But yet in Matters of Publick Concern, where the Peace and Intereſt of a *Church* and *Realm* are at ſtake; all poſſible Dangers are to be Weigh'd. And why that ſhould not be poſſible in One Age or Country, which has ſometimes happen'd in Others, I cannot tell; but ſure I am, ſhould ſuch a Turbulent Spi-

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rit break in upon us, there ought to be Somebody intrusted with a Power to suppress it; and to put an End to such an *Assembly* as by their Sitting (in such a Case) could do no Good, but might do much Harm to Themselves, to the *Church*, to their *Religion*, and to their *Country*.

However it be, the Determination of this is certainly a Matter of Public Concern; and if Those to whom the Judgment of *Customs*, their Tendency, and Authority, by *Law*, do's belong, shall think that it might be dangerous to the Public Good to take away the Power of Calling and Proroguing the *Convocation* from the *King*, and the *Metropolitan*; and to Lodge it in the Body of the *Clergy*, (a Power which the *Parliament* never but once was Intrusted with, and the Experiment then made, had not such an Effect as to Encourage the Nation, any more than the *King*, to make it again with any Other the like Body) then it will follow, that for this Reason, as well as all the rest, they must declare it to be void in *Law*; and such as no Time, or Continuance, can give any force to.

I conclude therefore, that this pretended *Custom*, being founded, not upon the Free Acts of the *Clergy*, but of the *King* and the *Archbishop*, is not only no Proper *Custom* as to any Concern of theirs; but if it were capable of being Applied to Them, yet being in its self Unreasonable and Incongruous; contrary to the Rights of the *King*, and our *Metropolitans*, both by *Common* and *Statute Law*; and, as it may happen, prejudicial to the Public Good, is of no Obligation; nor capable of giving any such Right, as some would now pretend to by it.

Sect. 30. (6) But to wave all these Exceptions as to the Reasonableness of this pretended *Custom*, and consider what is *6thly* no less required to the Authority of it; I mean its Age, and Continuance. Has it this Qualification at least, if no Other, to make it Good, by the Rules of our *Law?* Can Those who insist upon it, truly lay it in the only Legal Form by which any *Custom* with us can be pleaded, That the *Clergy* have Met in *Convocation* by their Own Right; such as neither the *King*, nor the *Archbishop*, have any Authority to Over-rule, with Every New Parliament; and Sate during the Continuance of it, *Time out of mind*, *De tempore cujus contrarium memoria hominum non existit?* I will be positive in my Answer that they cannot: On the Contrary, I do aver that this *Custom* first began in the Reign of King *Henry* the viiith: That till then our *Convocations* were more frequently held *out* of *Parliament Time*, than in it: And that for the 200 Years before, there are not 20 Instances upon Record to be found, where the *Parliament* and *Convocations* have All Sate Concurrently with one another. And then I shall submit it to the Learned in our *Law* to tell Us, Whether such a late *Custom* as is now set up; A *Custom* labouring under so many Defects, as I have before Observ'd; and built upon such an incompetent Foundation, shall Deprive the Prince of his Antient and Undoubted Right; and force our *Metropolitans* to give np their Own Authority too; so that during the Session of Every *Parliament* it shall not be in the Power of the One to Refuse to Call Them; nor in that of the Other to Prorogue Them, or otherwise Hinder them from doing whatsoever Business they shall themselves think fit to do.

Sect. 31. If to avoid the manifold Inconveniences under which I have now shewn the pretence of *Custom* in this Case to lie, it shall be Alledged, that the Strength of their Argument consists not barely in the Usage of the *Clergy* to Meet in *Parliament* Time, but in the *Kings Disuse* of Calling them at any Other Time; And the *Archbishops* not Proroguing them till all the Præliminaries were over, and it evidently appear'd that they had nothing to do; besides that by our *Law* a Non-use, or Neglect to Exercise a Right, do's not Extinguish nor deprive any One of his Right; (as it was held by the Court, Mich. 11. Jacob. 1. Comm. Pl. Bishop of *Chichester*'s Case) I must beg leave to say that I am as much puzzled to find out any Disuse of Authority on the One side, as any *Custom* of the Clergy on the Other. The Right of Our Kings is to Command their *Archbishops* to Call their *Convocations* whenever they please to have them Meet. They have Exercised this Right, in Calling them at the Time of *Parliament*; not because they were Oblig'd to Call them then, but because it was their Will and Pleasure that the *Clergy* should then be Assembled. The Right of the *Metropolitan* is to Preside over his Synod, and in consequence thereof to Prorogue it as he sees fit. He has Exercis'd that Right: With respect to the Kings Affairs, and the Convenience of Them, He has taken the Kings Directions in the doing of it: With a due

Godbolt Reports, pag. 235.

a due Deference to the Judgment of his Suffragans, He has commonly taken their Advice too. But with respect to the *Clergy* He has Acted without Reserve: Has Prorogued them as He has thought good; and they have (till now) no less readily Obey'd him in it.

This therefore Both Our *Kings* and *Archbishops* have done; and more than this is not pleaded for on the behalf of Either. Our Princes have hitherto, and as we desire they should, so we may presume They will, still continue to issue out their Writs for the *Convocations* to Meet, whenever They Summon their *Parliament*. Being Met, we doubt not but that They will leave them to the Conduct of their Metropolitan, as they have always done, during the Continuance of the *Parliament*. We do not at all question but that our *Metropolitans* will no less readily Assent to their Sitting and Acting, whenever They shall be suitably requested by their *Clergy*, or Advis'd by their Suffragans; unless They shall have some very Extraordinary and Urgent Reasons to the contrary. All that is aim'd at in the present Argument is, not to hinder the Meeting or Acting of these Assemblies, but to put the Right of *Convening* and *Governing* Them upon its true Bottom; that as Both our *Kings* and *Archbishops* are ready to Encourage the *Clergy* to Meet and Act at all proper Seasons; so They may also have it in their Power to make the last Judgment of those Seasons; and to hinder them from *Coming together* when they think it would be a Burden to the *Church*, or inconvenient to the Affairs of the State to Assemble them; as well as to Countenance and Command their *Convention*; when it would turn to the real Benefit of either, that they should come together.

Sect. 32.

And thus have I consider'd the *Law* of *Custom*, as it joyntly concerns both the *Kings Prerogative*, and the *Metropolitans Jurisdiction*; and equally defends both. But I must not forget that I am now in a particular manner concern'd for the *King's Prerogative*; The *Archbishops Authority* being not only a little besides my present purpose, but already fall'n into a better Hand; who has Given us more than one Instance of his Ability to Assert it. Let me therefore from these General Maxims of our Law proceed,

2*dly*. To consider what *particular Provision* our Law has made on behalf of the *King's Prerogative*, in the Case before Us.

It is one of the Rights of the *King* in all greater Matters, in which He is by our Laws justly preferr'd before the Subject; [1] that whereas *Vigilantibus & non Dormientibus jura subveniunt*, is the Rule for the One; the *King*'s Plea is *Nullum tempus occurrit Regi*; as my Lord *Hobart* tells us; *Sheffield*'s Case; 13 Jac. 1. And this [2] Sr. *John Davis* directly applies to such *Customs* as that which is now under Debate: And thereupon lays down this Rule, that to make a *Custom* Good, *Doet estre submit al Prerogative del Roy, & nient exalt encounter Ceo.* Let us see how he reasons to this purpose, upon this Principle: "A *Custom*, says "He, which Exalts its self over the *King's Prerogative* is also void against the "King. For Prescription of Time makes a *Custom*, but *Nullum tempus occurrit "Regi*. In 49 Ed. 3. 3. the Case of *Whit-Tawers*, the *Custom* of *London* was "Alledged to make *Corporations*, and held to be void: Because the King alone, "by his Prerogative, can do that. In like manner a *Prescription* to have *Sanctu-"ary* for *Treason*, or to have *Catalla felonum*, &c. is void against the King, be-"cause that such a Privilege *Exaltat se in Prerogativam Regis*. 1 *Henry* vii. 23. b. And yet in the former of these Cases the *Council* argued for the *City*, not barely from antient *Custom*, but from a pretence of Allowance in the King too. The Case was put thus: [3] That, by the *Custom* of the *City* of *London*, the Members of any Trade or Art might make of themselves a Common Gild, or Fraternity; and that the *King* and his *Progenitors*, having by their *Charters* confirm'd All their antient *Usages* and *Customs*, had, in Effect, Granted this Power to them. But the Court Demanded whether they had any *Express Charter* from the *King* to make *Gildes* and *Fraternities* when they pleased? They confess'd they had not; but claim'd that they had always been *Accustomed* to do so; and that *All* their *Usages* had been confirm'd by our Kings, and therefore that *Particular Usage* was comprised under that *Generalty*. But the *Court* was of Opinion that their *General Charters* would not help them, if it were not mentioned in express Words in them.

[1] Hobarts Reports. pag. 347.

[2] Reports. fol. 33. b.

[3] Assiz: 49. Pl. 8.

But the other *Case* being in a Matter of *Church Priviledge*, will also deserve to be more fully considered. [4] *Humphrey Stafford* being Attainted of High Treason

[4] 1 Henr. vii. fol. 23.

K. HENRY *the* VIII*th.* in *Parliament*, took Sanctuary at *Colcheſter*, and eſcaping thence made an Inſurrection in *Worceſterſhire*, and afterwards fled to *Culne* in *Oxfordſhire*, belonging to the *Abbot* of *Abbingdon*, and took Sanctuary there. From thence he was taken by force, and carried to the *Tower* of *London*, in order to his Execution upon the *Attainder in Parliament*. He pleaded the Priviledge of the Place from whence he had been taken; and for that the *Antient Charters* Granted to the *Abbots* of *Abingdon*, and *Immemorial Cuſtom*, by Vertue of thoſe Charters, was alledged. But the Original *Charter* of *Kenulph* King of *Mercia*, upon which the Caſe turn'd, was not produced, but only an *Inſpeximus* of it ſhewn, in the time of *King Edward* the *Third*. It was agreed by the *Juſtices* of *both Benches*, with an Unanimous Aſſent and Conſent, that ſuch a Priviledge could not be preſcribed without the Original Charter *ante tempus memoriæ* (altho' the *Inſpeximus* muſt have been more than a Hundred Years old) and the Reaſon aſſigned was, *quia materia de proditione in ſe tantum ſe exaltat in prærogativam Regis, quod non potest præſcribi tantum per ſe.* And therefore in ſuch Caſes, *Oportet monſtrare Cartas Regis per Verba Generalia vel Specialia, & allocantias in Itinere poſt tempus memoriæ.* The ſame had been the Law of the *Exchequer Chamber* many Years before.

[1] 24 Henr. vi. fol. 25. &c.

[1] Whereupon the occaſion of another *Cuſtom* of the *City* of *London* there alledged that in that *City* there was a *Cuſtom*, and had been time out of mind, that a man leave any Goods in Pawn for any duty *Cujuſcunque fuerint*, He who had ſuch Goods in Pawn ſhould keep them till the debt were paid, for which they were a Pledge: Two *Principles* of our Law were urged, and by the better Opinion allow'd of; One, that this *Cuſtom* was Unreaſonable, and could have had no *Good Beginning*, and upon that account was *Void*, and of no Obligation; tho' it had been the *Cuſtom* of the *City*, as it was ſaid, ——*de temps dont memory ne Court. Car ceo Cuſtome eſt encontre Comon droit, & en prejudice d'autre a que le property, &c. demeurut, & par ceo ne poit Giſer en Cuſtome:* Said one. *Cel tiel choſe que n'eſt Reaſonable, ne puit Giſer en Cuſtome*, ſaid another. *Il est encontre Reaſon q'un charger' autres biens, ou terres, &c. & pur ce ne poit Giſer en Cuſtom*, ſaid a Third. The Opinion, in ſhort, of the better and Greater Number was the ſame, and may be reſolved into this *General Maxim*; "That whatſoever *Cuſtom* is contrary to the Right and Property of another, is *Unreaſonable*; and being ſo, is alſo uncapable of being made a *Legal Cuſtom.*

The other *Maxim*, which likewiſe runs thro' all their arguing is this; That tho' the *Cuſtom* had been Good, yet the *King* would not have been Obliged by it. *Meſque le Cuſtome ſoit bon uncore le Roy ne ſera lie per Ceo.* For which *Littleton* there, in Particular, alledges ſeveral Inſtances and Authorities; and then concludes, *meſque ceſt Cuſtome ſoit bon, uncore au Roy n'eſt rien a purpos.* With Him went the Opinion of the Judges; and the *Cauſe* was, upon this Principle, carried for the King, as in the Report may more fully be ſeen. So that ſhould this *Cuſtom* therefore, which we are now concern'd in, otherwiſe have had all the Properties of a *Good Cuſtom*, *A Reaſonable Beginning*; *A Congruous Relation* to the *Parties* concern'd; A Time out of Memory, beyond the Power of any Records to controul; Yet being directly prejudicial to the *Kings Royal Eſtate and Dignity*, and in *Derogation* of the *Power* and *Liberties* of the *Crown*, the King would not be Obliged by it, nor would it have any Effect in *Law* towards Him.

Sect. 33.

From what has been ſaid, it may now begin to appear, that Dr. *A.* (as ſaid) made a little too much haſt to his Concluſion, when (after his uſual Method of *Aſſerting* things without Proof) he told us that this weighty Argument might be diſpatched in two Words, by ſaying; [2] *That the Clergy have certain* "*a Right of Meeting and Sitting in Convocation* (*together with Every New Parliament*) *becauſe thus often they have, for ſome Hundred Years, Met and ſate:* And "that this was a *plain ſhort Anſwer, which was capable of no Evaſion.* A *ſhort Anſwer* I do confeſs it is, but how ſound, it may yet deſerve to be conſider'd. For as I have now ſhewn, *Cuſtoms* tho' never ſo Antient, if Unreaſonable; if Incongruous; if contrary to *Laws* of the *Realm*, or the *Juſt* and *Legal Rights* of any *Perſons* who live under the Protection of thoſe Laws; but much more, *Cuſtoms* which *Exalt themſelves againſt the Prerogative of the King*, and impeach the Royalty of his *Imperial Crown* and *Dignity*, are void in *Law*, and not capable of being made Obligatory by any Preſcription. And, upon this Ground, I ſhall venture to give as ſhort a Reply, and as *plain* a One too, to his *ſhort plain Anſwer*

[2] Rights, &c. pag. 263.

swer: "There has been no such *Custom* for *some Hundreds of Years*, as he affirms; K. HENRY *the* VIIIth. "and as for that of the Last Age and Half, supposing it to have been such as "is pretended, yet will not such a *Custom* suffice to give the *Clergy* a Right thus "to Meet and Sit; nor Oblige the *King* or the *Archbishop*, to Suffer Them so "to do.

In a word, these three things I insist upon, and must desire a *plain*, but not so *short* an Answer to; if ever Dr. *A.* means to have me his Convert in this matter: 1*st*, That (to allow at present for the latter *Practise* which I shall hereafter Enquire into) there was any manner of *Custom*, I do not say *Settled* but begun, before the latter End of King *Henry* the *Eighth*, for the *Convocations* to be Called, and Held with every *New Parliament*. I utterly deny it, let Him shew that there was, if he can.

2*dly*. That the *Acts* of our *Kings* and *Metropolitans*, done in the Exercise of their Power and Jurisdiction over their *Convocations*, in the free Calling, Proroguing, and Dissolving of them, are in their Nature capable of Introducing any *Custom* in favour of any but Themselves, and their Own Authority, whose *Acts* they were, much less to the Advantage of Those who only obey'd them in the Exercise of these Powers, and did nothing but in pursuance of their Commands, and that to the Destruction of that very Authority from which they Proceeded. And

3*dly*. That a *Custom* labouring under so many Defects; Unreasonable, Incongruous, Injurious to the Rights of our Superiors; of no *Age*; Contradicted by all our Antient *Records*, and that so clearly, as to leave no Suspition of doubt against it; *Derogatory* to the *Royal State* and *Dignity* of the *King*; and which being Allow'd, may prove no less Inconsistent with the Public Good; is nevertheless to be submitted to as of Force in *Law*; and fit to prescribe against the *Sovereign Authority* of the *King*, and the *Canonical Rights* of our *Archbishops*.

But has not Dr. *W.* himself allow'd the force of *Custom* in this Case? Has he not agree'd that *Custom* has prevail'd in this Particular; and that the Constitution of our Government founded thereupon do's give the *Convocation* a Right to be Summon'd whenever the *Parliament* is? This I own, Dr. *W.* did say; and in that He was certainly mistaken. The Occasion of his Error was, that He was led away with the *Common Opinion* that things had always been, as they were in the *last Age*; and He had not the Opportunity, when he wrote before, of discovering that Mistake, and so He drew a very false conclusion from it. If Dr. *A.* thinks Dr. *W*'s Authority of any weight, he will give me leave now to recommend it to Him upon better Grounds than he could heretofore have done it. He was then forced to Reason as well as he could, upon such Materials as he had at hand; which were but very few, and not sufficient for the Work he was about. He has now taken Care to be better Inform'd of these Matters, and therefore thinks himself better able to determine concerning Them. Sect. 34. [1] Authority, &c. pag. 105, 106.

As for that Maxim, which [2] Dr. *A.* also more than once appeals to Dr. *W.* for, that *Custom* of *Convocation is the Law of Convocation*; I do agree with him that it is: And, upon that very Principle, I do affirm, that the *Convocation* is obliged to Meet, Act, and Separate, in Subordination to the *Kings* and the *Archbishops Authority*. They have always Govern'd our *Convocations* in these Matters; and our *Convocations* have always (Time out of mind) submitted to either Authority. And therefore by *Custom* (the *Law* of *Convocation*) as well as by the *Constitution* of our *State* and *Church*, our *Convocations* are Obliged so to do. The Principle I take to be Sound in Reason, and Good in *Law*: Let Dr. *A.* but take care to make a right use of it; and we shall hardly differ about it. [2] Rights, &c. Pag. 68, 151, 265.

Whether I shall need, after having so fully given my Reasons why I think the pretence of *Custom* in this case to be of no moment, to take notice of those two Arguments, which Dr. *A.* has been pleased to Advance in my Name against my present Plea, I cannot tell. However that I may not seem either to slight his Kindness, or to decline his Charges, some short Reflections I shall make upon them.

He introduces them with this Preamble: "Dr. *W.* himself is forced in good "Measure, to agree to this; for he owns *That whilst the Clergy were wont to Assess* "*themselves, and their Sitting upon this account was necessary for the Support of the* "*Government; they were not only Summon'd to meet, but were wont actually to As-* "*semble, and Sit, so long as was requisite for them to do for this Purpose.* Now 'tis Rights, &c. 268.

"not

K. HENRY the VIIIth. "not forty Years ago since the *Clergy* were in the undisputed Possession of the Privilege of Assessing themselves: And till that time therefore, even by Dr. *W*'s "Confession, they had *Custom*, and consequently *Right*, of their side, even for "Assembling and Sitting, as well as being Summon'd. It is a dangerous thing to fall into the Hands of a Man of Art; who like a subtile Operator in *Logic*, has got the secret of forcing Reason, as well as Nature, and can Extract any Conclusion, out of any Premises. The Proposition taken from Dr. *W*'s Confession is this. "[1] That as long as the *Clergy* continued to assist the Government "by Granting of Subsidies, the *Convocation* was *Generally* allow'd to Sit, as often, and as long, as was *Necessary for that Purpose*. Now this, says Dr. *A.* they did till within these forty Years: The Conclusion which one would have thought should naturally have follow'd from these Premises is, I take it, this; That therefore till within these forty Years, the *Convocation* was wont not only to be Summon'd, but to Sit too, as often, and as long, as it was Necessary for it to do for that Purpose. But Dr. *A.* is a Man of a Higher Reach, than to be confined to the ordinary *Laws* of Argumentation: He will infer *General Conclusions*, out of Particular Premises; and force Dr. *W.* whether he will or no, to Confess that he is in the Right when He do's so. The *Convocation* was wont, says Dr. *W.* to Sit at such Times as the *King* wanted an *Aid* of them; and so long as it was needful in order to that End: Therefore, says this Philosopher, The *Convocation* was wont, even by Dr. *W*'s Confession, To Meet, and Sit, and Act, (and that Indefinitely without any Respect to any such End) with every *Parliament*: *They had Custom, and consequently Right, of their side, for Assembling and Sitting, as well as being Summon'd.*

[1] Authority, &c. pag. 249.

I would willingly, if I could, bring my Acknowledgment, and Dr. *A*'s Consequence, to a better Understanding. In order thereunto I will adventure, with his leave, to add an intermediate Proposition to make up the *Syllogism*, and warrant his Conclusion; and then it will stand thus: The *Convocation* whilst it continued to *Grant Aids* to the *King*, was wont not only to be Summon'd, but to Sit too, as often, and as long as it was requisite in order thereunto. But in Order thereunto it was Requisite that it should Meet with every *Parliament*, and Continue to Sit, as long as every *Parliament* Sate: And therefore by Dr. *W*'s own Confession it did not only Meet, but Sit too, whilst it continued to *Aid* the King. It continued thus to Aid the King *till within these forty Years:* And therefore till within these *Forty Years*, it not only *Assembled*, but Sate with *Every Parliament*, &c. during the Sessions of it *Quod erat demonstrandum.*

If Dr. *A.* approves of the Proposition which I have added, and without which it is impossible for him to warrant the Inference which he has drawn from my Concession; He will then please to prove these three things in *Confirmation* of it; without which we shall still be at a loss: 1*st*. That the *Convocation* Granted Subsidies every Session of *Parliament*; and therefore it was necessary that it should Meet and Sit with every Session of *Parliament*. 2*dly*. That in Order thereunto, it has, or ought to have Sate, as long as the *Parliament* continued: And, lastly, That, by thus Sitting by the Kings *Direction*, and at the *Archbishops Command*, for this particular End; it has introduced a *Legal Custom*, and by that has gain'd a *Legal Right*, of Sitting and Acting Generally, as the *Clergy* themselves shall think fit, during the Session of every *Parliament*; tho' the reason that introduced this *Custom* is ceased, and tho' neither the *King* directs, nor the *Archbishop* requires them to do so: Nay, which is yet more, whether they think fit, or not, to allow of it.

Sect. 35. Having thus far defended my self against the dangerous Attempt made by Dr. *A.* to turn my Own Principles upon me; and force me to Confess, his Assertion be true, which I know, and am perswaded, are evidently false; I shall now proceed to consider the two Arguments which He tells the World I advance to prove that the *Clergy* ought not to Enjoy their *Customary Right* of Meeting and Sitting with the *Parliament*. "[2] The One drawn from the true End and Design of Calling the *Clergy* to *Parliament*: The Other from the Alteration that "has happen'd in the *Original Constitution* of these *Meetings*. As to the first of "these, says Dr. *A.* He tells us, that the true *End* and *Design* of the *Clergy* "*Assembling* with the *Parliament*, was to Raise Money: And that End there"fore now ceasing, since they left off to Assess themselves, the Right grounded "upon it ought to cease too. As to the *Second*; that the *Convocation* when "use

[2] Rights, &c. 268, 269.

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" uſed to ſit with the *Parliament*, was a Member of *Parliament*, but not being " ſo now, there is no Reaſon why it ſhould ſit with it.

I have already ſpoken ſo largely to both theſe Points, that I ſhall need only to ſet my Opinion of them Right, and for the reſt ſhall refer my ſelf to what I have before ſaid with Relation to both. And therefore *1ſt*: That the main thing which moved our Kings firſt to Aſſemble the *Provincial Convocations* of our *Prelats* and *Clergy*, was to Obtain the ſame *Aid* of Them there, that they had of their *Lay Subjects* in *Parliament*, is a truth, which I think, is clear even to Demonſtration; I will venture to add which I have demonſtratively proved ſo to be.

As for their Aſſembling together with the *Parliament* from the time of King *Henry* the *Eighth*: I do now affirm the Ground of it to have been this, that the *Parliament* might confirm their Subſidies by their Authority; which till the paſſing of the *Act of Submiſſion* they never did; but left it to the *Clergy* who gave them, to Enforce the Payment of them by their own *Eccleſiaſtical Orders* and *Conſtitutions*. If Dr. *A.* do's not like this Doctrine coming from my Pen, let him take it from one of a much better Authority with him; and whoſe Principles were never yet doubted to run, to the utmoſt Heigth of a true *Churchman*. Mr. *Fuller* having laid down a Poſition in his *Church-Hiſtory*, that when the *Parliament* notified, and declared the *Eccleſiaſtical Power* to be in the *King*, which the *Pope* had formerly unjuſtly invaded; it was done with this Reſtriction, that the Perſons or Property of Refuſers, ſhould not be ſubjected to *Temporal Penalty* without the Conſent of *Parliament*. Dr. *Heylin*, after he had made his Anſwer to it; raiſes this Objection which, with his Reply to it, I muſt here take the Liberty in good Meaſure to tranſcribe.

" If it be Objected, as perhaps it may; That the *Subſidies* Granted by the *Clergy* in the *Convocation* are ratified, and confirmed by *Act* of *Parliament*, before they can be levied either on the *Granters* themſelves, or the reſt of the *Clergy*: I anſwer; that this makes nothing to our Authors Purpoſe, &c. For, before the Submiſſion of the *Clergy* to King *Henry* the viiith, they Granted Subſidies and other Aids unto the King in their *Convocations*; and levied them upon the Perſons concern'd therein by no other way than the uſual *Cenſures* of the *Church*. — As for the ratifying of their Bills by *Act* of *Parliament*, it came up firſt at ſuch times (after the Submiſſion before mentioned) as the *Kings* of *England* being in *Diſtruſt* of their *Clergies*, did not think fit to empower them by their *Letters Patents* for the making of any *Synodical Acts*, *Canons*, or *Conſtitutions* whatſoever; by which their Subſidies have been levied in former times; but put them off to be Confirmed and made Obligatory by *Act* of *Parliament*: Which being afterwards found to be the more expedite way, and not conſidered as *Derogatory* to the *Churches Rights*, was follow'd in ſucceeding times, without doubt or ſcruple. He is in the right. Before the *Act of Submiſſion*, when the *Clergy* were at Liberty to make any *Orders*, *Ordinances*, *Canons* and *Conſtitutions* without the *Kings Licenſe*, they did by ſuch their Ordinances Confirm their own Grants, and needed not the *Parliaments* Aſſiſtance to enforce the Payment of them. Till that Time therefore as all Seaſons were alike to the *Kings Purpoſe*; ſo we find that the *Convocations* were called at *any indifferently*; and not reſtrained either by *Law* or *Cuſtom* to the *Seſſions* of *Parliament*. But when this Power was limited by the Authority of that *Act*; So that without the *Kings Licenſe* to make ſuch *Conſtitutions*, they had no Power to enforce the Payment of their Own Subſidies; and our Kings being in *Diſtruſt of their Clergy*, did not think fit to Grant ſuch *Licenſes* to them: A new Way was ſet on foot to have them ratified by *Act of Parliament*; which from thenceforth obtaining, obliged the King to Aſſemble the *Convocation* together with the *Parliament*; and ſo brought up that *Cuſtom*, which has ever ſince prevailed; but was never before practiſed.

Fullers Appeal. part. II. pag. 66, 67.

This then is my humble Opinion in this Caſe, in which if I am miſtaken, yet, I am not the firſt who advanced it, ſo neither have I done it without good Reaſon. Our Princes changed the Method of Confirming the Grants of the *Clergy* from the time of King *Henry* the viiith; ſo that whereas before they were ratified by the *Eccleſiaſtical Power only*, they were from thenceforth enforced by *Act of Parliament*. This method begun by Them for Other Reaſons, they *found Experience* to be a more *Expedite way*, than that which had before been uſed.

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As therefore in Order to the doing of this, it was Neceſſary that the *Convocations* ſhould be held in time of *Parliament*, ſo did it from thenceforth become Cuſtomary for our *Kings* to Aſſemble them at the ſame Time with their *Parliaments*. And ſince Dr. *A.* will have this to be an Argument againſt himſelf, I do now add with him, that this *End Ceaſing*, the Great Motive which firſt brought on this Uſage is thereby taken off; ſo that now, our Princes are not only in point of Authority (for that they always were) at Liberty to Call their *Convocations* when they pleaſe; but may, in point of Expedience too, do it at any Other Time as well, nay and perhaps more conveniently (with Reſpect to the Other Province) than when their *Metropolitan* and his *Suffragans* are forced to be abſent from their *Clergy*, and out of the Province; and are taken up with their Attendance upon the Affairs of the Realm in *Parliament*.

To the Other Argument which Dr. *A.* is pleaſed, 2*dly*, to advance in my Name againſt the Right of *Cuſtom* in this Caſe; He will give me leave to ſay, that it is either very unskilfully, or very unfairly repreſented by Him. My Opinion is plainly this: That from the Time that the *Lower Clergy* were called by the *Premunitory Clauſe* to *Parliament*, they have been an *Eſſential Part* of the *Parliament* of *England*; and together with the Biſhops and Prelats have conſtituted One of the Three Eſtates of it. The only Change that, I conceive, Time has produced in this matter is, that the *Lower Clergy* have by degrees left off to Obey, and our *Biſhops* to execute the *Parliamentary Summons*, and our Kings have tacitly conſented to Both. As for the *Provincial Convocations*, I look upon Them to have been always quite different in their Nature from the Other Convention. They never were, any more than They now are, any part of the *Parliament*. The principal Members indeed of the One, the Biſhops, and the Lower Prelats were alſo, let me add, and (in Law) ſtill are, Members of the Other. They are Summon'd to Both; and the former ſtill continue to Sit, and Act in Both. But as the *Proctors* of the *Clergy* might always have been, and many times were different, ſo the Aſſemblies themſelves are, and always were utterly different too in their *Legal Nature* and *Conſtitution* from One Another: And therefore Dr. *A.* muſt excuſe me if I do not accept of his Favour; nor make uſe of an Argument founded upon a Change, which, without injury to the Rights of the *Clergy*, I cannot allow to have been ever made at all.

Sect. 36. Having thus far diſputed with Dr. *A.* the Matter of *Right* in this particular, and I perſuade my ſelf, ſufficiently ſhewn, that the *Cuſtom* which He would ſet up in Oppoſition both to the *Kings Prerogative*, and the *Metropolitans Authority*, has ſo many and ſuch great Defects, as render it utterly void of all force in Law. I proceed now,

Secondly: To Examine the Matter of *Fact*; and to Enquire, whether there has been any conſiderable Innovation in this particular under the Late Government: Any thing done either by the *King* or our *Archbiſhops*, which had not been commonly done by other *Princes*, and *Metropolitans*, heretofore.

When this Controverſy was firſt rais'd by the Letter to a *Convocation Man*, the great Complaint was laid againſt the *Late King*, whom that Author took the Liberty to accuſe of I know not what Hardſhips (to ſay no worſe) in his dealing with the Clergy as to this Matter. The Queſtion which he propos'd was this: "[1] What *Law* there is that commands or permits their *Aſſembling*, *Conferring*, or *Reſolving* as a *Convocation*, but the Abſolute free Pleaſure of the *Prince?* At his very firſt ſetting forth upon which he tacitly intimated that the King had hinder'd the *Clergy* from meeting in *Convocation*, as by *Law* they ought to have done. [2] "Before I give a direct Anſwer (ſays He) to this Queſtion, I ſhall take leave to ſay, that ſhould it be admitted, that the Aſſemblies of *Convocations* is entirely dependant on the *Sovereigns Will*, yet conſidering the great Need there at preſent is of One; We cannot doubt of the Kings gracious and ready *Concurrence* to this purpoſe, upon the leaſt motion of Grace, my Lord *Archbiſhop*. But this next ſtep was more bold: [3] Had there no hold on his Majeſties *Kindneſs* and *Affection* towards the *Religion Eſtabliſh'd by Law*, yet ſhould we not ſuſpect his Compliance on the Score of ſtrict Juſtice: His *Coronation Oath* Obliges Him to preſerve the Rights of the Church of *England* intire; and we humbly preſume that One of the chief of them Rights is a *Frequent Sitting* of *Convocations*. In theſe kind of Preparatory Reflections he go's on for ſome Pages (all with relation to the King) and then Con-

[1] Letter to a Conv. Man. p. 21.

[2] Ibid.

[3] Pag 22.

cludes in these Words: "[1] Were the Calling therefore of *Convocations* lodg'd "purely in the Breast of the Sovereign, yet could we have no manner of Jea- "lousie of his *Princely Readiness* to *Call Them.*

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[1] Ibid. pag. 27.

But this was only a Preliminary Flourish to prepare us for his main Proofs; which like the foregoing Reflections are all Levell'd against His Majesty, as if He only were concern'd in this matter, and had alone been the great *Opposer* of the *Assembling* of our *Convocations.* I will take up a few of his Passages in Confirmation of this, as they Occur in the Process of his Argument. P. 30. "It is ap- "parent by our Constitution, that the *King* is entrusted with the Power of "*Convening Synods* and *Convocations* in respect of the *Church*, as He is with *Sum-* "*moning Parliaments* for the Redress of Grievances, and the *Public Safety* of the "*Nation*; in the same manner, and under the same Limitations. 'Tis true a "*Convocation* cannot Assemble without the *Assent* of the *King.* But the Question "is, Whether that Writ ought not to Issue whensoever a Summons goes out "for a *Parliament?* And in another Place to the same Effect, but only more peremptorily, He thus writes: p. 33, 34. "That tho' the *King* (for 'tis at "Him still that he aims) be entrusted with the *Formal Part* of *Summoning* and "*Convening*, yet since by the very *Essence* and *Constitution* of our *Church* a *Convo-* "*cation* ought to *Meet*, *Sit*, and *Act* — the Fundamentals of our Government "shew *Him* when, and how, that Power is to be Exercis'd; and that it ought "not to be at *His free Will* and *Pleasure.* In short; p. 36. Having argued from the Jurisdiction of the *Convocation* that it ought to Sit; He thus concludes a- gain, with Relation to the *King*: "Now no Man will say that this *Act of Juris-* "*diction* was Precarious, and at the *Kings absolute Will* and *Pleasure*, whether it "should be Exercis'd or not. From all which it is plain, that this *Question* at first was both Propos'd, and Resolv'd, with a direct Relation to the *Kings Au- thority*, and with a manifest Reflection upon a suppos'd Abuse which had been made of it. It is true that in *three Lines* in the Close of all, He would seem to palliate a little what he had before too Openly advanc'd; and lay the Blame up- on the Conduct of the *late Archbishop* of *Canterbury*: [2] "You may make, says He, "what Inferences you please from hence, as to the Disuse of *Convocations* under "the *Late Archbishop*; We are sure his most *Sacred Majesty* did never oppose "their Sitting and Acting. But still which soever were in fault, the *King*, or the *Archbishop*; whether the former ever *Oppos'd the Sitting and Acting of the Con- vocation* or Not, the very stating and arguing of the *Point* suppos'd that the King did not use his *Authority* in this Case as he ought to have done; tho' the *Archbishop* should be allow'd to have been the Evil Counsellor, in advising him against it; Or at least in not stirring him up so effectually as he should have done, to a due Exercise of that *Power* which our *Constitution had intrusted him withal* in this particular.

[2] Letter to a Conv. Man. pag. 63.

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And now, would not any one think that something had been done by our *Late Sovereign* in this particular, very different from what his Royal Predeces- sors had ever attempted? That either our *Convocations* had never been Sum- mon'd by Him at all: Or that those Summons had been render'd void and inef- fectual, by his *Proroguing* of Them as soon as ever they were Met? This, I think, is the least that any one could infer either from his Arguments, or his Reflecti- ons. And of this Imputation Dr. *A.* has been so far from clearing his Royal Master, that he has (occasionally) added a new Weight to it. Here there- fore, before I proceed to any farther Observations, it will be necessary for me in the first place, to vindicate the *Honour* of our *Late Glorious King*; by affirming now, what I shall presently make a particular Proof of, That never were our *Convocations* more *regularly Assembled* than under his Government: Never were they left more Free to Meet, if they had so pleas'd, without all Interruption from the Crown, than after his Happy Accession to the Throne.

Be the Innovation then, against which such Outcries have been made, what it will; I dare be bold to say, that Prince, tho' so highly charg'd, was altoge- ther Innocent of any. He constantly Summon'd the *Convocations* with every *Parliament*: He permitted his Writs to take place during the whole Session of every *Parliament*: And never once interpos'd His *Royal Authority* to *Prorogue* or *Dissolve* them, till some time after every *Parliament* had been *Prorogued* or *Dis- solv'd.* This therefore will abundantly argue either the unpardonable Malice, or Ignorance of that first Writer, in all his Procedure; and for this I Appeal to

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the Particular *Parliaments* and *Convocations* of the *late Reign*, to the time that this unhappy Controverſy began.

Anno 1689. The *Parliament* met by Prorogation *October* the 19*th*: It continued to the 27*th* of *January*; and was then *Prorogued* to the 2*d* of *April* following. But before that it was *Diſſolv'd*; *February* the 6*th*.

The *Convocation of Canterbury* met *November* the 6*th*: It continued to the 27*th* of *January*, and was then prorogued to *February* the 26*th*. But by the Kings *Writ* was diſſolv'd *February* the 13*th*, a Week after the *Parliament*.

Anno 1690. A New *Parliament* began *March the* 20*th*. 1689. and ſate till the 23*d* of *May* 1690.

The *Convocation* of the *Province* of *Canterbury* Aſſembled *March* the 27*th*: Was continued by the Preſident to the 30*th* of *April* firſt, and then to the 17*th* of *October* following.

The ſame Year, the *Parliament* reſum'd its *Seſſion*, *October* the 2*d*: The *Convocation* its Meeting, *October* the 17*th*. The One ſate till the 5*th* of *January*; the Other continued without any *Prorogation* from the King till the 5*th* of *June* after.

Anno 1691. The *Parliament* Re-Aſſembled, *October* the 22*d*. and ſate on till the 24*th* of *February* following.

The *Convocation* of the *Province* of *Canterbury* met the ſame day with it; and was not prorogued by the King till the 12*th* of *April*; that is, till ſix Weeks after the *Parliament* was Riſen.

Anno 1692. The *Parliament* ſate again *November* the 4*th*, ſo did the *Convocation* of this *Province* too; on the ſame day, and by the ſame Authority. The *Parliament* continued to the 14*th* of *March*; but the *Convocation* was left to its Liberty by the King till the 2*d* of *May*, ſix Weeks again after the Other was Riſen.

Anno 1693. The *Parliament* Aſſembled *November* the 7*th*, and ſate till the 25*th* of *April* after. The *Convocation* of *Canterbury* met the ſame day; and was not prorogued, by vertue of the *Royal Writ*, till the 28*th* of *April*, 3 days after the *Parliament* had been *Prorogu'd*.

Anno 1694. The *Parliament* ſate again *November* the 12*th*, and Continued till the 3*d* of *May* the next Year. The *Convocation* of this *Province* met the ſame day; and continued without any Interruption from the King till the 7*th* of *May* following.

Anno 1695. The *Parliament which* had hitherto ſate being *Diſſolv'd*, a New one began *November* the 25*th*, and continued till the 27*th* of *April* following. The *Convocation* of *Canterbury* met a few days before it, *November* the 22*d*. and was not prorogued by the *Kings Authority* till the 12*th* of *May*; a fortnight after the *Parliament* had been *Prorogued*.

Anno 1696. The ſame *Parliament* Met again *October* the 20*th*: The *Convocation* of our *Province* the ſame day. The *Parliament* ſate till the 16*th* of *April*; the *Convocation* continued till the 13*th* of *May*, before the King interpoſed for the Prorogation of it.

Anno 1697. The *Parliament* began its *laſt Seſſion*, *December* the 3*d*: and continued it to the 5*th* of *July* the next Year. The *Convocation* of *Canterbury* met again with it; but it continued longer, to the 12*th* of *July*, before it was diſſolv'd by vertue of the Kings *Writ*.

Shall I go yet farther? Let me then add; that the next Year, Anno 1698. a *New Parliament began*; and with it the *Convocation* of this *Province*, *December* the 6*th*. The One ſate but till the 4*th* of *May*; but the Other was left free by the King till the firſt of *June*; four Weeks after the *Parliament* had been *Prorogued*.

Anno 1699. The ſame *Parliament* met again *November* the 16*th*, and ſate till the 11*th* of *April* following. The ſame *Convocation* was Aſſembled the ſame day with it; and continued till two days after it, *April* the 13*th*, before it was prorogued by the *Royal Authority*.

Such was the Conduct of that Great Prince with reſpect to theſe Aſſemblies: Let the moſt prejudic'd Perſon ſay, if He can, what any Other Prince ever did more to Authorize their *Meeting?* Or what he would have had his *Late Majeſty* to have done more, to have prevented thoſe Imputations which that *Anonymous Writer* has, in the *Propoſal*, *State*, and *Proſecution* of the preſent *Controverſie*, with equal Rudeneſs and Injuſtice, caſt upon his Government?

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But if there has therefore been no Innovation on the *Kings Part* nothing done or omitted by him, that was ever wont to be done by any of his Predeceſſors; where has been the Oppreſſion? Or what is it that ſome Men have ſo loudly complain'd of? Is it that the Convocations have not been ſuffer'd Actually to Meet and Sit, and *Do Buſineſs* during the Seſſion of every *Parliament*; but have been prorogued by their Preſidents from time to time without Entring upon any? So the *Letter* to a *Convocation Man* intimated: For that is the Grievance of which He Complain'd, tho' He falſely laid the Cauſe of it at the *Kings* door: Let us hear how he made his Friend put the Queſtion to him; p. 1. What Law "is there that Commands, or Permits the *Convocations Sitting* and *Acting*, but "the *Abſolute* and *Free Pleaſure* of the *Prince?* What the Friend here propos'd in the Terms of *Sitting* and *Acting*, the Author Explain'd by the other Words before mentioned. p. 21. of *Aſſembling*, *Conferring*, and *Reſolving as a Convocation.* This He elſewhere calls the *Sitting of the Convocation*; p. 26. And tells us that by the Fundamentals of our Government it ought, in *Parliament* time (for that He means pag. 34) to *Meet*, *Sit*, and *Act*. In the next page he is more expreſs; He ſpeaks of the *Convocation* as an Aſſembly "which was fre-"quently and of neceſſity to *Meet*, and *Sit* too, and *Act*: And from ſome other "Allegations He infers, p. 40, That the *Clergy* were to *Sit* and *Act* in *Parlia-"ment Time.* This therefore was evidently the Thing which that Author contended for; and that they were *Prorogued* by their *Preſidents*, and not allow'd thus to Meet, Sit, and Act, was the Grievance complain'd of; and repreſented as the peculiar Innovation, and Oppreſſion of the preſent Government.

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In Oppoſition to this *Pretence*, I urged among other things even their own great Argument of *Cuſtom* againſt Them. I agreed (but in that I was too forward) that the Clergy had indeed, a continued, immemorial *Cuſtom*, for being Summon'd to *Convocation* in Time of *Parliament*; but I denied that they had any ſuch *Cuſtom* for their conſtant Sitting and Acting: [1] And affirm'd, that excepting in Order to their Granting of their Subſidies, for which they were always Allow'd *actually to Aſſemble and Sit*, they had been Ordinarily Prorogued, without ever Entring upon, or Doing of, any Other Buſineſs. My Words in one Place (and they contain the Subſtance of all the reſt) were theſe. [2] "To "ſettle this firſt Point, the Sum of it is this. That the *Church* has a Right to "have its *Convocations Call'd*, as often as the *Parliament is Aſſembled*, I agree. "That the *Convocations* thus Call'd have a Right to *Sit* and *Act* whenever the "Circumſtances of the *Church require it ſo to do*; I allow alſo. But that the "*Convocation* ought of Right not only to be Summon'd, but to *Meet and Do* "*Buſineſs as often as the Parliament Sits*, whether there be any *Need* for *ſuch* its "*Meeting* or No; This I utterly deny: And I am perſwaded it would be a "*Burden* to the *Clergy* rather than a *Priviledge*, to oblige them to ſuch an Attendance. And for this Sitting, p. 141. I deny them to have had any *Cuſtom*, in theſe Words, which clearly determine what kind of Meeting and Sitting was meant by me. "If by *Sitting* be meant (as in the preſent Queſtion I ſuppoſe it "is) their *Meeting to Do Buſineſs*, and being allow'd to come together for *that* "*Purpoſe*, then I reply, that for *ſuch* their *Sitting* I know no Law beſides the "*Abſolute* and *Free Power* of the *Prince*. I ſhould have added, and the *Authority* of the *Metropolitan*, Acting in Subordination thereunto. "*Cuſtom*, we are "ſure, is as much againſt This, as it has been for the Other: And any Sta-"tute, or Poſitive Law for it, has not, that I know of, been pretended to. In-"deed, whilſt the *Clergy* were wont to Aſſeſs themſelves; and their Sitting up-"on that Account was Neceſſary to the Support of the Government; They "were not only Summon'd to Meet, but were wont *actually to Aſſemble* and *Sit*, "ſo long as it was requiſite for Them to do for this Purpoſe. But that being "done, they were for the moſt part forthwith Adjourn'd; and *Met* no more "(that is to *Do Buſineſs*) till the King had ſome *New Occaſion* for their Aſ-"ſiſtance.

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[1] Authority, &c p. 140, 141.

[2] Ibid. p. 268.

Now this being the State of the Queſtion on Both Sides, 'tis Evident that to have confuted my *Aſſertion*; and to have Eſtabliſh'd that of the Other Author, Dr. *A.* ſhould have prov'd, that the *Clergy* had a *Right*, and that by *Cuſtom* as well as by the *Laws* of our *Conſtitution*, to *Meet*, *Sit*, *Act*, and *Do Buſineſs*; Every time that the *Parliament* is Aſſembled. And accordingly it is to be Obſerv'd that his main Principle do's come up to this kind of Meeting; Where

Sect. 40.

K. HENRY *the* VIIIth. determining the *Convocation* to be a part of the *Parliament*; a *State* of the *Realm*, which is by the *Laws* of our *Conſtitution* to Meet with it, and Attend upon it; and laſtly, by declaring that the Lords and Commons have a Right to be thus Attended by the *Clergy* in *Convocation*; He do's ſufficiently imply, that the *Convocation* ought not only to be Summon'd, but to Sit and Aſſemble as long as the *Parliament* do's; and ſo, in his own Words, make a Seſſion of *Convocation*, as well as of *Parliament*.

This therefore is the thing, which ſhould here have been put upon the Iſſue: Whether, *in Fact*, ever ſince the 25*th* of King *Henry* the viiith the *Two Convocations* have not only been Summon'd by our Princes with every *Parliament* (for that is, in great Meaſure, allow'd) but have in purſuance of ſuch their Summons, Conſtantly Aſſembled, Sate, and Done Buſineſs every time the *Parliament* has Met? Or, whether our *Metropolitans* have not from time to time, as they have ſeen Occaſion, eas'd their *Clergy* of ſuch an *Actual Attendance*; and prorogu'd them from Seſſion to Seſſion; ſometimes without entring upon *any Buſinrſs at all*; at other times without debating or reſolving upon any thing beſides their Subſidies, for which they were Call'd by our *Kings*; and for which therefore they were neceſſarily to be, not ſo much Permitted, as Required, to Meet and Act by their *Metropolitans?* This, I ſay, was plainly the Queſtion which ought to have been put upon the Iſſue between Us. But this Dr. *A.* knew very well, would not ſerve his turn. He ſaw that upon the true State of the Matter it would appear, that there had been nothing of any moment done in our Days, for which Precedents would not be found in thoſe of our Fore-Fathers. He perceived that there was nothing more Evident in our Hiſtory, than that our *Archbiſhops* had always enjoy'd and exercis'd, the *Power* of *Proroguing* their *Convocations* at their *own Will*. That in doing of this they had been accountable to None but their *Princes*, by Authority of whoſe Writs they Aſſembled them. In ſhort, That they had often times done this, for whole Seſſions together; when there was nothing to be done by the *Clergy*; Or nothing, which they thought it proper for them to do.

Let me for this Appeal to Dr. *A*'s own Confeſſions in this Caſe. He diſtinguiſhes their Meeting and Sitting, from their Acting: And then tells Us that the firſt is Occaſional, tho' the Others be not. "For they may poſſibly when
Rights, &c. pag. 216. "Met (ſays He) have no Buſineſs to do; *and then as they met a Courſe, ſo they*
"*Adjourn, or are Adjourn'd, a Courſe.* So He ſpeaks; But He ſhould have ſaid as they Met in Obedience to the Summons of their *Metropolitan*, ſo by his Authority they were *Prorogued* (if he pleaſes let him add) *a-Courſe* to ſome *Other Day*. And again not long after; having mention'd the Opening of the *Convocation*, after the uſual manner of this *Province*, He add's; "There are Inſtances
Ibid. pag. 264. "indeed, wherein *They have gone no further than this, nor done any Other Buſineſs*." But where then is the great Difference between Dr. *A.* and Me in this particular? Or what have I aſſerted, that Dr. *A.* himſelf do's not allow to be true? I confeſs'd heretofore (whatever I now do) that the *Convocation* had a Right to be Summon'd with every *Parliament*; to Meet and do Buſineſs whenever there was any Buſineſs to be done in ſuch Aſſemblies: All I denied was that they had either *Right* or *Cuſtom* Actually to Meet and Sit every *Parliament* when there was nothing for them to do; or that it was any Innovation, for their *Metropolitan*, in ſuch Caſes, to *prorogue* them from time to time, during the Seſſion of *Parliament*. Dr. *A.* agrees that there are Inſtances (ſeveral in *this Province*; but Many in the Other) wherein they have *Done nothing* but *Meet* according to their Summons; and having paſs'd the firſt *Preliminaries*, have *Gone no further, nor done any other Buſineſs*; but as *they met a-Courſe*, ſo have they *Adjourn'd a-Courſe*.

Sect. 41. Why yes, there is ſtill a Difference betwixt us, and it conſiſts in this: That heretofore the *Convocation* was wont not only to Meet at the Time appointed
Rights, &c. p. 116, 216 (264) &c. but to be Open'd in Form by the *Archbiſhop*; *Divine Service has been ſaid*; *a Sermon preach'd*, and a *Prolocutor choſen*. And this Dr. *A* thinks to have been the Great Omiſſion of the preſent Times: "For tho' it has been uſual to Adjourn
"*Convocations* a few Days after they have Met and Sate, when there was little
"or no Buſineſs to do; yet it was never till this time known that a *Convocation*
"was Adjourn'd before it Sate, that is indeed, before it was a *Convocation*.

I

I do confeſs what Dr. *A.* alledges is in good Meaſure true, with reſpect to the Uſage of our *Convocation*; which ſince the Time of King *Henry* the *Eighth* has been wont not only to be Summon'd and Meet (as it has done within theſe three *laſt Reigns*) but to be *Open'd in Form*; and to chooſe a *Prolocutor*; and I will tell him the Reaſon how it came to be ſo. Till theſe three laſt Reigns ſcarce *One Convocation* was ever Aſſembled, in ſome Seſſion or other, of which our *Princes* either had not a Subſidy granted to Them; Or did not Call them with a Proſpect of Obtaining an *Aid* from them. Now in Order to this End, it was neceſſary that the *Convocation* ſhould be put into a Poſture of doing Buſineſs; and for that reaſon there is no Inſtance that I know of, before the time of King *Charles* the *Second*, in which this was not done. But no ſooner did the *Clergy* leave off to do this, but they from thenceforth left off theſe Forms too, as matters of little moment; ſo that from the End of that *Convocation* which gave up this Right, we hear no more of any *Prolocutor*, till the the Reign of King *James* the *ſecond*: When the *Archbiſhop* thinking, I ſuppoſe, it might be neceſſary to have the *Clergy* in a Readineſs to joyn in any Acts that might be requiſite to be done by them in thoſe difficult times; Order'd them to *Chooſe One*; but yet after that never gave them the Opportunity of *Preſenting*; if, of Electing, of Him. As for Thoſe of the *Other Province*, they have all along held to the *Old Method*, which firſt obtain'd in Both; and have not troubled themſelves with theſe *Preliminaries* but very rarely, and upon ſome very *Solemn*, and extraordinary Occaſions. K. HENRY *the* VIIIth.

But is this All then that Dr. *A.* inſiſts upon? Will it content Him to have theſe *Preliminaries obſerv'd*; and will he afterwards leave it to the *Archbiſhop* to *Prorogue his Convocation* as he ſhall think fitting? No; that would not Anſwer his End, for which alone, if I judge aright, the Omiſſion of theſe Preliminaries has been ſo much complain'd of by ſome of late. For alas! what Advantage would this be to the *Lower Clergy?* To be bound to Aſſemble, Many of them from a very great Diſtance, to their no ſmall Coſt, as well as Trouble, at *London* and *York*, only to hear a Sermon, and chooſe a *Prolocutor*, and then be told there is no farther Occaſion for them? This would be a very weariſome and expenſive *Priviledge* to a Great Part of each *Province*; and ſuch as the *Clergy* would, I believe, give Dr. *A.* but ſmall thanks for Retrieving could he gain his Point in it. But the Secret is plainly this: That being thus form'd into a Body (as he ſpeaks) and having fill'd the Chair of the *Lower Houſe*; they from thenceforth become deliver'd, in good Meaſure, from the Power of their *Metropolitan*; and may move what they will; and not be prorogu'd but by their *Own Conſent*. Let us hear how he delivers his Own Senſe in this Caſe. "'Tis true (ſays he, ſpeaking of the *Convocation*) their Acting is Occaſional, tho' their Meeting and Sitting be not: For they may poſſibly when Met have no Buſineſs to do; and then as they met a-Courſe, ſo they *Adjourn*, or are *Adjourn'd*, a-Courſe. But the Chance of their *Acting* or *Not Acting*, ought not any ways to hinder their *Meeting* and *Sitting*; both becauſe it cannot certainly be known till they are Met, whether there be any Buſineſs for 'em or no; and ſhould there not be any, yet they preſerve a Right to Do Buſineſs when there ſhall be Occaſion for it, by thus Aſſembling when there is None." Sect. 42. Rights, &c. pag. 216.

But p. 115. He is more Open; where having ſhewn how much the *Clergy* may do when Met in *Convocation* without the Kings *Licenſe*, He thus Applies it to the Purpoſe of which we are now ſpeaking: "Whether ſuch Applications are Neceſſary, ſhould, I ſuppoſe, be left to the *Convocation* its ſelf to determine; tho' Others (He means our *Archbiſhops*) may afterwards either ſecond or reject theſe Applications, who may in theſe Caſes have the Power of Judging, but not of Prejudging the Actions of a *Lawful Aſſembly*. Much leſs have They the Power of Pre-condemning the very Being of ſuch an Aſſembly; becauſe They foreſee not what *may* be *done* in it. — The Innovation made in theſe Matters has begun within theſe Ten Years laſt paſt. For tho' it has been uſual to *Adjourn Convocations a few days after* they had Met and Sate, when there was little or no Buſineſs to Do; yet it was never till this time known, that a *Convocation* was Adjourn'd before it ſate, that is indeed *before it was a Convocation*." Ibid. pag. 115.

This therefore as it is the great thing which Dr. *A.* at laſt contends for, ſo is Sect. 43.

is it that for which He ſets ſuch a Value upon the Buſineſs of Opening the *Convocation* in *Form, and filling the Chair of the Lower Houſe.* "*There are Inſtances in-*
Rights, &c. p. 264, 265. "*deed,* (he ſays) *when they have Gone no farther than this,* and *Done no other Bu-*
"*ſineſs*; but it was when they had no other Buſineſs to do: For they were al-
"ways put into a Poſture of doing it, and into a Capacity of making ſuch Mo-
"tions, and Requeſts, as They ſhould judge proper for the Good of the *Church,*
"or the Redreſs of Grievances. In all which if I take his meaning aright, the Points which he inſiſts upon are theſe; That the *Clergy* being Call'd to *Convocation* by the *Archbiſhops Mandate*, in purſuance of the *Kings Writ*, have a Right not only to meet thereupon, but to be put into a Poſture of Doing Buſineſs; To Sit ſo long as is requiſite in order thereunto; To make whatſoever Motions or Applications they pleaſe in *Church-matters:* In ſhort, To perform any ſuch *Lawful Acts*, as ſuch an *Aſſembly* may perform; and that without any *Power* in the *Archbiſhop* to Prorogue them, till they have done this; or at leaſt have ſufficiently ſhewn, or ſignifyed to him, that they have Nothing to Do.

Will Dr. *A.* put the Iſſue of this Caſe, thus *New-ſtated* by Him, upon the Authority of *Cuſtom*, and the *Practiſe* of former *Archbiſhops* with their *Convocations* in Relation to theſe Matters? I have ſome reaſon to believe that He will not, becauſe indeed, He has in one Place at leaſt laid in for a Reſerve againſt it; and, which makes it ſtill the more remarkable, even there where He inſiſts upon *Cuſtom* for their Right to thus much. Let us take it again in his own
Rights, &c p. 267, 268. Words. "If *Cuſtom* therefore Creates a Right, we are ſure that the *Clergy*
"have a Right to ſomewhat more than a bare Summons: They have a Right
"*Actually* to Aſſemble; to be form'd into a Body; to fill the *Chair* of the *Low-*
"*er Houſe*; and *if* they *have* any *Petitions* or *Motions* to *make* in Church-Mat-
"ters, they have a Right to Sit ſo long as till they have made Them: For thus *they have always been accuſtom'd to Do.* Had Dr. *A.* ſtop'd there, the State of the Caſe had been Clear, and Certain: And our only Buſineſs would have been to Enquire, Whether, in Fact, Our *Archbiſhops* had never been wont to *Prorogue* their *Convocations*, till they had made all their Motions and Petitions; or at leaſt had ſate ſo long that they might have made them, if they had pleas'd. But what Dr. *A.* adds, not only perplexes the Matter, but in my Apprehenſion utterly overthrows, at leaſt, all the *Pretence* of *Cuſtom* before Aſſerted in this Caſe; "And *when they were Adjourn'd without it*, (which therefore He ſuppoſes
"they ſometimes were) it was upon a *Preſumption*, that they had nothing of
"this Kind to Offer; and were Themſelves conſenting to ſuch Adjournments.

I would willingly take this myſtical Author aright if I could. If his meaning be that the *Clergy* in theſe Caſes were actually Themſelves Conſenting to their Own Adjournments (as He calls them) and did by ſome means ſignify ſuch their Conſent to the Preſident, He might then indeed juſtly preſume, or rather did certainly know, that they had nothing to Offer; no Motions or Petitions to make in *Church Matters.* But if his Intention were, that when the *Preſidents* at any time prorogued their *Convocations*, without letting them Sit ſo long as to make theſe Motions, or to Do the Buſineſs which properly belong'd to them to Do, they are to be look'd upon to have preſum'd, by ſuch their Procedure that the *Clergy* had nothing to offer, but were willing to be Diſmiſs'd; and ſo the Conſent of the One is to be inferr'd from the Actions of the Other; this is ſuch a Limitation, as I doubt will utterly overthrow all his former Aſſertions. For according to this account the reſult of the Caſe will ſtand thus: That the Clergy being Summon'd to Convocation, have a Right to Sit, and make Motions, and do Buſineſs, unleſs the *Archbiſhop* ſhall think fit to Prorogue them. In which Caſe, we are to ſuppoſe that the *Archbiſhop* did preſume they had nothing to Do, and therefore never troubled them to come together at all.

How far Dr. *A.* will allow of ſuch a confus'd Hypotheſis, in which one part can hardly be reconcil'd with the other, I muſt leave it to himſelf to conſider. It ſhall ſuffice me to obſerve, that here again the Force of Truth preſs'd upon him; and oblig'd him to a Conceſſion, which his Argument would by no means allow of. He ſaw that our *Archbiſhops* had, in Fact, oftentimes prorogued their *Convocations*, either upon their Own Judgment, or by the Advice of ſuch of their *Suffragans* whom they thought fit to conſult withal, without asking any leave of their *Clergy*, or troubling themſelves to enquire whether they had any

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Buſineſs to do; any Motions to make, or any Petitions to offer in *Church Matters*. He was ſenſible therefore that *Cuſtom* would be ſo far from ſupporting his Pretenſions of a Right in the *Lower Houſe*, to do all this, whether their *Metropolitan* would or No, that it would directly eſtabliſh the Authority of the One, to Prorogue the Other at his Pleaſure. What now was to be done? Why a Salvo muſt be invented to patch up this unlucky Procedure: And whenever any thing of this kind was done (as in one Province it was more often done, a great deal, than any buſineſs beſides that of *Subſidies* was treated of) we are to preſume that it was done with the *Clergy's Conſent*, becauſe they had nothing to do. Which being ſo, I ſhall leave it to any indifferent Perſon to conſider whether this be not plainly to beg the Queſtion; and to ſet up a tacit preſumption againſt the plain Evidence of *Fact*, in a Caſe where *Cuſtom* is alledg'd to prove a Right; and, I think, that *matter of fact* ſhould be brought to Eſtabliſh a *Cuſtom*. K. HENRY *the* VIIIth.

Sect 44. To lay aſide therefore Preſumptions in a Caſe which will not admit of any; The plain Queſtion to be reſolved in this matter is this: Whether ever ſince the time of King *Henry* the 8*th*, in has been the conſtant Cuſtom for the *Clergy* call'd *to Convocation*, to *Sit*, *Act*, and do *Buſineſs* every Parliament, ſo long as they had any *Motions* to *make*, or any *Petitions* to *offer*, or any *Church-matters* to *Debate* upon? So that during all that time the *Archbiſhop* or *Preſident* of the *Convocation*, had neither any Right to *Prorogue* them; nor did in Fact ever do it, till they had either finiſh'd all ſuch *buſineſs* as they had to *Do*; Or had ſignified to him that they had no *Buſineſs* to do, and were therefore content to be *Prorogued* by him? Or whether our Archbiſhopshave not all along, not only claim'd a *Right* to *Prorogue* their *Convocations* at their own Diſcretion, but exercis'd ſuch a Right too; not without ever conſulting their *Clergy* in that Particular, yet at leaſt without ever Depending upon their Conſent, or requiring their Leave and Pleaſure ſo to do? And I do once more affirm, in Oppoſition to Dr. *A*'s Pretences; that during all this Period, They have from time to time prorogued theſe Aſſemblies; very often for whole *Seſſions of Parliament* together; without ever offering them to enter upon any Buſineſs, unleſs where the King has demanded a *Supply* of them: In which Caſe, I do again confeſs, they were Oblig'd to him, tho' not to their Clergy, to Command them to Sit and to Enter upon the Conſideration of what was required of them, and to come to a *Synodical Reſolution* upon it.

Sect. 45. But there is another Point in which Dr. *A.* has alſo advanc'd the Authority of *Cuſtom* againſt me; in Claim of another Right of the *Clergy*, and that I think little to the Honour, or Benefit of the *Church*, as the Doctrine of *Attendance*; and as void of proof too. It is this; that the King has no Power to Authorize Our *Archbiſhops* either to Summon or Continue their *Convocations*, but only in Time of *Parliament*. That the Judges in 1640. who deliver'd their Opinion to the Contrary, purpoſely Equivocated in the Caſe, to pleaſe the King, and delude the *Clergy*. That the Continuance of that *Convocation* was Illegal; and the *Canons* which they paſs'd juſtly to be Condemn'd, upon this Account, that they were Agreed to, and Enacted out of *Parliament* time. And this Opinion alſo (ſays He) that *Parliament* was of which Voted the *Canons* of 1640. Illegal, becauſe they were made in an Aſſembly, which tho' it met by the *Parliament Writ*, yet Sate and Acted, after the *Parliament* was determin'd. He ſuppoſes that the *Parliament* of 1660 was of the ſame Opinion: And then add's theſe remarkable Words; "However that may be, ſure we are that the *Convocations* of the *Clergy* have (as has been ſaid already) for above 150 Years been uſed to *Meet* and *Riſe within a Day of the Parliament*. And if *Cuſtom* therefore be the Law of *Convocations* (and we have Dr. *W*'s Word for it that it is) then is it Law that the *Convocation* ſhould *Meet ONLY, and ALWAYS, in Time of Parliament*. Rights, &c. p. 67. Ibid. pag. 68.

I do not at all wonder at Dr. *A*'s Endeavours to Advance ſuch a Notion. It was neceſſary for One who reſolv'd to make the *Convocation* a *Parliamentary Aſſembly*, to repreſent it as an Aſſembly that had the utmoſt Dependance upon the *Parliament*. But what Intereſt the *Clergy* ſhould have in ſuch a Notion I am yet to learn; the Freedom of whoſe Meetings at all proper and reaſonable Times, whenever the Exigences of the *Church* or *Religion* ſhall call for them; would I conceive be much more a Priviledge and Ad-

K. HENRY *the* VIII*th.*

Advantage, than to be oblig'd at ſome certain times to Aſſemble, tho' to no manner of Purpoſe; and to be hindred from Meeting at others, tho' there ſhould be never ſo much Occaſion for it. However I am content that this alſo be put upon the ſame Iſſue of *Cuſtom*, ever ſince the only time there has been any Ground for it, I mean the 25*th* of King *Henry* the 8*th*. For that before this there was no Dependance of One of theſe Aſſemblies upon the Other, has been already ſufficiently ſhewn, and will not need any further proof.

Theſe then are the two great Points, upon which we are to Enquire how the *Cuſtom* of the laſt Age and Half has ſtood: And I ſhall enter upon it with all the Freedom of a Perſon utterly unconcern'd in the event of ſuch an Enquiry. For let the Matter of Fact have been how it will for this laſt Period, I have before ſhewn that it will not prejudice either the King or the Archbiſhops Rights; nor Eſtabliſh ſuch a *Cuſtom* as ſhall ſuffice, in the Conſtruction of our Law, to overthrow the Juſt Power and Authority of either.

King HENRY *the* VIII*th.*

Sect. 46. 1529.

When the *Parliament* began *November* the 3*d*, 1529, the State of our Affairs, as far as the preſent Hiſtory is concern'd in it, was this. The Buſineſs of the *Divorce* between the *King* and *Queen Catharine*, was in the third Year of its Proſecution. Many delays had been made in it by the *Pope* abroad; and *Cardinal Woolſey*, who had appear'd ſo forward at firſt in the promoting of it, began now no leſs to Cool in it at Home. By his Conduct in this Affair He had equally diſoblig'd, both the *King*, the *Queen*, and *Anne Bolen*, who was by this time grown High in the Kings Affections; and by the Intereſt of the two Latter joyn'd with the general Diſguſt, which had been taken at his Adminiſtration by the Nobility and People, his fall was finally reſolv'd upon by the Former. In order hereunto an [1]Indictment was preferr'd againſt him upon the Statute of *Præmunire* in the beginning of *Michaelmas Term*; and on the 19*th* of *October* the *Great Seal* was taken from him, and He was order'd to retire to a Countrey Houſe, not far from *London*, belonging to his Biſhoprick of *Wincheſter*. He was ſoon after convicted of the *Præmunire* with which he had been charg'd; and his Goods ſeized into the Kings Hands.

[1] Lord Herbert Hiſt. Hen. 8. pag. 290.

Under theſe Circumſtances the *Parliament* met. The King was equally diſpleas'd both with the *Pope* and with the *Cardinal*; and one End of his Aſſembling of this *Great Council* was to conſider what He ſhould do with Relation to Both. No ſooner had the Commons choſen their Speaker, and the King accepted of Him, but returning to their own Houſe they preſently fell upon the Grievances wherewith the Spiritualty had before time oppreſs'd them, contrary (as They affirm'd) both to the Law of the Realm and to Common Right. The chief of theſe they reduc'd to *Six Heads*, and ordered three Bills to be drawn for the redreſs of Them. The firſt related to the *Probates* of *Wills*; The ſecond to *Mortuaries*; And the third to *Non-Reſidence*, and taking of Farms by Spiritual Men. This, my Lord *Herbert* ſays, they did by the *Kings Permiſſion*. And it is not improbable but that he might be willing enough to make ſome Reformation in theſe things at this time, the more to alarm the *Pope*, and to bring Him to his Will.

Upon the ſending up of theſe Bills to the Houſe of Lords, *Fiſher*, Biſhop of *Rocheſter*, ſpake ſome Words ſo reflectingly upon the *Commons*, that they thought it neceſſary to complain to the King of it. The Biſhop made a fair Interpretation of his meaning, which the King accepted; but the Commons were not at all ſatisfied with it. The Concluſion of this Matter was, that two New Bills were brought in upon the *two firſt Heads*, more moderate than Thoſe firſt Drawn; and the *third* was a little qualified; and ſo they All paſs'd, to the Great Diſpleaſure of the *Pope* and *Clergy*.

While theſe things were in Agitation againſt the Intereſt of the *Clergy* in general; the Cardinal was not forgotten in particular. His [2] Accuſation was drawn up in *forty four Articles*, and preſented to the King by the Lords firſt, and then ſent down to the Lower Houſe: The Cardinal had, in Teſtimony of his Confeſſion, ſubſcrib'd his own Hand to them All; [3] And at the ſame time another

[2] Ibid. p. 294.

[3] Hall. fol. 150. a. Henr. viii.

another writing, ſealed with his own Seal, He gave all his Eſtate and Goods to the King. K. HENRY the VIIIth.

To keep the Clergy the more under awe, the *Act of Pardon* which paſs'd this *Parliament*, howſoever General in other reſpects, excepted all Offences againſt the Statutes of Proviſors and Præmunire; and thereby at once ſhew'd them what deſigns the King and his Council had in their thoughts, and gave them a juſt ground to fear what the Effect of them at their next Meeting might be.

With this Parliament a [1] *Convocation* was call'd in the Province of *Canterbury*, by Vertue of the *Kings Writ* Dat. *Auguſt* the 19*th*, and appointed by the *Archbiſhop* to meet at St. *Pauls London November* the 5*th*, two days after the Parliament began. [2] Cardinal *Woolſey* was cited as Biſhop of *Wincheſter* to it; and ſo return'd in the Certificate of the Biſhop of *London* to the Preſident at the Opening of it.

[1] Regiſtr. Tunſtal. London. fol. 165. b.

[2] Ibid fol. 166.

In this *Convocation* great Deliberations were had both among the Prelats and Clergy in their reſpective Houſes about the Reformation of *Abuſes*. The *Archbiſhop* forbad any Diſcovery to be made of what was done by them to any out of the *Convocation*, on pain of Excommunication. Articles were alſo order'd to be drawn up againſt Hereticks; and the Loan which the Clergy had formerly made to the King was remitted to Him. Thus the *Convocation* continued till the 24*th* of *December*, a full Week after the Parliament was riſen; and then ſeems to have been prorogu'd: Tho' in the ſhort Minutes which I have of it, this Prorogation is not ſo clearly mention'd as it ought to have been.

It do's not appear that any *Convocation* met in the Other Province with this Parliament. In *Auguſt*, when it ſhould have been Summon'd, the *Cardinal Archbiſhop* was wholly taken up with the great Affair of the Divorce which then lay before him in Judgment. In *November*, when it ſhould have Sate, He was fallen into Diſgrace, and had ſomewhat elſe to do than to Præſide in his *Convocation*. But that, which is more to me than all the reſt, is this; that in the [3] *Writ* for the *Convocation* of that Province the next Year, directed to the Guardians of the Spiritualties upon the Death of *Woolſey*, there is no Notice taken of its having been Summon'd or Aſſembled before; no mention of any need of Continuing of it becauſe of the Death of the *Archbiſhop*: All which we find to have been particularly expreſs'd in the Caſe of our Province, when the *King* ſent his *Writ* to our Guardians of the Spiritualties to continue on the *Convocation* after the like Death of Archbiſhop *Warham* during the Sitting of the Synod now Aſſembled.

[3] See Append. ad Ann. 1530.

About the Latter End of *June* the next Year, was that famous [4] Letter ſubſcribed by a great part of the *Upper Houſe* of *Parliament*, and by ſome of the *Lower*, which was ſent to the *Pope* with relation to the Affair of the Divorce ſtill depending. [5] The King himſelf had the Month before Order'd a Tranſlation to be made of the *New Teſtament* upon an Occaſion of which ſome Notice muſt be taken. Thoſe ſacred Books had been ſome time before put into *Engliſh* by *Tyndal*, *Joy*, and Others; and were greedily caught up and read by the People. This the *Clergy* could not endure, but ſeverely puniſh'd all ſuch as Read or Studied thoſe Books. But the numbers which were gone abroad were ſo Great, and the People ſo fond of them, that a ſtop could not eaſily be put to this Innovation. The King therefore came to the Starr Chamber, *May* the 24*th*, and conferr'd with the Biſhops and other Learned Men of this and ſome other Books. The great Thing alledg'd by the Biſhops againſt permitting the People to uſe theſe Sacred Writings was this; that they were not truly tranſlated, and that there were many things in the Prologues of thoſe who had publiſh'd them, againſt which they found juſt Cauſe to Except. The King therefore took this Method as the moſt Wiſe and Pious; He commanded the Tranſlations already publiſh'd to be Call'd in and Prohibited, and a New one to be made which He might peruſe, and allow the Uſe of to his People when He ſhould think it convenient ſo to do.

Sect. 47. 1530.

[4] Herbert. H. 8. pag. 321.

[5] Hall. Henr. viii. fol. 192. b.

This was another Step towards the Work of the Reformation: The next will carry us ſtill farther. For on the 19*th* of *September* a Proclamation was ſet forth to forbid all Perſons to purchaſe, or attempt to purchaſe, from the Court of *Rome*, or elſewhere; or to Uſe and put in Execution any thing heretofore purchaſed, or hereafter to be purchas'd, containing matter prejudicial to the high Authority, Juriſdiction, and Prerogative Royal of the Realm, or to the Let;

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Hindrance, or Impeachment of the Kings Noble and Vertuous intended Purposes in the Premises. Whether this Proclamation was aim'd particularly against the Cardinal, as some have thought; who affirm (but upon what Good Authority I know not) that He had procur'd a *Bull* from *Rome* to Oblige the King to restore him to his former Dignity and Authority, I cannot tell. This is certain that not long after the Cardinal himself was attach'd by the Kings Order, and died on his Way to *London*; and thereby gave such a Blow to the Interests of the *Papal Clergy*, as they were never able to recover.

Under these Circumstances the *Parliament* met by *Prorogation*, *January* the 16*th*; and the *Convocation* of the *Province* of *Canterbury* after the same manner, and about the same time. The great Work of this *Convocation* was to purchase their Indemnity from the *Præmunire*, which they had generally Incurr'd, at the Price of 100000*l.* besides the Acknowledgment of the King to be the *Protector and Supreme Head of the Church and Clergy of England.* Upon this they had their Pardon granted by *Act* of *Parliament*, as far as this *Province* was concern'd in it. On the 30*th* of *March* the Opinions of the Universities with Relation to the *Kings Divorce*, were brought down to the *House* of *Commons* by Sr. *Tho. More*, then *Lord Chancellor*, and divers others of the *Lords Spiritual* and *Temporal*, and openly read before them. Which being done, the *Parliament* was the same Day prorogued by the King; and the *Convocation* the next day by the Bishop of *London*, whom the *Archbishop* had made his Commissary for that purpose.

[1] See the Append. ad Ann. 1530.

Thus pass'd these Matters in our *Province*: [1] The *Prelats* and *Clergy* of *York* were Summon'd by the *Kings Writ*, dated *December* the 7*th*, and met there *January* the 12*th*; Six days after the *Parliament* was Assembled. On *Saturday* the 14*th* they remitted to the *King* the Loan which he had borrow'd of them, as the *Convocation* of the Other *Province* had done the Year before. And this by the way may be another Argument to assure us that no *Convocation* met in that *Province* the last Year: It being hardly credible but that if there had, this Loan would then have been remitted by the *Clergy* there, as it was both by the *Parliament*, and the Other *Convocation*. This being done, they were continued by Prorogations to the 4*th* of *May*, five Weeks after the *Parliament* Rose. On that day they agreed to the *Grant* requir'd of Them to indemnifie them against the Penalties which they also had incurr'd, [2] by Offending against the *Laws* and *Statutes* of the *Realm*, and particularly against Those of *Provisors*, *Provisions*, and *Præmunire*. They are the very Words of the Instrument drawn up by the *Convocation*, and necessary to be taken notice of for the Vindication of the Account which I formerly gave of this matter; for which Dr. *A.* has very ignorantly, or rather has knowingly, and injuriously traduced me. But of this I shall Expostulate with him hereafter, and then leave it to the Reader to judge what Censure he shall think fit to pass upon it.

[2] Registr. Cust. Spirit. Sed. Vac. fol. 642.

The beginning of the next Year, the King, with the Advice of his Council, order'd a Bible of the largest and biggest Volume to be had in every Church. He had the Year before given directions for a *New Translation* to be made of it; and He now permitted and provided for the Use of it.

After Other *Prorogations*, the *Parliament* again came together *January* the 15*th*. The *Clergy* had now made their Peace with the King, and those of one *Province* had obtain'd their Pardon for all Offences against the *Penal Statutes* already committed. But the Commons were resolved to bring them still lower, and to lay hold on the Opportunity which the present State of Affairs gave them, to secure themselves against their Oppressions for the time to come. [3] Among these the chiefest, complain'd of in this *Parliament* was the Oath *ex Officio*, which brought on the other Grievances that were, in pursuance thereof, drawn up against them. It had been the Practise of Ordinaries to Summon any person before them, and lay Accusations to his Charge, without naming the Accuser; and the Person so cited must either Abjure or Burn, for Purgation they allow'd none. [4] This was a Practise which the *Commons* grievously complain'd of, and long Debates there were in the House about it. At last it was resolv'd to draw up a full Abstract of all their Griefs together, and to present them to the *King*; as accordingly they did by their *Speaker*, and many of their Members, *March* the 18*th*.

[3] Hall Henr. viii. fol. 202. a.

[4] Herbert. H. 8. pag 357.

The *King* having receiv'd their Petition, told them that it contain'd divers *Articles* of Great and Weighty Matters; and that He would not give any Answer

swer to them, till he had heard the Party Accus'd concerning them. Nevertheless in this *Parliament* several Laws were made in matters of *Ecclesiastical Politie*, and in Order to the Reformation of the Church; as in the Statutes of this Year may more largely be seen.

The *Convocation* of the *Province* of *Canterbury*, after two Prorogations, met in like manner, *January* the 16*th*. the Day after the *Parliament* began. It appears by the Process of this Assembly that they were not a little Alarm'd at what was doing in the *House* of *Commons*. For besides that some Constitutions had been going forward during this and the preceding Session of this *Convocation*, which seem to have promis'd a Reformation in what was thought amiss; on the 20*th* of *February* the Bishop of *London*, (who was that day Commissary for the *Archbishop* of *Canterbury*) treated particularly about a Constitution in the Case of Correction *ex Officio*; the thing that then lay before the Commons in *Parliament*. On the 4*th* of *March* the Constitutions which they had been preparing being brought to some perfection, and receiv'd by the President; the *Prolocutor* of the *Lower House* desir'd that they might be publish'd.

Sect. 49.

But there was somewhat else done this same day in *Convocation*, which Dr. *A.* having misrepresented, and perverted to the Gratification of his own private Resentments, I shall take the Liberty to give a more exact account of it. The passage as he reports it was this. "That the *Lower House* complain'd to the "other of the Practise of *Some Bishops* in those days, who took *Bonds of Resigna-* "*tion* of all the *Clerks they preferr'd in their Dioceses*, in order, as they said, to "Oblige them to *Residence*. The End was very good, but the Means was "thought Unjustifiable; and the *Clergy* in *Convocation* therefore thought it "worth the while to Endeavour a Redress, tho' I find not whether they effected "it, or what Answer was return'd.

[1] Rights, &c. p. 21.

I shall not need to say what Bishop Dr. *A.* had in his Eye, and design'd to Expose to the Censures of such of the *Clergy*, who love the Profits, more than the Duty, of their Cures; as by Complaints of former Ages, no less than the Experience of the Present, we may have Reason to fear too many at all times have done. But will He please to tell Us, where he met with this curious Piece of History, which He here thus formally delivers to the World? All that the Minutes, from which He wrote, speak, is but the little that stands in his Margin. [2] What is there in that to shew that *Some Bishops*, or indeed that Any Others, at that time *took Bonds of Resignation?* Where is there any such Limitation, as that which He adds, of the *Clerks they preferr'd in their Dioceses?* I appeal to his Own Conscience, whether all this be not meer *Romance*; invented only to cast an Odium upon a Person whom He do's not love; and who, to say no more, had Deserv'd better at his Hands?

[2] Sess. xci. Convoc. Incept. Ao. 1529.

The Truth of the Case was this: Among other things complain'd of by the Commons against the *Clergy* two Years before, their Neglect of Residence upon their Benefices was One. The Matter went so far, that a severe Bill was pass'd in their House to Compell them to it: And tho' that was laid aside, yet a New One was drawn by the *Kings Order*, which pass'd the same Session into a [3] Statute; and Obliged the *Clergy* not to be Absent from their Dignities or Benefices for One whole Month together at any One time, or by the space of two Months at several times, in any One Year, under the Penalty of ten Pounds Forfeiture to be incurr'd by them if they were. Against this if Any one should obtain any License or Dispensation from the Court of *Rome*, or Elsewhere, He was to fall under a double Forfeiture.

[3] 21 Henr. 8. c. 13.

At the very Beginning of this *Parliament*, the Commons had again resum'd their Complaints against the *Clergy*; and, as I have already observ'd, drew them up into a solemn *Petition*, which they presented to the King, and the King deliver'd to the *Clergy* for an Answer. These Vigorous Proceedings of the *House of Commons*, put the *Archbishop* and his *Convocation* upon the Resolution of Reforming what was complain'd of themselves, rather than to suffer the *Parliament* to do it. On the 23*d* of *January* we find certain Constitutions read, but what they were we cannot tell. The next Session more were added to them. These were again read, with the Corrections and Notes of the *Lower House*, the Session after: By the Minutes of the 80*th*, and 85*th* Sessions it appears that to some of these Constitutions the *Clergy* did not agree. After some farther Treaties had in their following Meetings, on *Munday March* the 4*th*, the Bishop of *London*,

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as Preſident of the *Convocation*, Agreed to Certain of them, and the *Prolocutor* petitioned "*ut Conſtitutiones admiſſæ publicentur*; That thoſe which were Concluded upon might be publiſh'd. And farther requeſted, that *Perſons preſented to any Eccleſiaſtical Benefice, might not be conſtrain'd by their Dioceſans to be Oblig'd to Reſidence, by any Obligation in Writing, or by any temporal Penaltie.* This is all that the Minutes tell Us of it, and my Conjecture concerning it is this; That among Other things which were debated of in the *Upper Houſe*, One was this; that the Ordinaries when they Inſtituted a Clark to any Benefice, ſhould take ſome Caution of Him, (either by Writing, or ſome Other Way,) to oblige Him to Reſide upon the Benefice to which He was to be admitted, according to the *Late Statute*. This, I ſuppoſe, the *Clergy* diſlik'd; and deſir'd might not paſs into an Order among them.

Sect. 50. Upon the 12*th* of *April* the *Archbiſhop* brought in the Petition which the *Commons* had preſented to the *King* againſt the *Archbiſhops*, *Biſhops*, and *Ordinaries*; and deliver'd it to the *Prolocutor* for Anſwer to be made by the whole *Convocation* to it. What this *Petition* was, Dr. *A.* tho' he profeſſes to have ſeen a Copy of it was not willing to let the World know, nor doth He give us any Other means of Underſtanding ſo much as relates to the preſent Subject, any other wiſe than it may be gathered out of the Anſwers of the Clergy to it. But Dr. *Heylin* has helped us in this particular; and from him we are informed that the Subſtance of that part of it, in which we are chiefly concern'd, was to this Effect. "That the Clergy of this your Realm, being your Highneſſes Subjects, "in their *Convocation* by them holden within this your Realm, have made, and "daily make, divers Sanctions or Laws concerning Temporal Things; and "ſome of them be repugnant to the Laws and Statutes of your Realm, not having nor requiring your moſt Royal Aſſent to the ſame Laws ſo by them "made, neither any Aſſent or Knowledge of your Lay Subjects is had to the "ſame, neither to them publiſhed and known in their Mother Tongue, albeit "divers and ſundry of the ſaid Laws, extend in certain Cauſes to your Excellent *Perſon*, your *Liberty*, and *Prerogative Royal*, and to the Interdiction of "your *Laws* and *Poſſeſſions*; and ſo likewiſe to the Goods and Poſſeſſions of your "Lay Subjects; declaring the infringers of the ſame Laws, ſo by them made, "not only to incur the terrible Cenſure of *Excommunication*, but alſo the "deteſtable Crime and Sin of Hereſie; by the which divers of your humble "and Obedient *Lay Subjects* be brought into this ambiguity, whether they may "do, and execute your Laws, according to your Juriſdiction Royal of this "Realm, for dread of the ſame Cenſures and Pains compris'd in the ſame Laws "ſo by them made in their *Convocations*; to the great Trouble and Inquietation "on of your ſaid humble and obedient Lay Subjects, and the Impeachment of "your *Juriſdiction* and *Prerogative Royal.*

Addit. p. 9.

[1] Heyl. anſw. to Mr. Fuller. par. ii p. 26. fol.

To this Petition and Complaint the *Convocation* drew up their Anſwer, and Order'd it to be fairly tranſcribed [2] *April* the 19*th*; that ſo it might with all ſpeed be delivered to the King: As it was accordingly done about a Week after. [3] On the laſt of *April* the *King* ſent for the *Commons*, and gave them the Anſwer that had been return'd to their Petition; Adding withal his own Opinion concerning it to this Effect; "We think their Anſwer will ſmally pleaſe "you, for it ſeemeth to us very ſlender. You be a great ſort of Wiſe Men; "I doubt not but you will look Circumſpectly on the Matter; and we will be "indifferent between you. The Commons were accordingly utterly diſſatisfied with it, when it was brought by their Speaker to them. [5] Dr. *A.* having publiſh'd a Copy of this *Anſwer* in his Latter *Appendix*; I ſhall chooſe rather to leave the Reader himſelf to judge of it, than undertake to deſcant upon it.

[2] Seſſ. xcix. Convoc.

[3] Hall Henr. viii. fol. 205. a.

[4] Hall. ibid.

[5] Append. to his Addit. p. 14. num. vi.

On the 24*th* of *April* this matter came on again in the *Convocation.* After three Seſſions, and great Debates on this Subject, they concluded *May* 8*th* to ſend certain of their Body to the *King*, with a Requeſt that He would pleaſe to preſerve the *Liberties* of the *Church*, which both Himſelf and His Progenitors had hitherto protected. This the perſons nominated conſented to; and accordingly the Biſhops of *London* and *Lincoln*, with certain *Abbots*; the Dean of the Chappel, and *Fox* the *Kings Almoner*, waited upon Him with their Petition. To this the *King* returned his Anſwer in writing by his Almoner at their next Meeting, *May the* 10*th*: In which He peremptorily required, [6] "That no "Con-

[6] Heyl. againſt Fuller. par. ii. p. 65.

"Conſtitution, or Ordinance, ſhall be hereafter by the Clergy *Enacted*, *Promul-*
"*ged*, or *put in Execution*, unleſs the King's Highneſs do *approve* the ſame by his
"*High Authority*, and *Royal Aſſent*; and his Advice and Favour be alſo inter-
"poſ'd for the *Execution* of every ſuch *Conſtitution* among His Highneſs's Sub-
"jects.

The reading of this *Schedule* put the *Convocation* into a great diſorder: They removed to the Chappel of St. *Katharine*. within the Monaſtery, and there read it a ſecond Time. Then they were prorogued back to the *Chapter-Houſe*, *May* the 13*th*. But the *Archbiſhop* and *Biſhops* went themſelves preſently to St. *Dunſtan*'s Chappel; and agreed that the Biſhops of *Lincoln* and *Bath* and *Wells*, with ſome others of the *Convocation*, ſhould go to the Biſhop of *Rocheſter*'s *Houſe*, there to treat together about the Contents of the ſame Schedule; and ſhould meet the Archbiſhop the next Morning at his Lodging, within the Palace at *Weſtminſter*, and declare their *Opinions* to him.

But the King did not ſtop here: The next Day, *May* the 11*th*, he ſent for the *Speaker*, and Twelve of the *Houſe of Commons*, to come to him; Eight of the *Lords* being with him. He ſpoke to them to this effect: "We thought that "the *Clergy* of our *Realm* had been our *Subjects wholly*, but now we have well per-"ceiv'd that they be but *half our Subjects*, yea, and ſcarce our *Subjects*. For "all the *Prelates*, at their Conſecration, make an *Oath* to the *Pope* clean contrary "to the *Oath* that they make to us; ſo that they ſeem to be *his Subjects*, and "not *Ours*. The *Copy* of both the *Oaths* I deliver here to you, requiring you "to invent ſome Order, that we be not thus deluded of our *Spiritual Subjects*. The *Speaker* being return'd to the Houſe, cauſed both the *Oaths* to be there read; but the *Parliament* was juſt at an end, and had not Time to proceed upon this new Matter: So three Days after, being *May* the 14*th*, it was prorogued till the 4*th* of *February* following.

[1] Hall. H. viii. fol. 205. a.

The *Clergy* were now under a great Diſtraction; the *King* was reſolv'd to carry his Point, and his *Parliament* diſpos'd to comply with him in every thing againſt them. There was therefore no room for Debate; ſo the next *Seſſion*, *May* the 13*th*, the Upper Houſe agreed upon their *Submiſſion*, and *Anſwer*. On the 15*th* of *May* they met again; the *Archbiſhop* had receiv'd the King's *Writ*, to *prorogue* the *Convocation*, and there remain'd but that Day to come to a Reſolution. Under theſe Difficulties they finally conſented to the *Submiſſion*, upon which we ſhall hereafter ſee the *Statute* was framed which makes ſo great a Figure in this Diſpute, and has occaſioned this particular Enlargement upon the Hiſtory of it.

[2] Regiſtr. Dec. & Capit Ebor. fol. 181. Append. ad Ann.

What was done in the Province of *York*, during this *Parliament*, I cannot find. In Obedience to the [2] *King's Writ*, of *December* the 23*d*, *Anno Regni* 23, the *Convocation* aſſembled there *February* the 7*th*, three Weeks after both the *Parliament* and our *Clergy* were met.[3] The Minute I have of it adds, that it granted the *King* a *Tenth*; what it did beſides I have not been able to diſcover.

[3] Regiſtr. Tunſtall. Dunelm. fol. 2. b.

The next Year, the Parliament met, *February* the 4*th*. In it an *Act* was paſs'd to reſtrain [4] *Appeals* to *Rome*, and to direct the Method of purſuing and ending of them within the King's Dominions. The *Convocation* of the *Province* of *Canterbury* was prorogued, as we have ſeen, to *November* the 5*th*. Before that time came Archbiſhop *Warham* died; and the *King* thereupon iſſued out his *Writ* to the *Prior* and *Chapter* of *Canterbury*, dated *October* the 28*th*, to prorogue it farther to the 5*th* of *February* following. This they did by the Biſhop of St. *Aſaph*, whom they appointed their *Commiſſioner* for that Purpoſe. On that Day they were farther prorogued to *Tueſday* the 11*th* of *February* following.

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[4] Herbert. H. viii. p. 372, 373.

[5] See the Append. ad Ann. 1522.

The *Prior* and *Chapter* of *Canterbury* had the Day before directed their Mandate to the *Biſhop* of *London* for the Continuance of this *Convocation* and to remove all Scruples which the Death of the Archbiſhop might have caus'd; eſpecially with relation to the *Proctors* of the *Chapters* and *Clergy*, whoſe Powers being limited, enabled them only to appear and act under *Him*, and it might therefore be doubted whether they did not expire at his Demiſe. By virtue of this *Mandate*, (which having ſome peculiar Paſſages in it not elſewhere to be found, I have put in my *Appendix*) the *Convocation* was order'd to meet full and entire, at St. *Paul*'s, on *Monday March* the 17*th*, there to proceed according to the *King's Writ*.

But

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But notwithstanding this *Summons*, it appears by the Extracts of this *Convocation* that the *Bishops* and *Prelates* continued their *Sessions* in the mean time at *Westminster*. On the 17*th* of *March* they all met at St. *Paul's*, as Appointed; and the Bishop of *London* made his *Certificate* of the Execution of the *Mandate* directed to him. On the 26*th* of the same Month the Question of the Divorce was proposed to the *Convocation*; and the Opinions of the *Universities* were then, and at their next Meeting, lay'd before them. What was done by the *Prelates* and *Clergy* in this Matter, concerns not the present Subject to enquire. I will only observe, that on the First of *April* the Archbishop (who had been Consecrated two Days before, *March* 30*th*.) now first presided himself in *Convocation*; and on the 8*th* of the same Month, prorogued it, by virtue of the *King's Writ*, to the 7*th* of *June* following.

Sect. 52.

Thus pass'd this *Parliament* and *Convocation*: What was done in the other Province, or whether any *Convocation* at all was held there, I have not been able to discover. To proceed therefore with our History: The *Parliament* being risen, all things now tended to an entire Breach with the *Court of Rome*. On *May* the 23*d*, the Archbishop of *Canterbury* determin'd the Cause of the *King's Divorce*, and gave final Sentence against the Validity of the *Marriage*. On *Whitsunday*, *June* the 1*st*, the *New Queen* was publickly Crown'd; and in *September* following Queen *Elizabeth* was born of her. To prevent the Disturbances which Factious Preachers might hereupon raise among the People, an Order was issued out for a *General Inhibition of Preaching* for some time. In *November*, the Cheat of the *Holy Maid of Kent*, which in the following *Parliament* ended in the *Attainder* of the Persons concerned in it, was publickly declared and censured.

[a] Le Grand Hist. du Div. p. 264.

Under these Circumstances stood Affairs at Home, when the *Parliament* met; nor were they at all better Abroad. The *Pope* had issued out a *Bull*, by which he *Excommunicated* both the *King* and his *New Queen*, if they did not either appear before him, or separate from one another, before the End of *September*. To this a Reply was made by the *King's Order*, and the Nullities of it shewn. The Execution of this *Bull* was suspended for a Month, till after the Interview between the *French King and the Pope* at *Marseilles* should be over, in a Consistory held for that Purpose at *Pisa*, *September* 26*th*. It was generally thought that at this Meeting the whole Affair of the *Divorce* would have been *ended* to the King's Satisfaction; but instead of that, the Differences grew higher; so that on the 23*d* of *March*, (whilst the *Parliament* was *sitting*) the *Pope* gave Sentence for the *Marriage* against the *King*.

And now, when such was the State of Affairs both at Home and Abroad, we cannot wonder if we meet with some Extraordinary Proceedings in the *Parliament* which began by Prorogation *January* the 15*th*. On the 7*th* of *February* the *Commons* sent up a *Bill*, pass'd in their House, concerning the *Consecration of Bishops* within this *Realm*; which being not approved of by the *King*, to whom the *Lords* communicated it, that Bill was rejected, and a new one began in the Upper House to the same Purpose. *March* the 13*th* the *Commons* sent up another *Bill*, to *Abrogate* the *Payment* of *Peter-pence*, and to put an End to *Dispensations*, and other *Writings*, from the *Bishop of Rome*. The next Day they brought up a Third, for the *Abrogation* of the *Usurp'd Authority* of the *Bishop* of *Rome*. And on the 27*th* of the same Month, they brought up the *Bill* on which our present Dispute turns, of the *Submission of the Clergy to the King's Highness*. Besides these, some other *Bills* were introduc'd, and pass'd in this Parliament, with Relation to *Matters* of *Religion*. Such was the Bill of *Attainder* against the *Holy Maid of Kent* and her *Confederates*: The Bill for Repealing the *Statute of H.* against *Hereticks*: And lastly, The Bill for *Establishing* the *Succession*; which with the *Oath* prescrib'd to be taken thereupon, had no less Influence upon the *Affairs* of the *Church* than any of the foregoing.

But not to insist upon these *Acts* which with the present Cause is not immediately concern'd. The Bill relating to the *Submission* of the *Clergy*, which they had made in their *Convocation* of *May* 1532, being brought up to the *Lords* *March* the 27*th* 1534, and read twice the same Day; was, the next Day, read the third time in the *Upper House*; and with a certain *Proviso* added by the *Lords*, was Agreed to, and sent back to the *Commons* for their *Consent*. The *Commons* return'd it, on *Monday* the 30*th*, to the *Lords* again; and the same Day after

fter Dinner, being the last Day of the *Parliament*, the *King* pass'd it into a Statute. What this Proviso was, which the Lords added, and how the Whole was drawn, will best appear in the the Copy which I have taken from the *Roll* it self, as far as concerns the Controversie in hand; and that so nicely, as to have observ'd not only the exact *Pointing*, but for the most part the very *Spelling* of it, as I found it in the Record.

To return now to the Business of the *Convocation*, prorogued first to the 7th of *June*, and then to the 4th of *November*: On which Day, the Bishop of *London*, by Commission, *prorogued* it yet farther to *Friday* the 30th of *January* following. Thus the Extracts, which have been preserv'd of these *Convocations*, relate it; but there must of necessity have been some Mistake in this Matter: for by the *Journal* of the *Parliament*, which met at the same time, it appears, that the *Lords Spiritual* were to meet in *Convocation January* the 16th, the Day after the *Parliament* began; and the Chancellor, upon the account of their Obligation to sit that Day in *Convocation*, by reason of which they could not attend in *Parliament*, prorogued the *Upper House* till the next Day after. On that Day, says the Extractor of the *Convocation-Acts*, *January* the 30th, the Bishop of *London presiding* continued the *Convocation* till *Friday* the 7th (or rather the 6th) of *February* following. This must again be false; For the *Lords* being assembled on *Saturday* the 17th of *January*, made an Order for the *Bishops* and *Prelates* to have the *Tuesday* and *Friday* next following, and from thenceforth the *Friday of every Week*, allow'd them to be absent in *Convocation*; that so on all other Days the House might sit, and the Affairs of the Realm go on without Impediment. And accordingly, upon *Thursday January* the 22d, the *Lords* did, for that Reason, Adjourn till *Saturday*; because the *Lords Spiritual* were to be absent the next Day in *Convocation*. Sect. 53.

In this *Convocation* the Question was debated, Whether the *Bishop* of *Rome* had any greater Jurisdiction given to him by God, in the *Holy Scripture*, in this Realm of *England*, than any other *Foreign Bishop*? To this their Answer was drawn'd in Writing, the last Day of the *Convocation*, *March* the 31st; and then the Assembly was continued, by the *King's Writ*, to the 4th of *November* following.

At what time the Convocation of *York* assembled, I am not able to say; but certain it is, that they sate, and did their Business, at a quite different time from either the *Parliament* or *Convocation* before mentioned. The former was, on the 30th of *March*, prorogued to the 3d of *November*; the latter, the next Day, continued to the 4th of the same Month. *Five Weeks* after both these were begun, the *Convocation* of *York* sate *May* the 5th; and, after some Days debate, agreed in their *Answer* as to the *Question* before propos'd, That the *Bishop* of *Rome* has not, in the *Holy Scripture*, any greater *Jurisdiction* in the *Realm* of *England*, than any other *Foreign Bishop*. This appears from the Instrument return'd by the *Archbishop* to the *King* upon it, Dated *June* the 2d; about which time I suppose that *Convocation* rose; which being a Matter of some Curiosity, and which directly contradicts one of Dr. *A*'s main Principles, of the Concurrence in Point of Time of the *Parliament* and *Convocation*, during this and the following Reigns, I have thought it not unfit to communicate it to the Reader in my *Appendix*. Sect. 54. 1534. [1]Append. ad Ann. 1534.

Having thus given such a History of this *Act* of *Submission*, as seem'd requisite to shew by what Steps, and Methods, it was carried on; I shall only make this short Use, at the present, of it: That it appears, from the whole Process of it, to have been entirely design'd for the *Restraint* of the *Clergy* in the Exercise of their *Synodical Powers*; and to give the *King* a greater *Authority* over them, than He had before. By Consequence, that it was not the Intention either of the *King* or his *Parliament*, by that *Statute*, in any wise to *Abridge* the *Royal Supremacy*, which the *Kings* of *England* had all along both claim'd and exercised over the *Clergy* in that Capacity. As therefore I have demonstratively shewn from the History of our *Parliaments* and *Convocations*, for above Two hundred Years past, that our *Princes* were at Liberty to *Call* their *Parliaments*, without Assembling the *Convocations* at the same time with them; and to Require their Archbishops to *Summon* their *Convocations* when no *Parliament* was either *Call'd*, or Intended to *Meet*; so we must conclude, that they were left to the same Freedom *after* the *passing* of this *Statute*, that we are sure they enjoy'd before: And Sect. 55.

there-

K. HENRY *the* VIIIth. therefore that upon the whole, neither the *Conſtitution* of our *Government*, nor any *Antient* or *Authoritative Cuſtom*, not this particular *Act*, (which expreſly Regulated the *Aſſembling* of our *Convocations*, and Reſtrain'd the *Power* of Cal*ling* them to the *Authority* of the *King's Writ*) do require the neceſſary *Concurrence* of theſe two *Meetings*, the *Parliament* and *Convocation*, with one another; No, nor even the *Later Cuſtom*, which I have juſt now ſhewn to have ſo eminently fail'd in the *firſt Inſtance*; and which will appear, in the Proſecution of this Hiſtory, to have often done the like afterwards.

Sect. 56. But before I proceed to ſhew this, I muſt ſtop a while, and conſider what Account Dr. *A.* has given of theſe Matters. He has made the Hiſtory of this *Act* one of the largeſt, and moſt elaborate Parts, both of his Firſt Book and his following Additions: And therefore I ought, in Juſtice, I had almoſt ſaid in Civility to him, to take a particular Notice of it. And, indeed, as to the greater part of it, his Diligence has been highly commendable. Many things have been brought to light by him, which had, if not eſcaped the Searches of our moſt Eminent Hiſtorians, yet I know not how had not been obſerv'd by them. If in ſome Particulars he ſeems to have been ſtill miſtaken, 'tis a Service Dr. *A.* has a Right to from me to take Notice of them: Nor can I better requite his zealous Endeavours to expoſe my *Miſtakes*, than by taking ſome little Pains (at leaſt) to *Correct* his. And, to ſhew him how willing I am to follow a good Example, I will give him my Reſolution in his own Words; "The

[r]Addit. p. 20. "*this way my Gratitude ſhall be return'd, as Time and Opportunity favour me.*

The firſt Riſe of the *Act* of *Submiſſion*, Dr. *A.* dates from the Reſolution taken by King *Henry* the viiith to diſgrace *Wooſey*, and ſo to leſſen the *Pope's*

[s] Rights, &c. p. 80. *Authority*: "For the better effecting this Deſign, which could not well be ac"compliſh'd, without ſtriking a Terror into thoſe who were then but to"much the Pope's Vaſſals, the Clergy; eſpecially the Monks and Fryars; H"tells us, That the King involved them All in a *Præmunire*, for *Submitting* t"*Wooſey's Legantine Character*, *Unauthorized* by the *Crown*; not for *procuring*"*making Uſe of Proviſional Bulls*, as Dr. *Wake*, in his uſual Kindneſs to the Me"mory of the *Clergy*, and according to his *deep Skill* in *Engliſh Hiſtory*, has re"preſented it.

It has always been accounted a little Ominous to ſtumble at the Threſhold. How Dr. *A.* will proceed in his following Hiſtory we ſhall ſee hereafter. This I will venture to affirm, that he could not well have been more groſly miſtaken than he has here ſhewn himſelf in the Beginning of it. That the King did intend to keep the Clergy under the Terror of a *Præmunire*, the *Act of Pardon*, granted by him in the foregoing *Parliament*, ſufficiently ſhews: In which as I before obſerv'd, the Offences of this kind were particularly excepted. But that they had incurr'd this *Præmunire* meerly by *ſubmitting* to *Cardinal Wooſey's Legantine Authority*, *Unauthoriz'd by the Crown*; Or that *Cardinal Wooſey's Character of Legate* was, indeed, *Unauthorized by the Crown*; Or that if this had been the Caſe, it would at all have contradicted my *Aſſertion*, which more generally referr'd it to their *Offending* againſt the *Statutes* of *Proviſion*, and *Præmunire*, are ſuch manifeſt *Errors*, as one could hardly have expected from a Man of *leſs deep Skill* in our *Engliſh Hiſtory*, than I dare ſay Dr. *A.* would be thought to be.

To come to Particnlars: May I ask Dr. *A.* firſt of all, How he proves that the Clergy fell under the *Præmunire*, ſolely for *ſubmitting* to *Wooſey's Legantine Character*, excluſive of thoſe other more *General Grounds* which I alledged for it? Has he any *Publick Records*, any *Authentick Acts*, to juſtifie his Opinion? I will venture to ſay He has not. On the contrary, they all ſpeak in general Terms, and take no notice of the *Cardinal*, or his *Character*; Or of any thing elſe, but their having (indefinitely) offended againſt the *Statutes* of *Proviſion* and *Præmunire*.

I have already remarked, How that the King having granted a General Pardon to All his Subjects the Year before, excepted theſe Offences on purpoſe to keep the *Clergy* in Awe, and to have a Tye upon them if they ſhould Oppoſe his Meaſures. Let us hear, firſt of all, how that Exception runs; 21 *H.* 8. *c.* 1. "Excepted and Forepriſed out of this Pardon, all Offences and Contempts "committed and done againſt the Statute and Statutes of *Proviſors* and *Præmu*"*nire*, or any of them; and of Forfeitures and Titles that may grow to the King

"King's Highneſs, by reaſon of any of the ſame Statutes. Theſe words are General enough, and do not confine the Offences to any one kind or branch of Offences againſt thoſe *Laws*.

How the *Indictment* preferr'd againſt the *Biſhops* by the Attorney-General in the *King's Bench*, upon theſe *Statutes*, was drawn up, I am not able to ſay: But yet we may, in ſome meaſure, judge of it by the *Act* of the *Convocation* for avoiding it. In what Terms that ran Dr. *A.* could not be ignorant. [1] He has given us their Inſtrument in his *Additional Appendix*, and I am content to abide by the Terms of it. The Pardon then which they deſir'd (and ſure we cannot better judge of the *Offence* than by the tenor of what they propos'd for the *Remiſſion* of it) was this: "*Generalem Gratiam & Pardonationem de Omnibus* "*eorum tranſgreſſionibus Pœnalium Legum & Statutorum hujus Regni, tum Cæterorum*, "*tum etiam Statutorum de Proviſoribus & Præmunire.* Let Dr. *A.* look over that famous Inſtrument, and try whether he can there find one Word of *Cardinal Woolſey*, or his *Legantine Character* in it; Or of their *Deſire* of a *Pardon* for ſubmitting *to That unauthorized by the Crown.*

[1] Addit. Append. p. 8, 9.

When the King accordingly granted the Clergy his *Pardon* by *Act* of *Parliament*, he recited their Requeſt in the ſame Terms, [2] "*The King our Sove-* "*reign Lord calling to his Bleſſed and moſt Gracious Remembrance, that his Good and* "*Loving Subjects, the moſt Reverend Father in God the Archbiſhop of* Canterbury, "*and other Biſhops*, &c. *which have exerciſed, practiſed, or executed in Spiritual* "*Courts, and other Spiritual Juriſdictions within the ſaid Province, have fallen and* "*incurr'd into divers Dangers of his Laws, by things done, perpetrated, and commit-* "*ted, contrary to the Order of his Laws, and eſpecially contrary to the Form of the* "*Statutes of Proviſors, Proviſions, and Præmunire*, &c. *ſhall be by Authority of this* "*preſent Pardon, acquitted, pardoned, releas'd, and diſcharged, againſt His High-* "*neſs, his Heirs, Succeſſors, and Executors, and Every of them, All and all manner* "*of* Offences, Contempts, *and* Treſpaſſes *committed, or done, againſt* All *and* "Singular Statute, *and* Statutes, *of* Proviſors, Proviſions, *and* Præmunire, *and* "*every of them*, &c.

[2] Stat. 22. Hen. viii. c. 15.

Theſe are the Words in which the *Pardon* of the *Clergy* of this *Province* was granted: If there be any Difference, I may ſay that the *Pardon* of thoſe of "the *Other* is yet more fully penn'd to the ſame effect: [3] "*They are acquitted, par-* "*doned, releas'd, and diſcharged, againſt the King's Highneſs, his Heirs, Succeſſors,* "*and Executors, and every of them, of* All, *and* All manner *of* Offences, Con- "tempts, *and* Treſpaſſes, *committed or done, againſt* All *and* Singular Statute "*and* Statutes, *of* Proviſors, Proviſions, *and* Præmunire, *and every of them*; *and* "*of All Forfeitures and Titles that may grow to the King's Highneſs, by reaſon of any* "*of the* ſame Statutes.

[3] Stat. 23. Hen. viii. c. 19.

And now let the Reader judge, who gave the trueſt Account of the *Clergies Præmunire?* Whether Dr. *A.* in reſtraining it *preciſely* to their *Submitting* to the *Cardinal's Legantine Character*, and that not only as *diſtinct from* but in *Oppoſition* to, their having *generally offended againſt the Statutes of Proviſion and Præmunire?* Or Dr. *W.* who having firſt noted the main *Statutes* of this kind, added his Opinion in theſe Words; [4] "*But notwithſtanding theſe Laws, the Pope ſtill proceeded in* "*his own way, and the Clergy were always ready to aſſiſt him in it: And by theſe* "*Means there were but very few of any Note among Them, who had not upon ſome Ac-* "*count or other incurr'd the Penalty before mentioned. Upon this Ground therefore* "*the King reſolv'd to attack them.*—— If the *Clergy* underſtood their *own Danger*, and knew what they deſir'd of the *King*: If the *King* and his *Council* knew upon what Grounds they attacked them, and how to expreſs thoſe Grounds in their Releaſe, both of their *Offence*, and its *Puniſhment*; then we muſt from both conclude, that the *Clergy* deſir'd a *General Pardon* of *All Forfeitures and Penalties*, againſt *All and Singular Statutes of Proviſion and Præmunire*; and reſtrain'd not either their *Danger*, or their *Pardon*, to the ſole Caſe of having *ſubmitted* to the *Cardinal's Legantine Character unauthorized by the Crown.* Let Dr. *A.* now ſhew, in his turn, upon what Authority he not only reſtrains their Caſe to that One Inſtance; but reflects with ſo much *Bitterneſs*, as well as *Scorn*, upon me, for ſtrictly following theſe *Public Records*; and putting it, from them, upon a more General Bottom.

[4] Authority, &c. p. 247, 248.

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But Dr. *A.* proceeds in his *New Discoveries*; the next of which is, that the Danger of the *Clergy* lay in this, that they had submitted to the *Cardinals Legantine Character Unauthorized by the Crown.* Is Dr. *A.* sure of this? So one would think He should be; for he repeats it again in the very next page: "[1] The "*Subject neither durst, nor thought it necessary to enquire whether he had a Li-*"*cense* from (He would have said *under*) *the great Seal, who had himself the keep-*"*ing of it. However their Obedience to this Unlicensed Authority was Criminal, even* "*to the Loss of Liberty and Estate.* [2] And yet the Cardinal constantly avow'd that He not only had the *Kings License* for his Assuming of this *Character*, but had it in the very Form that Dr. *A.* prescribes; I mean under the *Great Seal of England:* And that he could have produced the *Kings Patent* for it, had not those who seized his Papers secur'd that among the rest.

[1] Sect. 58. Rights, &c. p. 81.
[2] Le Grand Hist. du Divorce. Vol I. pag. 161.

The Truth is, so notorious was the Fact that the King had Consented to the *Cardinals Legantine Character*, that those who drew up the (44) Articles against him were not able to deny it. They charge him indeed with breaking the *Condition* upon which the King had Consented to it: But that He had obtain'd the Kings Consent for it, was too notorious to be denied, or even dissembled by them. Let us hear, how they attaque him in their *XXVIIIth Article* to this effect. "Also where the said *Lord Cardinal did first sue unto your Grace to have* "your Assent *to be* Legat de Latere, *He promised and solemnly protested before* "*your Majesty, and before the Lords both Spiritual and Temporal* (so that this was "no such Secret, into which the *Clergy* neither durst, nor thought it necessary "to Enquire; but a matter of *Public Notice*) *that He would nothing Do, nor At-*"*tempt, by the Vertue of his Legacy that should be contrary to your Gracious Preroga-*"*tive or Regality, or to the Damage or Prejudice of the Jurisdiction of any Ordinary;* "*and that by his Legacy no Man should be hurted nor offended; and upon that Condi-*"*tion, and no other,* He was Admitted by your Grace *to be Legate within this Your* "*Realm: This Condition He hath broken, as is well known to all your Subjects.*

This was their Allegation against that great Minister, with respect to his *Legantine Character:* And from it I will now take the Liberty to draw these two Inferences contrary to Dr. *A*'s Account of this Matter; 1*st.* That the Cardinal had, and that it was notorious that He had, the *Kings Allowance* to be *Legate.* 2*dly*: That his *Legantine Character* thus Allow'd of, was not, of its self, thought to be at all contrary to the *Kings Prerogative* or *Regality*; nor by consequence would the Clergies Submission to it, after such an Allowance, have alone been sufficient to have brought them under a *Præmunire*, as Dr. *A.* affirms that it did.

The Truth is, Dr. *A.* is wholly mistaken both in his Law and History in this particular. The King Consented to *Woolsey*'s being *Legate:* Had *Woolsey* kept his Word, and Attempted nothing thereby contrary to the *King's Prerogative*, or to the *Laws* of the *Realm*, in vertue of it; He might as safely have Enjoy'd that *Character* without any Damage to himself, or Detriment to the *Clergy*, as *Cardinal Pool* afterwards did, or might have done. But he abus'd it grosly in the Exercise of it; and the *Clergy* Consented, or at least Submitted, to those Abuses: And so They both offended against the *Laws* of *Provision* and *Præmunire*, and thereby Both fell under the Penalty of them. Which therefore brings me to the last thing I had to remark on this Passage of Dr. *A.* That the Account I gave of the Præmunire, is not, as He represents it, contrary to the more Common Account, which refers it to their *Submission* to the *Legantine Power* (not *Character*) of *Cardinal Woolsey*; but includes that as the chief Cause of their Fall, tho' not the Only One, and so as to exclude All Others besides.

Sect. 59. [3] Authority, &c. p. 248.

The Difference between Dr. *A.* and me in the present Case is this. [3] I say (in general) that the *Clergy* had so acted against the *Statutes* of *Provisions* and *Præmunire*, that there were but very few of any Note among Them, who had not, upon *Some Account or Other*, incurr'd the Penalty of those *Statutes*. And for this I have both the Clergies Own Request to the King for Pardon, and the *Statutes* of Pardon granted to them, on my side. They speak in the same terms; as largely and generally as I did.

Dr. *A.* dislikes this Account: He not only charges me as grosly Ignorant of our *History*, but traduces me as an *Enemy* of the *Clergy*, for giving of it. He affirms that they incurr'd the Præmunire "for *Submitting* to the *Cardinals Legantine Character Unauthorized by the Crown: Not for* procuring *or* making use *of* provisional

visional Bulls, *&c.* contrary to those *Statutes*. That the *Cardinal* did not take up his *Legantine Character Unauthorized by the Crown* we have before seen. And that he might have so used it, as not to have at all impeach'd the *Kings Prerogative*; or Regality thereby, we must also allow, or we must say, that the Solemn Protestation which He made to the *King*, before the *Lords Spiritual* and *Temporal*, that He would so Use it, as not to Do, or *Attempt any thing* by vertue of it contrary thereunto, was a Contradiction in Law; a Promise not to do that by vertue of His *Legantine Character*, which the very *Character* it self alone, tho' taken with the *Kings* Allowance, would cause him to Do.

What therefore was the *Cardinals* and *Clergies* Crime? Let the Kings *Attorny* General speak it. His fault was, that knowing the Laws of Præmunire; and particularly that of the 16 R. 2, He had nevertheless obtain'd certain *Bulls*, from *Clement* the viith, by which He *Exercised Jurisdiction and Authority Legantine to the* "*Deprivation* of the *Kings Power* in his *Courts of Justice*;——to the *Pre-* "*judice* of the Right of both Secular and Eccleſiastical Persons: One instance "of which, instead of many, the *Attorney* particularly insists upon. But the Articles against him are more full, and bring home the Charge upon him, upon the same Statute. "'*Also the said Lord Cardinal, by his Authority* [1] Art. 7. "*Legantine, hath given by prevention the Benefices of divers Persons, as well Spiri-* "*tual as Temporal, contrary to your Crown and Dignity, and your Laws and Statutes* "*therefore provided: By reason whereof He is in Danger to your Grace of Forfeiture* "*of his Lands and Goods, and his Body at your pleasure.*

Here then we see wherein the *Cardinal* offended; not in taking upon him the Character of *Legate*, for that the King and Lords had agreed to, and judged he might take without any detriment to the *Prerogative* of the *Crown*; but in Exercising the *Jurisdiction* and *Authority* of it beyond what he had promis'd, and the Laws permitted him to Do. Now in this Exercise of it, the *Clergy* complied with Him, and submitted to Him: And by so doing They involved themselv's in the same Guilt. But still both He and They were criminal for offending against the Laws of *Provisions* and *Præmunire*: The One by granting Faculties, and Instruments, and giving Benefices by Prevention, and doing Other things contrary to the Statutes of the Realm: The Others, by purchasing and receiving such Instruments, and accepting of such Benefices from Him; and so complying with Him in those his Illegal and Criminal Procedures.

But tho' it be therefore certain, that in thus submitting to the *Exercise* of the *Cardinals Legantine Jurisdiction and Authority*, the *Clergy* were many of them guilty of a *Præmunire*, How will Dr. *A.* assure Us that they were Guilty in no other Respect? That they had broken these Statutes only in that one Instance; and so needed a *Pardon* for nothing else, but meerly for having complied with the *Legantine Character of Cardinal Woolsey Unauthorized by the Crown?* Was the Intercourse with *Rome* so intirely broken, for twenty Years before the Quarrel began about the *Divorce*, that all *Bulls* and *Faculties* were stop'd; no Appeals made thither; no Causes heard, or determin'd there, for which by our Laws any of the *Clergy* might be in Danger? This Dr. *A.* will hardly affirm; I am sure will never prove. Yet this he must say; or He must allow the Account which I gave of their Danger to have been the right; and that they had incurr'd a *Præmunire* not only in that one particular Instance which He advances, but on many other Accounts: And therefore that the true, as well as full Representation of it, required me to put it, as I said, on their having, generally, Offended against the Statutes of *Præmunire*; without restraining it, as He has done, to *One*, and that *One*, a mistaken, and misrepresented Cause of it.

So little Skill, as well as Good Nature, has Dr. *A.* shewn in his first Entrance upon this History. But his next step is intolerable; and declares him when he set about this part of his Work to have understood nothing at all of what he wrote. [2] "Thus, saith he, both the *Clergy* and *Laity* were unawares at the "Kings Mercy, and the *Clergy* not admitted to pardon *Gratis* (as the *Laity* af- "terwards were) but forced to ransome Themselves by a good round Sum "for those times; and by an Acknowledgment in *Convocation*, that the King "was *Supreme Head*; *together with the SUBMISSION and PETITION Recited* "*in the PREAMBLE of* the *ACT* we are now discoursing of. In which Words 'tis plain, that He makes not only the *good round Sum* of which he speaks, and the *Acknowledgment* of the *Kings Supremacy*, to have been the Condition upon Sect. 60. [2] Rights, &c. p. 82.

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which they obtain'd their Indemnity from the *Præmunire* which they had fallen under; but the *Submiſſion* and *Petition* too, upon which the *Statute* of the 25*th* of *H.* VIII. *c.* 19 was drawn. And accordingly, *p.* 92. He falls foul upon an *Ingenious Writer*, with that peculiar Freedom which runs through his whole Work, for affirming, that the *Præmunire* was off, when the *Clergy* made their *Submiſſion*: And blames my *Lord* of *Sarum* for forgetting in one part of his Hiſtory, what he tells us his Lordſhip ſeem'd to have known by another, that the *Submiſſion* was made by the *Convocation* in the Year 153½.

I ſhall not need to tell Dr. *A.* that this was a great Miſtake, who himſelf has own'd the *Submiſſion* to have paſs'd *May* the 15*th.* 1532. But this I muſt ſay, it was a much more unpardonable Miſtake in One who pretended to ſo much *Light*, as he did, in that whole Tranſaction; than in my *Lord* of *Salisbury*, who complain'd of the want of it. Let us hear how he ſpeaks of it in his Firſt Edition: [1] "Whether his Lordſhip were aware of this, or no, *it is certain* the "*Submiſſion* was ſo much older than the Act; that is, was made *Anno* 153½, *as* "*appears* by the *Journal* of the *Convocation that framed it*, ſtill remaining, tho' "his Lordſhip (*p.* 147) complains that it is loſt, and excuſes himſelf on this account, *&c. I have ſeen the Journal of that Synod*, &c. There is no Reaſon "therefore to complain for want of Light in this Caſe; for perhaps there is "ſcarce any one thing done in any of *Henry* the VIIIth's *Convocations*, of which "we have a clearer and fuller Account, *&c.* But how then came Dr. *A.* to be himſelf ſo groſly miſtaken in that very thing for which he Cenſures that Great *Prelate?* I cannot but think it will aſtoniſh the *Reader*, (I am ſure it ought to do every Conſidering Perſon) to find this Vain Man at laſt Profeſſing his *Error*, in this very Point, to have proceeded from his Reliance upon my Lord of *Sarum*'s Authority in it. I muſt ſet down his own Words again, or I ſhall hardly be believed in the moſt favourable Report that I can make of them.

[1] Rights, &c. p. 92, 93

[2] "Indeed I have need my ſelf of this Plea, upon the preſent Article, who have "in more than One place of the *former Edition* of this *Book*, ſpoken of the "Clergies *Submiſſion*, and *Subſidy*, as if they had *born one another Company*." Why Dr. *A.* confines this *Miſtake* to the *former Edition* of his *Book*, I cannot imagine: Sure I am, that if his *Second Edition* corrects nothing, but what his *Additions* and *Emendations* refer to, the ſame will be found to ſtand unaltered there, in the [3] Paſſage I before alledged; the moſt Remarkable of any, in which it before occurr'd. But this by the way: The great Queſtion is, How under ſo clear a Light, One who ſo ſeverely corrected my Lord of *Sarum*, for placing of this *Submiſſion* in a wrong Year, and had reſtor'd it, as he thought to its right Period; and told us, [4] "*It was certain*, whether his *Lordſhip* were "*aware of it, or no, that the Submiſſion was ſo much older than the Act*, as he there ſays; came, after all, to be himſelf in the Wrong? He tells us in theſe Remarkable Words; [5] "But in this (ſays He) *I follow'd* his *Lordſhip's Account* "*too reſpectfully*; thinking that what his Lordſhip had ſo often lay'd down, in a "Point ſo obvious to be known, could not well be miſtaken. But if the *Reader* "will forgive my *Implicit Relyance* this once, I promiſe to do ſo no more; Not "to take any thing for the future, even upon his *Lordſhip*'s Authority, great "as it is, without examining into the Truth of it.

[2] Addit. p. 18.

[3] Ibid. p. 4.

[4] Rights, &c. p. 92.

[5] Addit. p. 18.

Dr. *A.* muſt excuſe me if I take the Liberty to expoſtulate a little with Him upon ſo ſtrange an Aſſertion. He owns himſelf miſtaken, in having *affirm'd* that the *Submiſſion* of the *Clergy* was made, when the *Subſidy* of 100000 *l.* was given: And he imputes his Error to his Implicit Relyance upon my Lord of *Salisbury's Authority*. How can this poſſibly be reconciled with the Paſſages of his *former Book?* To ſay nothing more of what I before obſerv'd, that he undertook from *Journals*, and *Acts*, to Correct my Lord of *Sarum*'s *Miſtake*, among Others, in *this* very *Point*: I appeal to the *Correction* it ſelf, as it ſtands in his own Words, [6] "My Lord of *Sarum*'s Expreſſions (ſays he) in the Year 153[illegible] "are; *As the Parliament was going on with theſe good Laws, there came a Submiſſion* "*from the Clergy then ſitting in Convocation, to be paſs'd in Parliament*, (p. 147.) "But this is one of thoſe NODS that Great Men in long Works are ſubject "to. For his Lordſhip, *p.* 133. of that Work ſeems to have known that the "*Submiſſion* was made by the Convocation in 1531 and 2, however he came to "forget it here, and to place the Riſe of it two Years lower. But *whether his* "*Lordſhip were aware of this, or not, It is certain* the *Submiſſion* was ſo much Older

[6] Rights, &c. p. 92.

that

"than the *Act*. These are Dr. *A*'s Words; and I Appeal to the World to ſay, whether theſe were the *Words* of a Man who *implicitely Rely'd* on the *Authority* of that very *Perſon* whom he *Corrected*, I had almoſt ſaid Ridicul'd, for his *Miſtake* in this very Matter?

He obſerves indeed, that his Lordſhip, who ſo groſly Err'd in the Date of the *Submiſſion* here, SEEMED to have *known* in other Parts of his Hiſtory, that it was made in the Year 153½. "But, ſays he, whether *his Lordſhip were aware* "*of this or not*, (for Dr. *A*. was not then ſatisfied whether he did ever truly "know the Date of this *Submiſſion*) *it is certain* that it was made in that Year. And then he adds his Authority for it, [1] "*As appears by the Journal of the Convoca-* "*tion that framed it ſtill remaining*. It was from the *Journal* of the *Convocation* therefore, not from the Biſhop of *Sarum*'s *Hiſtory*, that Dr. *A*. pretended to deliver his *Certain Oracle* about the *Date* of this *Submiſſion*. As for my Lord of *Sarum*, he had given ſuch different Accounts of this *Submiſſion*, [2] in Dr. *A*'s own Words, "Had expreſſed himſelf in the ſeveral Parts of his Work in ſuch an "obſervable Variety on this Head, that he could not well tell whether his Lordſhip knew the true *Date* of it, or no. Which being ſo, I ſhall leave it to Dr. *A*'s own Conſcience to reflect with what Truth, or Ingenuity, he could nevertheleſs, after all tell the World, as he does in his fleering way, that he was led into this Error, "by following his Lordſhip's Accounts too reſpectfully; "as thinking what his Lordſhip had ſo often laid down, in a Point ſo obvious to "be known, could not well be miſtaken.

[1] Rights, &c. p. 92.

[2] Addit. p. 18

Sect. 61.

I may now venture to ſay, that when Dr. *A*. firſt undertook the Interpretation of this *Statute*, he knew very little of the true Grounds of it: And particularly that he was utterly Ignorant of the *two Great Circumſtances* upon which the whole Hiſtory of it depends; the *Time* when it was made, and the *State* of the *Clergy* at their making of it. As for what he has ſo much labour'd ſince, I mean the ſeveral *Steps* and *Progreſſions* by which it went on in the *Convocation*, they All amount but to thus much; That the *Biſhops* and *Clergy* were drawn very unwillingly to make the Conceſſions which were requir'd of them; That they ſtood out as long as ever they durſt againſt them; and, at laſt, compounded with the King upon the beſt Terms they could concerning them.

To examine this Account with any Exactneſs, I ought to have, as ſome other *Papers*, ſo eſpecially thoſe Extracts of the *Upper Houſe* of *Convocation*, of which Dr. *A*. ſpeaks, [3] *Appendix* p. 41, and tells us are in his Hands. Had he given us a faithful *Copy* of them, as he has of thoſe which he has printed, we ſhould have been much more able to have judged of the Truth of this Relation, than we now are, by comparing it only with thoſe more antient *Extracts* which alone he has publiſhed. However, to ſhew that there may be ſome Reaſon to doubt, if not of his Fidelity, yet at leaſt of his Exactneſs, in ſeveral Circumſtances of his Hiſtory; I will briefly run thro' the *main Circumſtances* of it; in ſeveral of which, according to the ſmall Light which I yet have, I take him to have been much miſtaken.

[3] Addit. Append. p. 41.

[4] Dr. *A*. having told us, that the King was diſpleas'd with the firſt Anſwer of the *Convocation*, concluded upon *April* the 19*th*, adds, that he remitted it back again to them, to be better conſider'd of by them. "For (ſays he) on "*Monday April* the 29*th*, I find the Matter again in debate there; and thoſe "Debates continuing till the *Monday* afterwards, without effect.

[4] Addit. p. 9.

In this I thus far agree with him, that the King was *diſſatisfied* with their Anſwer, and did ſignifie his Diſſatisfaction to them. The Speech which he made to the *Commons*, when he put it into their Hands, ſhews the One; and the *Preface* to their *next Paper*, which Dr. *A*. himſelf has publiſh'd from the *Cotton MS*. aſſures us of the Other. But where does Dr. *A*. find, "that the King remitted "their Anſwer back again to the *Convocation* to be better conſider'd of by "them? Of this, his *Printed Minutes* are utterly ſilent: And I have before ſhewn, that inſtead of remitting it back to the *Convocation*, he ſent it by the *Speaker* to the *Houſe of Commons*, where it was read, and diſſatisfied them as much as it had done the King before. Now this the *King* did not till *April* the 30*th*, and therefore it muſt needs be a Miſtake in Dr. *A*. to affirm, as he do's, (upon what Authority I deſire to know) that it was *remitted* to the *Convocation* on, or before, the 29*th* of the ſame Month.

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But why do's Dr. *A.* put off the *Resumption* of this Matter in the *Convocation* to *Monday April* the 29*th*? His own Minutes shew that it was resum'd the *Wednesday* before, *April* the 24*th*; and his Transcript of that Session, which has no other Business in it, assures us, that he was (at least when he *printed* his *Appendix*) himself sensible of it. But he proceeds:

[1] Addit. Append. p. 37. Sess. ci.

[2] Ibid. p. 10.

The *Prelates* [2] "having felt the *King*'s Frowns, on the account of their "*first Answer*, were willing that the *Lower House* should have the Honour of "drawing up the next: And therefore *recommended* it to the *Prolocutor*, and "*Clergy*, to *Agree* upon such a *Reply* as They should think expedient. How far Dr. *A*'s *Invisible Extracts* affirm this, I must not pretend to conjecture. The *printed Ones* are, I am sure, too short and obscure to let us into so formal a Piece of *Convocation-History*. In the three *Sessions* of *April* the 24*th*, 29*th*, and *May* the 3*d*, we find the *Prelates* and *Prolocutor*, &c. treating of this Matter. Session CIV. *May* the 6*th*, the *Bishop* of *London* being at the Head of the *Convocation*, rehears'd the *Will* of the *Archbishop*, touching the *Supplication* aforesaid; and Order'd (Dr. *A.* says Recommended it to) the *Prolocutor*, &c. *to draw up their Answer in writing*. This is all our Extracts speak; and from this nothing more can, I think, be inferr'd, than this; that the *Archbishop* requir'd the *Answer* of the *Lower House* to be brought, the next *Session*, in writing, to such Points as the *Bishop* of *London*, in his Name, proposed to them, touching this *Supplication*; which *both Houses* appear to have been treating of in the *Sessions* foregoing.

But Dr. *A.* goes on: "A *Committe* of the *Lower House* was thereupon ap- "pointed, who drew up a *New Answer* to the former part of the *Supplication*, "(which stuck most with the King) and accompanied it with an *Assertion* of the "*Clergies Power* to make *Canons*, as founded in *Scripture*; the Passages of which "they ranged under Four several Heads. *And this*, and their *New Answer*, they "laid before the *Upper House*, on *Wednesday May* the 8*th*. I am here again under the same Difficulty I was before: The *Invisible Extracts* will not suffer me to say this is *wholly false*; nor yet the Visible Ones encourage me to believe that it is *exactly true*.

[3] Sess. cv.

[3] On the 8*th* of *May*, the Bishop of *London* "being Commissioner for the "Archbishop, receiv'd from the Prolocutor *Quatuor Libellos*, concerning the "*Authority* of *Ecclesiastical Persons* to *make Laws* for the *Suppression* of *Heresy*, "conceiv'd (as he affirm'd) by Learned Men; and protested that he did not "*Exhibit* them as *Approv'd* by the *Unanimous Consent* of the *Whole House*, but "that the *Commissary*, and *other Bishops*, might read them, and choose out what "made most for the Truth; and then desir'd, that if the *Bishops* should *draw up* "any thing, the *Lower House* might be made acquainted with it, *Priusquam ad-* "*ferentur*. This is all that our *Minutes* report: What these *Quatuor Libelli* were; or that any *New Answer* was *drawn up* by the *Lower House* to the *Supplication* of the *Commons*; or, at this time, tender'd to the *Upper*; we must be beholden to the *Hidden Extracts* to inform us. He adds:

[4] Addit. p. 11.

[4] "The *Upper House* agreeing to *this Answer*, the *Bishops* of *London* and *Lin-* "*coln*, the *Abbots* of *Westminster* and *Burton*, together with *Sampson* Dean of "the Chappel, and *Fox* the Almoner, were desir'd to attend the King with it; "and at the same time to be instant with him, that he would preserve and pro- "tect their Liberties and Immunities, in like manner as his Noble Ancestors "had done. That the *Lower Clergy* did this *Session* desire that some might be sent to the King, to beseech him that he would vouchsafe to maintain the Liberties of the *Church* which himself and his Progenitors had preserv'd; and that the Persons here mentioned did at their Request undertake to do this, *our printed Extracts* tell us. But of this *Answer drawn up* by the *Lower House*, and agreed to by the *Upper*; and sent by these *Persons* to the King in the Name of the *Convocation* (tho' so eminent an *Act* that one would think it could hardly have escaped the Observation even of a Careless *Abridger*) not one *Word* appears in them. It is well therefore that Dr. *A*'s *Later Extracts* have been more full: And we ought to entreat him, both for his own Vindication, and for our Instruction, to give us an *Authentic Copy* of them.

"This done, the *Convocation Adjourn'd* till *Friday*: (so his Private *MS.* I suppose tells him. Our Extracts speak more justly to the *Authority* of the *President*) that he *Prorogued* it till *Friday*; *& tunc Contin. Dominus Locum tenens usque in diem Veneris*)

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Veneris) "When the Almoner reported to 'em, how little Satisfaction their "*Second Anſwer* had given; and withal produced a Form, which the King "requir'd them peremptorily to ſign, and under which He would not be con-"tented. Of this *Schedule*, or Form, ſent to the *Convocation* by the *Almoner*, our *Extracts* take a very particular Notice: But of the *Second Anſwer* of the *Convocation* to the *Commons Petition*, which makes ſo great a Figure in this part of Dr. *A*'s *Narrative*, they are ſtill, I know not how, moſt obſtinately ſilent. Might I be allow'd to offer my own Conjecture againſt the Authority of this *MS. Collection*, I ſhould think, that tho' ſeveral Forms might be, and I doubt not, were drawn for the Kings *Satisfaction*; nay, and privately communicated to Him alſo for his Approbation: Yet that the *Convocation* having not pleaſed Him in their *firſt Anſwer*, and the King proceeding with ſuch Reſolution againſt Them, They did not think fit to preſent any *Other Anſwer*, as the *Act* of the *Convocation*, to Him; till they finally concluded upon that, which the King appears to have Agreed to, and promiſed to Accept of. So that, tho' I can eaſily allow Dr. *A.* that all thoſe *Forms*, which he has publiſh'd, were drawn upon this Occaſion; and that ſome of them, for ought I know, were ſhewn to the King; yet in this I muſt beg leave to differ from him, till he ſhall favour Us, with a more eaſy Acceſs to his MS. Authorities; that as our antient *Extracts* take not the leaſt Notice of their ſending to his Majeſty any *Anſwers* beſides their *firſt* and their *laſt*, ſo were thoſe the only Ones that the *Convocation* did preſent, as their Act, to Him. But this is Conjecture only; and ſhall readily be retracted as ſoon as the *MS. Extracts* ſhall ſhew I was miſtaken.

To return now to the *Schedule*, which we are ſure the King ſent to the *Convocation*, and of which Dr. *A.* has given us, I ſuppoſe, a true Copy. [1] "Upon receiving this Paper, the *Clergy* (He ſays) *Adjourn'd* firſt to St. *Catharines*, and then to St. *Dunſtans Chappel* in the Monaſtery. This again muſt be MS. Story; for the *printed Extracts* ſpeak much Otherwiſe. Their Words are theſe: "The *Archbiſhop, after that the Schedule was read, and Deliver'd by Mr. Fox the Almoner, prorogued the Convocation to the Chappel of St. Catharine within the Monaſtery, to which the Archbiſhop and the reſt of the Prelats immediately went, and there the Schedule was again read. Then the Archbiſhop prorogued the ſaid Convocation to the Chapter Houſe aforeſaid, to Munday May the* 13*th.* Here we read nothing of the *Clergies Adjourning*, but of the *Archbiſhops Proroguing* of the *Convocation*: Nothing of their *Adjourning firſt* to St. *Catharines*, and *then* to St. *Dunſtans*; but of their reading again the *Schedule* in St. *Catharines Chappel*, and ſo being prorogued back again to the *Chapter Houſe*, by the *Archbiſhop*, on *Munday* following. But to proceed with his Narrative:

[1] Addit. p. 12.

"The Reſult of their Debates (the Clergies on their removal to St. *Dunſtans Chappel*) was to ſend *four* of the *Upper*, and *ſix* of the *Lower Houſe*, to the Biſhop of *Rocheſter* then abſent, *for his Advice* in the Caſe, by which they ſeem'd inclin'd to govern Themſelves; and in Expectation of it, *Adjourn'd* till *Munday*. Dr. *A.* ſtill writes out of his MSS. in contradiction to his printed *Extracts*; whoſe account of this Tranſaction is this: "*That the Archbiſhop having in St. Catharines Chappel prorogued the Convocation till Munday, did Himſelf, together with the Biſhops, go directly from thence to the Chappel of St. Dunſtan; and there it was agreed, that the Biſhops of Lincoln, and Bath and Wells, and the Abbot of St. Bennet; as alſo Mr. Edward Fox, Mr. Powel, Wilſon, and Duck, Doctors of Divinity, and Mr. Raynes, and Cliff, Doctors of Law, ſhould Go to the Biſhop of Rocheſter to his Lodging, to treat maturely about the Contents of the Schedule aforeſaid.* They were choſen by the *Archbiſhop* and *Biſhops*, after the *Convocation* was prorogued, to go to the Biſhop of *Rocheſter*'s Lodging, not for his private Advice, but as a *Commitee*, to debate together with Him, on this Affair; "As the Words of the Minute are, "to treat maturely about the Contents of the *Schedule* aforeſaid: In Expectation whereof Dr. *A.* ſays they *Adjourn'd till Munday*. But Our Extracts tell us, that the *Convocation* had been prorogued before any thing of this was reſolved. As for the *Biſhops*, who appointed the Meeting of this *Committee*, They were ſo far from Adjourning till *Munday* in expectation of Biſhop *Fiſher's Advice*, that They expreſly Order'd this *Select Committee*, to report *Their Opinions, Eorum Opiniones*, to Themſelves the next day, being *Saturday*, at the *Archbiſhop's Chamber*, where He was wont to dine in *Parliament* time. So wide is the Difference between theſe two *Extracts*;

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tracts; and so impossible is it to reconcile Dr. *A*'s *History*, with the proofs of it in his own *Appendix*.

From this short Specimen it may appear, that either the antient *Extracts* of this *Convocation*, which Dr. *A.* himself has published, are not only very imperfect, but in some considerable Circumstances utterly false too; Or there may be just Reason to suspect the Exactness of his Relation, in several matters of no small Importance. He will no doubt easily clear our Suspicions, by shewing that his MSS. *Notes* do not barely illustrate the Obscurity, and supply the Defects of the Other; but in all these Passages correct their *Errors* too. I shall only add that either my *Copier* has been very negligent, or those Forms of Submission which he has printed from the *Cotton Library*, may need his Review: How far the rest have Escaped the like Errors, I cannot tell, because Dr. *A.* has not been pleased to let us know where we are to look for Them. But in the main *Record* of all, I cannot but complain of a very Arbitrary, and Unwarrantable procedure. The piece, I speak of is the *Act of Submission*; which still remains very fair among the other Statutes of that *Parliament*; is duly and regularly pointed; and lay open in a *Public Office* to his Inspection. (*a*) Yet in the very *Sentence*, upon which the whole Meaning of it turns, in one part (at least) of our Dispute; Dr. *A.* has not only divided the *Verbs*, which lead the *Sence*, from One another, by his Own perverse *Interpretation*; but to give the fairer Colour thereunto, has printed it with a *distinguishing Point*, both in the *Recital*, and in the *Enacting Part*; and laid the Whole Stress of his Argument upon it. Whereas in truth not only no such *Considerable Point*, but *None at All*, is found there in the *Record*; as by the Copy, which I have from thence taken of it, may appear. [1]

[1] Append. ad Ann. 1533.

The *Record*.

(*a*) Have promised *in Verbo Sacerdotii* that They will never from hence-furth presume to Attempt Alege Clayme or put in Ure or Enact Promulge or Execute any newe Canons Constitucions Ordinaunce Provincial or other or by whatsoever other name they shal be called in the Convocacion oneles the Kingis most Roial Assent and License may to Them be had to make promulge and execute the same/

Be yt therefore nowe Enacted by Autoritie of this present Parliament according to the said Submission and Petition of the said Cleregy that they ne enny of them from hencefurth shall presume to attempt alege clayme or put in ure any Constitutions or Ordinauncys Provincial or Sinodalys or any other Canons nor shall enacte promulge or execute any suche Canons Constitutions or Ordinaunce Provincial by whatsoever name or names they may be called in ther Convocacions in tyme comyng whiche alway shal be Assembled by Autoritie of the Kingis Writ/ Oneles the same Cleregy may have the Kingis moste Royal Assent and Licence to make promulge and execure suche Canons Constitutions and Ordinauncys &c.

Dr. *A*'s *Rights*, &c. p. 81.

Have promised in Verbo Sacerdotii, that They will never from henceforth presume to attempt alledge, claim, or put in ure: or enact, promulge, or execute any new Canons, Constitutions, Ordinances, Provincial, or other, or whatsoever other name they shall be called in the Convocation, unless the Kings most Royal Assent, and Licence may to Them be had, to make promulge, and execute the same:

Be it therefore now enacted by the Authority of this present Parliament, according to the Submission and Petition of the said Clergy, that They, ne Any of Them, from henceforth shall presume to attempt, alledge, claime, or put in ure any Constitutions, or Ordinances, Provincial or Synodal, or any other Canons: Nor shall enact, promulge, or execute any such Canons, Constitutions, or Ordinances Provincial, by whatsoever Name or Names they may be called in their Convocations in time coming (which alway shall be assembled by Authority of the King's Writ) unless the same Clergy may have the Kings most Royal Assent and Licence to make promulge, and execute such Canons, Constitutions, and Ordinances, &c.

I could mention some other Escapes, of a lesser moment in the same *Transcript*, but one more there is, which is too Notorious to be pass'd by; that in the "Clause which declares the *Clergies* Opinion, that the *Convocation* of the same "same *Clergy* is, always has been, and ought to be assembled *ONLY* by the "Kings *Writ*; the Word *ONLY* is drop'd by Him; tho' it be expressly inserted, both in the *Form of Submission*, which Himself has publish'd from my *Lord Longuevill's Library*; and in the last and most common *Editions* of our *Statutes* themselves, which have restored it from the *Record*, and thereby render'd his Disingenuity, or Negligence, the more Culpable in the Omission of it.

But of this *Statute*, and the several Circumstances, which may seem requisite to be farther taken notice of in Order to a Right Understanding of it, I shall have Occcasion to speak more fully hereafter: Nor should I have stay'd so long as I have now done, upon it, but only to shew, that after all [2] Dr. *A*'s Insults upon Others, for not clearing this Part of our Church History, He has not him-

[2] Addit. p. 18, 19.

self

ſelf been either ſo full, or ſo correct, as not to leave a ſufficient ground for thoſe who come after him both to *ſupply* his *Defects*, and to animadvert upon his *Errors*.

Sect. 64. 1534.

To return now to our Enquiry into the *Seſſions* of our *Parliaments* and *Convocations*, which the Hiſtory of the *Submiſſion* of the *Clergy* has too long interrupted. On the 3*d* of *November* the *Parliament* which had continued ſo many Years ſucceſſively, met again by *Prorogation*, and ſate till the 18*th* of *December* following. The *Convocation* of our *Province* began the next Day, and held till *Saturday*, *December* the 19*th*, the Day after the *Parliament* roſe. It was then prorogued to the 4*th* of *November* the next Year, 1535: [1] But the *Convocation* of the other Province kept not its Meaſures ſo exactly with the *Parliament*. When it Reſumed its *Seſſion*, I cannot tell; but by the King's *Writ* for *Proroguing* of it, dated *January* the 26*th*, it appears to have ſate at leaſt till the 3*d* of *February*, above Six Weeks after both the *Parliament* and the other *Convocation* were riſen. In this *Writ* there is one thing that will deſerve to be particularly taken notice of; that the King preſcribed no Day for the next Meeting of that Aſſembly, but left it to the Archbiſhop to prorogue it to any Day, which he ſhould reaſonably limit and appoint for the Meeting of it. Had there been any ſuch neceſſary Dependance of the *Convocations* upon the *Parliament* as is now contended for, I cannot underſtand how the King could have indulged this Favour to the *Archbiſhop*; but much leſs could the Archbiſhop have proceeded as he did upon it. For inſtead of appointing it to meet again with our *Convocation*, *November* the 4*th*, he aſſign'd a longer time to it, *February* the 4*th*: So that either our *Convocation* muſt have Anticipated the *Seſſion* of the *Parliament*, by Reaſſembling by its ſelf in *November* without it; or this *Convocation* muſt have been deſign'd to have come after the End of it in *February*; to be ſure both could not have been Appointed to Meet at the ſame time with it.

[1] Regiſtr. Lee Ebor. fol. 93.

Append. ad Ann. 1534.

1535.

However it were, upon the 4*th* of *February* the *Parliament* aſſembled the laſt time; it ſate till the 14*th* of *April*, and was then Diſſolv'd. Whether any *Convocation* ſate with it in either *Province*, I much doubt. Neither Archbiſhop *Cranmer*'s, nor Archbiſhop *Lee*'s Regiſters, make mention of any. In *September* before, the King began his *Royal Viſitation*, and ſuſpended the *Juriſdiction* of the *Archbiſhops* and *Biſhops* during the Time of it. This, join'd with the Silence of our *Regiſters*, and of the Ancient Extracts of our *Convocation*, (which barely note the Proroguing of our *Convocation* to the Fifth of *February*, and ſo proceed immediately to the next Aſſembly of 1536) incline me to think, that the *Parliament* ſate this Year without any *Convocation* in either *Province*: Sure I am I have not met with the leaſt Intimation of any, in thoſe *Regiſters* and *Records* in which I have, with ſome Care, ſearched after them.

Rights, &c. p. 274, 275.

It was in *June* this Year that the King, as I conceive, publiſh'd the *Proclamation* to which Dr. *A.* referrs, *p.* 275, and in which he thinks he has met with ſomething to prove the *Convocation Clergy* to be a part of the *Parliament* of *England*. The King recites, "how that by the deliberate Advice, Conſultation, "Conſent, and Agreement as well of the *Biſhops* and *Clergy*, as by the *Nobles* "and *Commons Temporal* of his Realm, *aſſembled in his High Court of Parliament*, "the Abuſes and Authority of the Biſhop of *Rome*, had not only been utterly "Extirpated, Aboliſh'd, and Secluded; but alſo the ſame his *Nobles* and *Com*"*mons* both of the *Clergy* and *Temporality*, by another ſeveral *Act*, and upon the "like Foundation, had united, knit, and annex'd to him, and the Crown Impe"rial of this his *Realm*, the Title, Dignity, and Stile, of *Supreme Head in* "*Earth*, *immediately under God*, of the *Church of England*: Which things alſo "(continues the King) the ſaid *Biſhops* and *Clergy*, particularly in their *Convo*"*cations*, have wholly and entirely conſented, recognized, *&c.*

From this Inſtrument, Dr. *A*'s Argument muſt lie thus; That the *Biſhops* and *Clergy* of whom the *Proclamation* twice ſpeaks, as being Aſſembled and Acting in *Parliament*, were the *Biſhops* and *Clergy* in *Convocation*; and therefore the *Clergy* Aſſembled and Acting in *Convocation*, are ſpoken of in our *Public Inſtruments* as being Aſſembled and Acting in *Parliament*; and by Conſequence are to be accounted a *Part* of it.

But what then ſhall we ſay to the laſt *Clauſe* of this *Proclamation*? "Which "things alſo the ſaid *Biſhops* and *Clergy*, particularly in their *Convocations*, "have wholly and intirely Conſented, Recognized, Ratified, Confirmed and "Approved.

K. HENRY *the* VIIIth. "Approved. For if the *Biſhops* and *Clergy*, who before were ſaid to have done this in *Part* with the *Nobles* and *Commons Temporal*, did then Act in their *Convocational State* and *Capacitie*, when they ſo join'd with the *Nobles* and *Commons* in *Parliament*; How are they afterwards ſaid to have *alſo* done the ſame thing *particularly*, that is *Apart* by *Themſelves*, in their *Convocations*? Do's not the very wording of this *Inſtrument* plainly ſhew that the *Biſhops* and *Clergy* did *Twice*, and in a *double Place* and *Capacity*, what is there mention'd: Once *jointly* with the *Nobles and Commons Temporal in Parliament*; and once *particularly*, by *Themſelves*, in their own *Convocations*?

But we will examine theſe Matters more fully, and then ſee whether the Hiſtory of theſe Tranſactions do's not agree, to the plain Senſe and Meaning of the Expreſſions. In the *Convocation* of *Cant. Anno* 1530, the King was recognized by the *Clergy* of this *Province* to be *Supreme Head of the Church* of *England*. The ſame was done by the *Clergy* of *York*, in their *Convocation* in *May* following, *Anno* 1531.

In the *Convocation* of *Cant. Ann.* 1533, the Biſhop of *Rome* was determined to have no more or greater Authority in this Realm, than any other *Foreign Biſhop*. The ſame was done in the *Convocation* of *York* the *June* after, 1534.

25 H. viii. c. 19, 20, 21. In the *Parliament* which met *January* the 15th, 1533, Three ſolemn *Acts* were paſs'd againſt the *Pope's Authority*; to one, or all of which, I take the *Proclamation* now before us to referr. Theſe were paſs'd into *Statutes* by the King, *March* the 30*th*. But the *Reſolution* of the *Biſhops* and *Clergy* in our *Convocation*, concerning the *Authority* of the *Biſhop* of *Rome*, was not finally concluded upon till *March* the 31*ſt*, the Day after the Parliament was riſen; and in the *Other Province*, not till above two Months after.

The Caſe is the ſame, or rather is (if poſſible) yet more clear, in the other *Act* which the *Proclamation* referrs to. The *Statute* by which the King was declar'd to be *Supreme Head* of the *Church of England*, was made the 26*th* of *H.* 8. 1534. But the *Clergy* in *Convocation* had recognized this three Years before; and therefore the *Clergy*, who made this *Act* in *Parliament* in 1534, muſt needs be different from the *Clergy* who made that *Recognition* in *Convocation*, in *February* and *May*, 1530, 1531.

Accordingly we find the very *Statutes* themſelves diſtinguiſhing between the *Acts* of the *Convocations*, and the *Acts* of *Parliament*, in this very Matter. They ſpeak of the Former as a thing *already done*, and from thence inferr the Reaſonableneſs of what the *latter* were, in thoſe *Statutes*, about to do. So 25 *H.* 8. *c.* 21. "Foraſmuch as your Majeſty is *Supreme Head* of the *Church* of *England*, "as the *Prelates* and *Clergy of your Realm* repreſenting the ſaid *Church* in their "*Synods* and *Convocations* have *recognized*; it may pleaſe your Majeſty to ordain "and enact, by the Aſſent of your *Lords Spiritual* and *Temporal*, and the *Commons* "in this *preſent Parliament aſſembled*. Which *Lords* and *Commons* (to obſerve that by the way) are before in the ſame *Act* ſaid to repreſent the *whole State* of the *Realm* in *Parliament*. And in the other *Statute*, 26 *H.* 8. *c.* 1. the Preamble runs in theſe Terms, to the ſame effect: "Albeit the *King's Majeſty*, juſtly and "rightfully is, and ought to be, the *Supreme Head* of the *Church* of *England*; "and ſo is *recognized* by the *Clergy* of the *Realm* in their *Convocations*, &c. Yet "nevertheleſs, Be it enacted, *&c.*

The *Clergy* then, as well as the *Biſhops*, are to be conſider'd under a double Capacity: As Members of the *Provincial Convocations* of *Cant.* and *York*, and as *Members* of the *Parliament* of *England*, ſummon'd by the *King's Writs* to that *Great Council*, and making up, together with the *Biſhops* and *Prelates*, one of the *Chiefeſt States* of it. In this *latter Capacity* they confirm'd by *Law* in *Parliament*, what themſelves had before *Recognized*, as their Opinion, in their ſeveral *Convocations*. The *Biſhops* and *Prelates* were actually preſent in Both. The *Deans*, *Priors*, and *Archdeacons*, who came to the *One*, were *ſummon'd* to, and ſo in Law reputed, to be preſent in the *Other*. So might many of the *Proctors* of the *Chapters* and *Dioceſſes* have been likewiſe: And therefore tho' the *Biſhops* and *Parliamentary Prelates* alone at that time *ſate* and *voted* at the *Paſſing* of theſe *Statutes*, yet what they did was in the *Name*, and look'd upon as the Act, of the whole *Eſtate* of the *Clergy* of the *Realm*, *aſſembled in Parliament*. The whole *Eſtate* was *legally called* by the *King's Writs* thither; and therefore, whether they All came or no, yet All were to be accounted as preſent there. The Caſe i

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the ſame in his other *Proclamations*, 35 *H.* 8, and therefore the ſame Anſwer may ſuffice to have been given to it. The *Clergy* of which they both ſpake were the *Parliament*, not the *Convocation Clergy*; Aſſembled, and (in part) acting together with the *Lay Nobles* and *Commons* in *Parliament*; not *particularly* by themſelves, in their own *Synods*, or *Convocations*.

K. HENRY *the* VIIIth. Rights, &c. p. 59.

The next Year a *New Parliament* was call'd to meet at *Weſtminſter*, *June* the 8*th*, 28 *H.* 8. [1] To this the Chapter of *York* deputed their *Proxies* in form; and therein ſufficiently ſhew how different an Aſſembly the *Civil Convention* of the *State* of the *Clergy* in *Parliament* is from that of their own Provincial *Convocation*. They appoint their Proctors firſt to appear in the *Parliament* of the moſt Serene Prince *Henry* the 8*th*, *King* of *England*. Then they name the *Time* and *Place* where they were to meet, *viz.* at *Weſtminſter*, *June* the 8*th*: And finally, the *Perſons* with whom they were to *Treat*; to *Treat*, *and Conſent to ſuch things as ſhall there be Ordain'd by the Common-Council, of the ſame Realm of England*. All which are ſo widely different from their *Convocation Proxies* and *Powers*, that he muſt reſolve to be miſtaken who do's not plainly perceive the Difference between them.

Sect. 65. 1536. [1] Regiſtr. Dec. & Capit. Ebor. ab Anno 1508, fol. 210, 211. Append. ad Ann. 1536.

In this *Parliament* a Bill was framed upon the *Determinations* of the Clergy in *Convocation*, againſt the *Uſurped Authority of the Biſhop of Rome*: The *Statute* of *Reſidence* was inforced, and ſome other *Acts* paſſed with Relation to *Church Affairs*. In theſe Debates it continued till the 18*th* of *July*, and then was diſſolv'd.

With this *Parliament* the *Convocation* of the Province of *Canterbury* Aſſembled *June* the 9*th*, and ſate till the 20*th* of *July*, two Days after the Parliament was *Diſſolv'd*. In the *Mandates* for the two laſt *Convocations* of this Province, an extraordinary Clauſe was inſerted, which I have never obſerved in any ſuch Summons, before the Year 1523. [2] By the *Biſhop* of *London*'s Execution of the *Archbiſhop*'s Mandate, it ſeems to have been continued now the third time, in this firſt Aſſembly under *Archbiſhop Cranmer*. They follow'd the *Forms* which lay before them, and had not yet reduced them to the *old* and *uſual* Terms. But the Archbiſhop ſeems to have been ſomewhat aware of this: For in the very next *Convocation* we find that *Clauſe* again omitted; and never inſerted any more, that I know of, to this Day.

[2] Append. ad Ann. 1536.

Whether there was any *Convocation* held this Year in the *other Province*, I do again doubt: The *Regiſters* of it have no Footſteps of any. Now this I take to be the more conſiderable, becauſe that of the *Parliament* of this Year, the Regiſter of the *Dean* and *Chapter* of *York* makes expreſs mention: Of the next *Convocation* the ſame *Regiſter* fully ſpeaks. The *Archbiſhop's Regiſter* goes on with other Matters of leſſer moment; and it is very much that had any *Convocation* been held there this Year, none of theſe, or any Other of their *Records*, ſhould have taken the leaſt notice of it. But indeed there is another Reaſon, which ſtill confirms me in the ſame Opinion. In the *Subſcriptions* to the *Articles* of *Religion* which paſſed this Year in *Our Convocation*, the *Archbiſhop* of *York* and *Biſhop* of *Durham* ſubſcribe with our *Biſhops*. The *King* in his *Confirmation* of them ſays, that for the making of them he had caus'd his *Biſhops*, and other the moſt diſcreet, and beſt Learned Men of the *Clergy* of the whole *Realm*, to be *Aſſembled* in *Convocation*. In the firſt *Article* of *Faith* it is thus Agreed, as hereafter followeth by the *whole Clergy* of this *our Realm*. In the *Articles* and *Injunctions* ſet forth not long after to enforce theſe *Articles*, the King ſpeaks to the ſame Purpoſe of them; "Which (ſays he) were by *you all* the *Biſhops* and *whole Clergy* of this our *Realm in Convocation*, *agreed on*. In none of theſe Places is there the leaſt mention of any *Convocation*, of the Other *Province*, as we may reaſonably ſuppoſe there would have been, had this *Book* of *Articles* diſtinctly paſs'd in that, as it did in the *Synod* of *Our Province*. But indeed their *Biſhops*, and poſſibly ſome *ſelect Perſons* of their *Clergy* too, aſſiſted at the framing of them: The *Archbiſhop* of *York* and *Biſhop* of *Durham* *Subſcrib'd* with the *Biſhops* of our *Province* to them: And it do's not appear by the Minutes of this *Convocation*, that our *Synod* did do any more than barely *Hear* them *Read*, and ſo *give* their *Conſent* to Them.

From this time, ſome Years paſs'd before a *New Parliament* was Aſſembled. The next which met was Summon'd by *Writs* dated *March* the 1*ſt*, to begin on the 28*th* of *April* *Anno* 1539. To this the *Clergy* of the *Realm* were not only Summon'd, as uſual, but ſeem to have return'd their *Proctors* too. The Biſhops

Sect. 66. 1539.

K. HENRY *the* VIIIth.

affrighted at the late vigorous Proceedings of the King againſt them, Executed the *Præmunientes*, and their *Clergy* Obeyed them both in their *Choice* of *Proctors*, and the *Attendance* of thoſe *Proctors* at *Parliament*. Of this I ſhall take notice of two Inſtances, that may deſerve to be conſider'd: The One of the Biſhop of *Rocheſter*, in this *Province*; whoſe [1] *Certificatory* to the King upon his *Execution* of the *Parliament Writ*, being a Piece of ſome Curioſity, I have put it into the *Appendix*. [2] The Other of the *Church* of *York*, whoſe *Procuratory Letters*, for the *Parliament* and *Convocation* of this Year ſo evidently prove the Difference of the two *Aſſemblies* to which they relate, that I have for that reaſon only once more adventur'd to trouble the *Reader* with a Tranſcript of them.

[1] Append. ad Ann. 1539.

[2] Append. ibid.

The *Parliament* which thus met *April* the 28*th* was by *Seſſions*, and *Prorogation*, continued to *June* the 28*th*. The [3] *Convocation* of *Canterbury* met at St. *Pauls London* four days after, *May* the 2*d*. It ſate till the laſt of *June*, two days after the *Parliament* was Riſen; and ſo was prorogued to the 4*th* of *November* following. [4] On the ſame day, *May* the 2*d*, began the *Convocation* of the *Other Province*. Of this, I can give no further certain account, and ſhall therefore inſiſt no longer upon it.

[3] Regiſtrum *Cranmer*, fol. 9. a.

[4] Regiſtr. Dec. & Capit. Ebor. fol. 225. a.

Sect. 67.

1540. On the 12*th* of *April* 1540, the ſame *Parliament* ſate again by *Prorogation*: It continued, with one ſhort Receſs, to the 24*th* of *July*, and ſo was Diſſolved. The next day after this Parliament, the *Convocation* of the Province of *Canterbury* began. It ſate till the 28*th* of *July*, and by the King's *Writ* dated that day, was in like manner *Diſſolv'd*. While this *Parliament* was Aſſembled, the King by his *Commiſſion* held a National *Council* of the *Biſhops* and *Clergy* of the *Whole Realm*, to debate of and determine the Affair of his Marriage with *Anne* of *Cleve*: Both of this [5] Dr. *A.* has given ſo full an Account, that I ſhall not need to inſiſt upon it.

[5] Rights, &c. 270. Addit. p. 103.

1541. By *Writs* dated *November* the 23*d* the next year, a *New Parliament* met, *January* the 16*th*: To this the Church of [6] *Lincoln* ſent its Proctors; *ad Comparend. Nomine ſuo coram Potentiſſimo, &c. Principe Henrico, &c. in Parliamento ſuo apud Weſtm. 16 die inſtantis Januar. tenend*; ſay their Chapter-Acts. It ſate till the firſt of *April*, and was prorogued till the 3*d* of *November* following. Above a fortnight after the *Writs* for *Parliament* were iſſued out, the King by Others, dated *December* the 10*th*, Ordered the *Archbiſhops* to Summon their reſpective *Convocations* at *London* and *York*, *January* the 20*th*; four days after the *Parliament* was to begin. The [7] Archpiſhop of *Canterbury* ordered his Province to Aſſemble at the time appointed. They ſate till the 3*d* of *April*, two days after the *Parliament* had been *prorogued*; and were continued by the King's *Writ* to the 4*th* of *November*. The [8] *Convocation* of *York* met the ſame day there, *January* the 20*th*: How long it ſate, I have not been able to diſcover.

[6] Regiſtr. Dec. & Capit. Ab Ann. 1520. fol. 194.

[7] Regiſtr. *Cranmer*, fol. 9. b.

[8] Regiſtr. Dec. & Cap. Dunelm. V. fol. 12. a.

Sect. 68.

1542. On the 22*d* of *January* the *Parliament* met again: It ſate till the 12*th* of *May*, and was then *prorogued* to the 3*d* of *November* following. The *Convocation* of the *Province* of *Canterbury* met indeed by prorogation the day after the *Parliament*: But it met only to be continued for three Weeks longer, to the 16*th* of *February*; when being again Aſſembled, it granted a Subſidy to the King, and did ſome other Buſineſs: On which having ſate till *May* the 14*th*, it was by the *Authority* of the *Kings Writ* prorogued to the 5*th* of *November* following.

1543. The *Parliament* which had been prorogued to the 3*d* of *November* was farther continued till the 14*th* of *January* 1543. From thence it ſate on to the 29*th* of *March*, and ſo was Diſſolv'd. Our *Convocation* again kept time with it: It met by a further Continuation *January* the 15*th*, and on the *laſt* of *March*, two days after the *Parliament*, that alſo was diſſolv'd.

Sect. 69.

1544. 1545. We are now come to the *laſt Parliament* of K. *Henry* the 8*th*. By Writs dated *December* the 1*ſt*, 1544, the King Summon'd it to meet at *Weſtminſter January* the 30*th*: The [9] Biſhop of *London* Executed the *Premunitory Clauſe* upon the *Dean* and *Chapter* of his *Cathedral Church*. But this *Parliament* ſate not at the time appointed; but by other Writs dated the 20*th* of the ſame *December*, was [1] prorogued to the 15*th* of *October* the next Year. It met not then, but was again continued to the 23*d* of *November*, [2] firſt at *Windſor*, and then at *Weſtminſter*, where accordingly it met and ſate to the 24*th* of *December* following.

[9] Regiſtr. *Bonner*, fol. 63. b.

[1] Regiſtr. *Cranmer*, fol. 11.

[2] Lib. Roſſ. v. fol. 27.

With this *Parliament* the *Convocation* of our *Province* was Summon'd by two [4] *Writs*, Both dated the ſame day, *December* 9*th*. The Form of the One was more General, both as to *Time*, *Place* and *Perſons*: "That the Archbiſhop "ſhould

[4] Regiſtr. *Cranmer*, fol. x.

"should Summon All and singular the Bishops of his Province, with the *Archdeacons*, *Deans*, and All other *Ecclesiastical Persons* of every *Diocese* of the same *Province*, to appear before Him in the Church of St. *Paul London*, or elsewhere, as should be most expedient, with all convenient speed. But the Other was express; That he should Cite "All and singular the Bishops of his "*Province*; the *Deans* of *Cathedral Churches*, *ac alios Electivos*, *Exemptos & non* "*Exemptos*; as also the *Archdeacons*, *Chapters*, and *Colledges*, and *All* the *Clergy* "of every *Diocese* of the same *Province*, to appear before him in the Church of "St. *Paul London*, the 31*st* day of *January* next ensuing. Thus was the *Convocation* summon'd; but by [1] Other Writs, as the *Parliament* had been, so was this Meeting also prorogued to the 16*th* of *October* first, and then to the 24*th* of *November* following. On that Day it was called first to *Eaton Colledge*, and afterwards to *London*. There it sate at the time appointed, and granted a Subsidy to the King. And as it appears by the Writ for its farther Continuance, was prorogued to the 5*th* of *November* the next Year; the day after the *Parliament* was appointed to meet again.

[1] Registr. *Cranmer*, fol. 11. b.

The *Convocation* of the *Other Province* was by a *Writ* [2] directed to the *Guardians* of the *Spiritualties*, dated the same day with Ours, Summon'd in the first of the *Forms* I before mentioned, to meet with all convenient Speed. By other *Writs* dated *December* the 26*th*, directed to the same *Guardians*, it was prorogued to the 16*th* of *October* the next Year. And by a third Writ sent to the new *Archbishop*, *September* the 2*d*, was a third time prorogued to the 24*th* of *November*, as the *Convocation* of *Our Province* before had been. With this *Convocation*, the *Books* of *York*, containing the *Acts* of their *Synods*, Begin. From thence it appears that this *Convocation* being met at the time appointed, was prorogued by the Commissioners, named by the *Archbishop*, to the 26*th* of *January*: And had it not been for the *Subsidy* which was demanded of them, 'tis most probable it would not have met any more till that day. This was done in the same manner that the *Convocation* of our *Province* is prorogued. And to convince those who have made some Exceptions against this method of Proroguing both Houses by *One Schedule* of the *Archbishops*, that this is no *modern Practice*, but at least as old as the *Reformation*, I shall from these *Books* transcribe some of these *Schedules*, as I find them inserted at length in the Acts of their *Convocations*. [4]

[2] Registr. Dec. & Capit. Ebor. sede Vac. fol. 655.
[3] Ibid. fol. 648.
[4] Append. ad Ann. 1545.

The *Prelates* and *Clergy* of our *Province*, having *Granted* a *Subsidy* to the King; He requir'd the like *Aid* of those of the Other. For this their *Convocations* prorogued to *January* the 26*th*, was Re-summon'd by order of the Archbishop to meet *December* the 14*th*. The Archbishop declar'd to them what the *Clergy* of *Canterbury* had done: Upon which they withdrew *ad domum suam solitam infra Ecclesiam Metropoliticam Eborum* (The *Archbishop's Vestry*) And being return'd, their *Prolocutor* presented a Schedule of a Grant of the same that the *Clergy* of *Canterbury* before had given. Having done this, the *Archbishop* prorogued them first to the 22*d* of *December*, then to the 24*th*: From thence, by his Commissioners, to the last of that Month. Thus was the *Convocation* continued from *Session* to *Session*, till *February* the 25*th*, *Eight Weeks after* the *Parliament* was risen; and then finally prorogued to the 24*th* of *November* 1546, *Three Weeks* after the time that the *Parliament* was appointed to *meet*.

To conclude the Affairs of this Reign: From the 4*th* of *November* 1546, to which Day the *Parliament* of the last Year had been *Prorogued*, it was farther continued to *January* the 14*th*. It then sate till the last of the Month; when the Chancellor declar'd to Them the Death of the King, which had happen'd the *Friday* before, and how by reason thereof the *Parliament* was *Dissolved*; and so it was free to them to Depart when ever they would: Only he admonished the Lords to attend at the *Coronation* of King *Edward* the VI*th*. 1546.

Our *Convocation* being Assembled on the 5*th* of *November*, the next Day after the *Parliament*, was by a [5] *Royal Writ* dated the same Day, prorogued to *January* the 15*th*, and so Continued under the Government of the Archbishop, till the King's Death put an end to it. The *Convocation* of *York*, notwithstanding the more early Assembling both of the *Parliament* and our *Synod*, kept to its Own Day; and met by Prorogation *November* the 24*th*. It was then by vertue of the *King's Writ* continued to the 15*th* of *January* following; after which the Books give us no farther Account of it.

[5] Registr. *Cranmer*, fol. 11. b.

Thus

K HENRY *the* VIIIth. Thus passed the busie and troublesome Reign of King *Henry* the VIII*th*. The Changes which happen'd in it, and the Influence which they have had on our *Synodical Assemblies* ever since, have Obliged me to insist more largely than I thought to have done upon the Affairs of it. And thus much we have already gain'd by it, that from what has been observ'd it appears, that tho' our *Convocations* since the *Act of Submission*, have sate about the *same time* with the *Parliament*, yet they were not Confined to the *Sessions* of it: But have sometimes not begun till several *Weeks* after the Other was Open'd; and oftner sate on as many after it was *Prorogued*, or *Dissolv'd*. A Demonstration, in this Case, that there was yet no such necessary Connexion known between these *Assemblies*, as is now pretended; nor any Obligation thought to lie upon our Kings, to Call our *Convocations* *ALWAYS* and *ONLY* *in time of Parliament*; as Dr. *A.* would make us believe that there was, and is. Let us see how the Case stood under his Son and Successor,

King EDWARD *the* VI*th*.

Sect. 70. 1547. His first *Parliament* was summon'd to meet at *Westminster*, *November* the 4*th*, 1547: It continued to sit till the 24*th* of *December*; and so was prorogued, first to the 20*th* of *April*, then to the 15*th* of *October*, and lastly, to the 24*th* of *November*, 1548.

[1] Registr. *Cranmer*, fol. 12. On the [1] 5*th* of *November* the *Convocation* of the Province of *Canterbury*, Summon'd by the Authority of the *King's Writ*, began at St. *Pauls London*. It appears by the Minutes which remain of both Houses, that little was done by it. However it continued to sit till the 26*th* of *December*, and was then prorogued by several *Writs* to *April* the 21*st*; And from thence to such other time as the Archbishop should appoint. At the Opening of this *Convocation*, the President in his Speech told them, *that it had been the Custom of the Realm of England, the first Year of every King's Reign, to Summon the Parliament, and also to call a Synod of the Bishops and Clergy; and that so it was at present done, by the Command of the King and his Lords.* This [2] Dr. *A.* alledges to prove the *necessary Connexion* between the *Parliament* and *Convocation*. He observes indeed, that the Archbishop speaks only of a *Custom* in the *first Year of every King*; and therefore seems to think it not sufficient to prove the same of all the other Years of their Reigns. He might rather have observed, that such *Expressions* as these, in such kind of *Speeches*, are not to be too rigorously interpreted; nor produced as Matters of *Record* on these Occasions. It is true, that generally speaking, our *Kings* have at the beginning of their Reigns *call'd* their *Parliaments*; and our *Archbishops* their *Synods* about the same time, or not very long after. It was a Matter of just Prudence in Both so to do; for the Service of the *Prince*, and for the Peace of the *Church* and *Realm*. But yet Exceptions there have been, and that in the *Reigns* immediately foregoing. In that of King *Henry* the viii*th*, we hear of no *Convocation* in the *Other Province*, tho' a *Parliament* met, and a *Synod* was held the first. In that of his Father King *Henry* the vii*th*, we find no *Convocation* in either; but the *Parliament* was held the first, the *Convocations* the 2*d* Year, after his Accession to the Throne; as in the History of those Years I have more fully declar'd. But how this can be interpreted to prove the *necessary Attendance* of the two *Convocations* upon the *Parliament*, either at the *Beginning* of *every Reign*, or at any other time, I must confess I am yet to learn.

[2] Rights, &c. p. 70.

In the Province of *York* the *Convocation* began upon the same day, *November* the 5*th*. The *King's Writ* was read, and the Persons Summon'd were Call'd over: But that was all that was done, and so the Synod was Prorogued to the 23*d* of the same Month. On that day it was again prorogued to the 20*th* of *January*, that is, till near a month after the *Parliament* was risen: So that however this *Convocation* met twice *during* the time of the *Parliament*, yet according to Dr. *A's* account, here was no *Session* of *Convocation* at all. On the 20*th* of *January* it met and was prorogued to the 20*th* of *April* first, and then to the 6*th* of *October*; after which we hear no more of it till it's *Dissolution*, of which I shall take notice in its proper place.

Sect. 71. 1548. Upon the 24*th* of *November* 1548, the same *Parliament* met again, and with a short Prorogation from the 21*st* of *December* to the 2*d* of *January*, sate till the 14*th* of *March*, when it was farther prorogued to the 4*th* of *November* the next

next Year. What our *Convocations* did all this time more than the *Granting* of a *Subsidy*, I cannot tell. Most probable it is, that they only met, and were *Continued* from time to time, by the *Archbishops* while the *Parliament* sate, as I find that of our Province was by Order of the *King's Writ*, at the End of it; and that to the very *same day* on which the Parliament was ordered by him to meet again: A Practice, not so *strange*, or *novel*, as Dr. *A.* wou'd have us think, who represents it as One of the many *Innovations* of the *Late* Reign. K EDWARD *the* VIth.

The *Parliament* sate according to its *Prorogation*, *November* the 4*th*, and Continued till the 1*st* of *February* after. I dare not affirm that the *Convocation* of our Province was, by *Writ*, Prorogued during this whole *Session*; tho' I think some such thing is imply'd in the *Writ* by which it was *Prorogued* at the End of it. [1] That Writ bears date *February* the 2*d*, 4 *Edward* VI. It recites a *Prorogation* which had been made of the *Convocation* to the day following, and so Prorogues it on to the 22*d* of *April*; the next day after the *Parliament* was appointed to meet. From this time both these great Assemblies were Continued to the 23*d* of *January* 1551. Then the *Parliament* Assembled a fourth time; sate till Friday, *April* the 15*th*, and was *Dissolv'd*. [2] The next day our *Convocation* was by *Writ Dissolved* too; which is all that I know of it. But the *Convocation* of *York* was not so soon broken up. [3] It continued till the 4*th* of *May*, almost three Weeks after the *Dissolution* of the *Parliament*; and had not yet learnt that necessary Dependance on the *Parliament* which is now advanced by Dr. *A.* at last it did not yet by its Practice shew, that it knew of any such Obligation it had either to *Sit*, or *Separate*, with it. 1549. [1] Regist. Cranmer. fol. xii. b. 1551. [2] Ibid. fol. xiii. [3] See the 1*st* Convoc. Book.

About the latter End of the next Year, another *Parliament* was call'd to meet at *Westminster* the 1*st* of *March*, 1552. It sate to the End of that Month, and was *Dissolved* the very last day of it. [4] On the 2*d* of *March* the *Convocation* of our *Province* began. What it did, Or how it proceeded, I am not able to say. This is certain, that it was *Dissolved* by *Writ* the day after the *Parliament*; and so began, and ended within a day of it. But the *Convocation* of *York* is here seen as cross to Dr. *A*'s Purpose, as any thing can well be imagined. It met the 2*d* of *March*, and was continued to the 28*th* of the same Month, that is to say, till within Three Days of the *End* of the *Parliament*. On the 15*th* of *April* it met again, a Fortnight after the *Parliament* had been Dissolved. [5] Then the Case of the *Convocation* being proposed to them by the *Archbishop*'s Commissioners, to this Effect, namely, *pro Concessione Subsidii*, &c. to *Grant* the *King* a *Subsidy*; and treating thereupon, they Agreed to a *Subsidy* of six Shillings; and that, for ought appears, was all that they did at this *Meeting*. 1552. [4] Reg. Cranmer. fol. xiii. b. [5] See Convoc. Book of *York*.

And here we must Close up the short Reign of that Excellent Prince *King Edward* the VI*th*. For tho' another *Parliament* and *Convocation* were Appointed by Him to have met in *September* this same Year; yet the King dying before that time came, those Summons fell with Him: And so are no stop to our Proceeding to the next Reign, of his Sister, and Successor,

Queen MARY *the* I*st*.

This Princess being come to the Throne, *July* the 6*th*, the very next Month issued out [6] *Writs* for a *Parliament* to be held at *Westminster*, the 5*th* of *October* following. To this the Church of *Lincoln* deputed their Proctors, [7] *ad Comparend. pro Eisdem coram Excellentissima, &c. Domina Maria Regina, &c. in Parliamento suo apud Westmonaster, 5 Octob. prox, &c. ad Consentiendum iis quæ tunc ibidem de Communi Concilio hujus Regni Angliæ divina favente Clementia contingerent ordinari*; as their *Chapter Acts* speak. The *Parliament* thus Assembled, sate till the 21*st* of the same Month; and after a short Intermission of a few days, renewed its Session, and continued it to the 6*th* of *December*, and so was *Dissolv'd*. Sect. 72. 1553. [6] Dugd. Summonit. Parl. p. 514. [7] Regist. Dec. & Capit. ab Anno 1520. fol. 373.

With this Parliament the *Convocation* of our *Province*, was also Summon'd by the [8] *Queen's Writ*, to Archbishop *Cranmer*, Dated *August* the 4*th*, to meet at St. Paul's *London*, *October* the 6*th*, the Day after the *Parliament*: But before it met the Archbishop was imprison'd, and so *Bonner* Bishop of *London* remain'd President of the *Assembly*. It sate till *Wednesday*, *December* the 13*th*, a Week after the *Parliament* had been Risen, and then was *Dissolv'd*, as that before had been. [8] Reg Cranmer. fol. xiv.

Q. MARY *the Ist.*

been. The *Convocation* of the *Other Province* met at the same time, and probably after its usual manner sate much longer than Ours did. But the Acts of this, and the following *Convocation*, being never fair Transcribed into the *Convocation* Book (the Leaves of which are here left Blank for them) the *Minutes* of what they did, and when they were Dissolv'd, are, I doubt, entirely lost.

Sect. 73. 1554.

It was not above two *Months* after the *Dissolution* of the first *Parliament*, before the Queen issued out her *Writs* for another to Assemble at *Oxford*, *April* the 2*d*. The Bishop of *Norwich* being then out of *England*, the *Parliament* Writ was directed to the [1] *Guardian* of the *Spiritualities* of that *Diocess*, *quod interfuit Parliamento apud Civitatem Oxon. 2° April. prox. tenend.* This was afterward adjourn'd from *Oxford* to *London*; where it sate to the 5*th* of *May*, and so was Dissolv'd.

[1] Liber Admission. &c. A. ab A°. 1549. in Regist. Principal. Episc. Norwic.

The Archbishop of *Canterbury* was now under an Attainder, so the *Queen* directed her [2] *Writ* for the *Convocation* to meet in the Church of St. *Marie Oxon.* *April* the 3*d*, immediately to the Bishop of *London* (*sede Archiepiscopali Vacante per Condemnationem Thomæ Cranmeri*, as the Writ runs.) By a [3] Second *Writ* directed to the same Bishop, *Præsidenti Convocationis sede Cant. vacante*, He was ordered to *Prorogue* the said *Convocation* from *Oxford* to *London*; there to meet on the same day that had before been assigned for it. It met accordingly, and continued till *Fryday* the 11*th* of *May*, six days after the *Parliament* was *Dissolv'd*. It was then *Prorogued* only to *Fryday* the 5*th* of *October*, and that by Commission without any *Royal Writ*; and with a reserve for meeting on any day before, *sed ita prius intimatione & præmonitione Prælatis & Clero Convocationis hujusmodi, & Eorum procuratoribus legitimis*; say the *Acts* of that *Synod*. In pursuance of this Exception, they again met on *Fryday*, *May* the 18*th*; on *Munday*, *May* the 21*st*; and on *Fryday*, *May* the 25*th*: And then the President renew'd this Prorogation in the same terms, and to the same time to which he had before made it.

[2] Regist. *Bonner.* fol. 337.

[3] Ibid. fol. 240, 241.

This I hope may be a sufficient Evidence to convince even Dr. *A.* himself that, as yet, the Dependance even of the *Convocation* of *this Province* upon the *Parliament*, was by no means so strict as he supposes it to have been. That One may lawfully *Sit* after the Other is *Dissolved*: Nay, and only *Prorogue* itself to a farther time, with a *Power* of *meeting* sooner, upon due and legal Notice given to its *Members*; tho' its Contemporary *Parliament* were put out of all Capacity of doing the same. At least this is plain, that thus this *Convocation* *in fact*, did Do: It sate three Weeks after the *Parliament* was Risen; and then was only *Prorogued* by its Own *President*, tho' the other had been *Dissolv'd* by the *Queens Authority*.

[4] Dugd. Summonit. Par. p. 516.

On the 12*th* of [5] *November*, a New *Parliament* met at *Westminster*. It sate to the middle of *January*, and was then, as the others before had been, Dissolved. By a *Writ* directed to the *Dean* and *Chapter* of *Canterbury*, the *Convocation* of this *Province* was Summon'd to meet at St. *Paul's London*, *November* the 13*th*; the next day after the Parliament. [5] In this Convocation the *Bishop* of *London* is said to be *Deputat. Commissarius sive Præsidens*; and the *Commission* of the Dean and *Chapter* of *Canterbury* is expressly noted to have been read to that purpose at the Opening of that Assembly. And here again, the *Convocation* out-sate the *Parliament* no less than *Ten days:* The one being Dissolv'd *January* the 16*th*; the Other continued till *January* the 26*th*. What became of it then, whether it were *Dissolv'd*, or *Prorogued* only, the Minutes which I have seen of it, specify not; so that I cannot with any certainty determine any thing in that Particular.

[5] Reg. *Bonner* fol. 351.

Sect. 74. 1555.

To proceed therefore to the next Year, in which a [6] New *Parliament* was call'd, to *meet* at *Westminster*, *October* the 21*st*, and continued till the 9*th* of *December* following. The *Convocation* of this *Province* was by Order of the [7] *Dean* and *Chapter* of *Canterbury* appointed to be held at St. *Paul's London*, the next day, *October* the 22*d*. It was not long after, [8] that Cardinal *Pool* Appointed his *Legantine Synod* of both *Provinces* to meet at *Westminster*, in the *Chappel*; But of this I shall have Occasion to speak more fully by and by, when I come to consider Dr. *A*'s Account of it.

[6] Dugd. Summonit. Parl. p. 517.

[7] Regist. *Bonner* fol. 392.

[8] 6 Id. Nov. Reg. Eccl. Can. M. fol. 30. b.

The *Clergy* met according to their Summons, *October* the 22*d*: And on the 30*th* agreed to a *large Subsidy* for the Queen: What they did more, at this Meeting, the Minutes which remain of this *Convocation* deliver but obscurely.

Us. I shall therefore proceed to consider that more perfect Account which Dr. *A.* imagins He has first comunicated to the World of these Assemblies. & MARY *the Ist.*

In Vindication of the Supremacy of our Princes in these Matters, I had observed, that Queen *Mary*, not only call'd her first *Convocation* by *Authority* of her *own Writ* (I might have added, and all the following *Convocations* of her Reign, not one of which met but in Obedience thereunto) but gave her Licence to *Cardinal Poole*, to Assemble that which was held two Years after, and to make such *Canons* as he should think needful in it. For this I referr'd to a very accurate Author, upon whose Care and Fidelity I did not doubt but that I might safely Rely. [1] Appeal. p 36.

But this Dr. *A.* says, *is according to my Usual Exactness* in these Matters: For that *Cardinal Poole*'s Licence was to hold his *Legantine Synod*, not Our *Provincial Convocation*. I must indeed confess that I did not distinguish, as I ought to have done, between these two Assemblies: I follow'd my *Author*, and made no Question but that I might have securely depended upon his Exactness. But the Crime is not great, either in Him or me, if what Dr. *A.* adds be true, that *All our Writers have* (equally) *confounded these same Meetings*. The Fault will be much more Inexcusable if Dr. *A.* who refers to the *MSS Acts*, or rather *Extracts*, of this Year, should after all be no less mistaken in the Report of these *Synods*, than Any of Us the humble Transcribers of One anothers Blunders, hav beeen. Let us hear what He says of Them: [2] Rights, &c. p. 373, 374.

"[3] The true Account of this Matter is, that the Parliament meeting this Year "*October* the 21*st*, the *Convocation* also in Course met the day after it, at *Pauls*, "being Convened by the *Dean* and *Chapter* of *Canterbury*, as was usual in the "Vacancies. The *Cardinal*, tho' in *England*, did not appear at it; but *Bonner* "by Commission from the (He should have added *Dean* and) *Chapter* presided. "There they Sate and did Business till *October* the 30*th*; when I find them com"ing to a Conclusion, and Offering their Subsidies and Complaints to the "Queen. What Business this Convocation did from the time that the Bishop "of *Eli* declared to them the *Causes* of their *Meeting*, till *October* the 30*th*, it is "pretty hard to imagine. The *Synod* met *October* the 22*d*; Presented their Pro"cntor, and had the *Causes* of their *Meeting* Open'd to them, *October* the 25*th*. "Now the very next *Session*, was that of *October* the 30*th*. On which Dr. *A.* tells "us, *he finds them coming to a Conclusion* (he means about their Subsidy, and so "far he is in the Right: but when he adds) *and Offering their Subsidies and Com"plaints to the Queen*, He will give me leave to say that he mistook his Acts; which "I am pretty sure were the same that are now before me. On that day, the Ex"tracts inform Us, that the *Lower House* Agreed to the *Subsidy* which had been "proposed to them, and brought up the *Instrument* of their Agreement to the "*Lords*, with the Three *Petitions*, which are there expresly set down. This was "all that was yet done, or indeed, that the Shortness of the time would allow "them to have done. And eight days after we find the *President* agreeing, that "the *Cardinal* should be consulted about the *Manner*, *Form*, and *Quality* of their "Subsidy; and that his Assistance should be desired in it. [3] Ibid. p. 373.

In order to this, the *President* Continued the *Clergy* to the *King's Chappel*, at *Westminster*, the *Fryday* following, *November* the 15*th*: After which we have only a *Memorandum* of the *two Provinces* meeting in the *Legantine Synod*, and so the *Acts* of the Present Assembly break off. But Dr. *A.* proceeds: [4] "The *Se*"*cond* of the *next Month* the *Cardinal* had *his Licence* under the *Broad Seal* to hold "his *Synod Legantine* of *Both Provinces*, and upon it issued out his Mandate to "*Bonner*, *November* the 8*th*, for the *Province* of *Canterbury* to meet those of "*York* on the 2*d* of *December* following. Accordingly both Provinces met in "the *King's Chappel* at *Whitehall*; and from thence adjourn'd back again to "*Pauls*, and afterwards to *Lambeth*; and continued sitting there till *February* "the 11*th*, which was two Months after the *Parliament* was dissolved: Nor "was the Synod even then Dissolved, but Prorogued only to the 10*th* of "*October*. [4] Anth. Harm. p. 141.

This is Dr. *A*'s Account of this *Legantine Synod*, in which after all his Triumphs over our Other Historians for their Unaccuracy in this particular, he must give me leave to tell him, he is himself not a little mistaken. For indeed, *the Truth of this Matter is this.* Cardinal *Poole* being Authorized by the *Queens Licence*, under the Great Seal of *England*, to exercise his *Legantine Power* in this

Q. MARY *the 1st.*

Realm, had by vertue thereof ſummon'd a *National Synod* to meet in the *King's Chappel* at *Weſtminſter*, not long after the Time that the *Parliament* was to Aſſemble. Whether the Biſhops and Clergy who came up to *Parliament* and *Convocation*, deſired the *Cardinal* for their greater Security to obtain an Expreſs *Licence* from the *Queen* to meet in his *Synod*, or he was otherwiſe adviſed to it; but ſo it was, that the *Cardinal* did think fit to procure a particular Permiſſion, both for himſelf to *Hold* the *Synod* which he had before *Summon'd*, or any other that he ſhould afterwards think fit to call; and for the *Clergy* to aſſemble in Obedience to his Summons. The Words of the Patent, as Dr. *A.* himſelf has (or rather ſhould have) Printed it, had he been pleaſed to attend to them, are theſe. "Know ye that for ſo much the ſaid moſt Reverend Father earneſtly "deſiring that his Labour and Travail may take Fruit to the Honour of God, "and Wealth of our Subjects, hath *Now called* a *Synod of the Clergy of this our "Realm*, to appear before him at our *Palace* at *Weſtminſter*: We to avoid all "Danger, Doubt, and Ambiguity which might ariſe in that Caſe, by Reaſon "of any Laws, Statutes, Cuſtoms, or Prerogatives, of Us, or of this our "*Realm* of *England*, and for the more Ample Declaration of our ſaid Letters "Patents, have Granted, Declared, and Signified, and by theſe Preſents do "Grant, Declare and Signify, that our Will, Pleaſure, and Conſent is, that as "well the ſaid moſt Reverend Father Cardinal *Poole*, Legat *de latere* of the Pope's "Holyneſs, and the See Apoſtolick, may freely without Lett of Us, or Danger of any our ſaid Laws, Statutes, Cuſtoms, or Prerogatives, *Call* and *Celebrate* the *ſaid Synod*, or any *Other Synod* hereafter at his Will and Pleaſure, "and in the ſame Statute, Ordain and Decree any wholſome Canons for the "Good Life and Order of the Clergy of this our Realm of *England*, or of any "Other of our Realms and Dominions, and do any Other thing for the better executing of their Office and Duty; As alſo the ſaid Clergy may appear "and be Preſent at the ſaid Synod or Synods, and Conſent to fulfill, and obey "all ſuch Canons as ſhall be ordained in the ſame, or in Any of them, without "Lett or Impediment of Us, and without incurring any Danger, or Penalty, "or Forfeiture, of any of our Laws or Statutes; any Act, Ordinance, or "other Matter contrary to the ſame, notwithſtanding.

It appears by this *Patent* that Cardinal *Poole* had *Called* his *Legantine Synod*, before the 2*d* of *November*; and that the Mandate therefore which he iſſued out the 8*th* of that Month, was not as Dr. *A.* Reports it, to Aſſemble his Council *December* the 2*d*, but to appoint a Time (left by Him to the Biſhop of *London* to determine) within which all ſuch of this Province as were not yet come to it ſhould, under the Penalty therein expreſs'd, appear at it. Accordingly the *Mandate* its ſelf runs to the ſame Effect: That they ſhould preſent themſelves *infra competentem Terminum arbitrio tuo ſtatuendum, (in) Præſenti Synodo quam cum Circumſpectione Tua, & aliis tam* Cantuar. *quam* Ebor. *Provinciarum Epiſcopis, & Reliquis Eccleſiaſticis quæ jam hic adſunt Perſonis, inchoavimus.* In the Execution of this Mandate the Biſhop Cites the abſent *Biſhops* and *Clergy* to appear, *Coram* Legato *prædicto Synodum prædictam proſequuturo:* And that (to obſerve this too by the Way) not on the 2*d* of *December*, but by that day at the fartheſt; *Si Citius ſaltem venire, non poteritis*, as his Words are.

Append. ad Ann. 1555.

Dr. *A.* therefore is every way miſtaken, when he tells us, that the Cardinal having received the *Queen's Licence* to hold his *Synod Legantine*, *November* the 2*d* did thereupon iſſue out his *Mandate* for its Meeting *December* the 2*d*. Whereas in truth, he had *Called* it long before: He *Aſſigned* no *ſuch day* for the *Holding* of it; but having obtain'd the *Licence* of which we were ſpeaking, Order'd the Biſhop of *London* to *Summon* thoſe who were not yet come to it, to appear before him at a certain day; which Biſhop *Bonner* determined ſhould be either *On*, or *Before*, the 2*d* of *December*.

When this *Synod* firſt met, I will not poſitively affirm: This we may be ſure of, from the *Archbiſhop*'s *Mandate* before mentioned, that it was Aſſembled when that Paſs'd; that is to ſay the 8*th* of *November*. But the Minutes of the *Convocation* of this Year will carry us yet farther, and enable us I believe to aſſign the very Day of its *Meeting*. *For on Wedneſday October* the 30*th*, the Preſident ſignified to the *Biſhops* and *Clergy* there aſſembled, that They ſhould Appear before the *Cardinal* in the King's Chappel at *Weſtminſter* the *Munday* following, between Eight and Nine in the Morning, there to treat of certain ſerious Affairs

Affairs. In the *Queen Patents* dated the *Saturday* after the *Seſſion*, *November* the 2*d*, this *Synod* is ſpoken of only as *Called*, but not *Aſſembled*; ſo that it ſeems at that time not to have yet met. I conceive therefore, that *Monday*, *November* the 4*th*, was the Day on which it was Opened; and that the *Clergy* did then, according to the Monition of their *Preſident*, attend upon the *Cardinal* at it. Q. MARY the Iſt.

But Dr. *A.* proceeds: They met at the *King's Chappel*; from thence they Adjourn'd back to *Pauls*, and afterwards to *Lambeth*; and continued ſitting there till *February* the 11*th*. This I again take to be altogether Fictitious. On *Monday*, *November* the 4*th*, (if I miſtake not) the *Cardinal* began his *Synod* in the *King's Chappel* at *Weſtminſter*. On *Friday* the 15*th* of the ſame Month it met again in the ſame Place, and then (as I conjecture) went upon the Buſineſs of the [1]*Subſidy*, which Dr. *A.* makes our Clergy to have preſented to the *Queen* a Fortnight before. Where they met next, our Minutes tell us not. On *Tueſday*, *January* the 21*ſt*, the *Seſſion* was at *Lambeth* in the Afternoon. It was there again, *February* the 11*th*, the laſt of their preſent Meeting.

How long the *Convocation* of our *Province* continued to ſit, I cannot certainly tell: But by the *Minutes* (which ſeem all along to refer as well to the Legantine Synod, as to that, and to mention ſeveral Matters relating to both) I do apprehend that it was ſitting *February* the 10*th*, and that the Clergy were there admoniſh'd by their *Proctor*, to attend the *Legate* at *Lambeth* the next Day. Dr. *A.* himſelf refers the Buſineſs of *Schools*, which was treated on *January* the 16*th* to the *Provincial Convocation*: And of its *Seſſion* yet later, *January* the 22*d*, there is I think a clear and evident Account. As for the *Legantine Synod*, it was prorogued by the *Cardinal* firſt to *November*, (not as Dr. *A.* from his Minutes reports it, to *October*) the 10*th*, 1556; thence to the 10*th* of *May*, 1557: And laſtly from the 10*th* of *May*, to the 10*th* of *November* following.

The Meeting of this *Legantine Council*, and its long Continuance, hindred the *Convocation* of *York* from Aſſembling ſo near the *Parliament*, as 'tis probable it would otherwiſe have done. 'It began not till the 4*th* of *March* 1555: that is to ſay, almoſt three Months after the Parliament had been *Diſſolved*. This at leaſt muſt be allow'd to be a plain Teſtimony of the Independance of the One of theſe Meetings upon the Other; and prove in Oppoſition to both Dr. *A*'s Pretences, that the *Parliament* may Sit without any *Attending Convocation*; and the *Convocation be Aſſembled*, tho' there be at the ſame time no *Parliament* in being to be *Attended* by it.

The laſt *Parliament* of this Reign began at *Weſtminſter*, on *Munday January* the 20th, 1557. The Church of *Lincoln* deputed their *Proctors* at once both to this *Great Council*, and to the *Convocation* which was to ſit about the ſame time with it. It continued till the 7*th* of *March*; and was *prorogued* to the 5*th* of *November* following. On that day it Reſum'd it's *Seſſion*, but was ſoon Ended by the *Queen*'s *Death*, which happened within a few days after. The *Convocation* of the *Province* of *Canterbury* met by the *Royal Writ*, and *Archiepiſcopal Mandate*, the next day, *January* the 21*ſt*: It continued till the day after the *Parliament*, *March* the 8*th*, and was then *prorogued* to the 11*th* of *November*, ſix days after the Parliament was to meet. Being then again Aſſembled, it was prorogued to the 17*th* of the Month: On which day the *Queen's Death* put an end to that, as well as to the *Parliament*.

Sect. 75. 1557.

And here Dr. *A.* thinks he has another plain evidence of the neceſſary Conjunction of the *Parliament* and *Convocation*; and of the Dependance of the One upon the Other. He urges the Speech made by the *Cardinal Archbiſhop* at the Opening of it, and takes it to ſpeak ſo formally in his Cauſe, as not to need either *Explication* or *Comment*. Let us ſee therefore what it will amount to, upon a fair Examination of it. His words are to this effect: "That As of *Antient Cuſtom* the "*King* of *England*, for certain difficult Cauſes, commands the *Prelates* of this *Realm* "to be preſent at his *Council* or *Parliament*, for the Security of the King, and the "*State* of this *Realm*, and ſuch other matters as Concerns the *Public Good*; *So* the "*Archbiſhop* of *Canterbury* is wont to call his *Suffragan Biſhops*, *Prelates*, &c. to "a *Sacred Council*, to treat of the *ſame Cauſes*, and in like manner to give their

[1] So Card. *Poole* recites it, in his Mandate to the Biſhop of *Dover* for Collecting it: *Subſidium Dominis Regi & Reginæ per* Prælatos & Clerum Cantuar. & Ebor. Provinciarum *in* Sacra Synodo *per* Nos *ſub Anno Dom* 1555, *ultimo præterit. inchoata & Celebrata, conceſſum & elargitum.* To this agrees the Time when it was preſented to the Houſe of Lords for Confirmation, *viz. Novemb* 30. And by the *Inſtrument* preſented, it appears, that both Provinces granted together. *Raſtall. Stat.* 2 & 3. *Ph. & M. chap.* xxii.

Rights, &c. p. (274.)

Q. MARY *the Ist.*

" Aid. He ſpake moſt truly; and has given us a right account of theſe *Convoca-*
tions. Our Kings are wont to Call their *Prelates* to *Parliament* to treat of the
difficult Affairs which relate to the *Public Good*, and the Security of the *King* and
Kingdom. The *Archbiſhops* of *Canterbury* have been wont to Summon their *Clergy*
to *Convocation*, for the like (*Civil*) *Ends*; to *treat* of the *like Affairs*, and to grant
their *Subſidies* towards the Support of the Public Needs, there, as the Others
did in *Parliament*. But do's the *Cardinal* ſay that *Of ancient Cuſtom, Whenever the*
King Call'd a Parliament, the *Archbiſhop* was *Obliged* to *Summon* a *Convocation* at the
ſame time, to *Attend* upon it; which was to *ſit* as *long as the Parliament Sate*, and
never to ſit but while the Parliament was ſitting? He muſt have ſome better Skill at
diſcovering ſuch Secrets, than I dare pretend to, who can extort ſuch a ſence out
of thoſe Words. The only Pretence Dr. *A.* can have for this, muſt be drawn
from the firſt Word *CUM*, which I render AS; and when it is Oppos'd to
ITA or SO; I cannot tell how to make ſenſe of it, by any other Tranſlation.
In the mean time that the *Cardinal* intended in that Paſſage to refer not to the
Seaſons of their *Meeting*, but to the *Buſineſs* which they were to do when met, is
evident from hence; firſt, That this was the *Introduction* to that *Speech* in which
He declar'd to them the *Cauſes* of their *Meeting*; *Cauſas hujus Synodi verbo tenus*
Expoſuit, ſay the *Acts*: And then follow the words before recited. And, ſe-
condly, that preſently after them he paſſes on to the *Cauſes* for which he ſay's
the *Archbiſhop* was wont to *Call* them to ſuch *Councils*; the very firſt of which
was the *Reduction* of *Calais by force.*

That *Cardinal Poole* could not be ignorant at what *different Times* the *Parlia-*
ments and *Convocations*, not only of our former *Kings*, but of King *Henry* the
viiith, in whoſe Court he was bred, were wont to be *Call'd*, muſt be allow'd;
or we muſt ſuppoſe him to have been a Perſon of much leſs Obſervation, than
his Character and Learning beſpeak him to have been. The *Convocation* of the
Other Province ſtill continued to *Sit* and *Do* Buſineſs, ſeveral Weeks after the *Par-*
liaments were *Prorogued*, or even *Diſſolv'd.* So did that of *our Province* too, in
the beginning of this very Reign. And that the *Cardinal* apprehended it might
be requiſite for this very *Convocation* which he here ſpake to, to Do likewiſe
appears by the Meſſage which he ſent to it, at the 10*th Seſſion*, *February* the 16th
in which he deſir'd " *the Synod might Aſſemble as often as it conveniently could* during
" *the* Seſſion *of the* Parliament; *and that* after *the* Parliament *ſhould be* ended
" *thoſe who were deſirous to return to their Dioceſſes ſhould leave their* Proxies with
" *the Biſhop of* London, *&c. who ſhould tarry here, and go on with the Reformation*
" *of the Church.* This I take to be a much clearer Evidence of the *Cardinal's*
Opinion, of the Independence (in point of *Time* and *Seſſion*) of the *Convocation*
upon the *Parliament*, than can ever be extracted out of his Words before recited for it: Which however expreſs'd by the *Actuary* of that *Synod*, yet plainly
mean no more than that the *Prelates* and *Clergy* were *call'd* to *Convocation*, there
to *treat*, in an *Eccleſiaſtical way*, of the *ſame Matters* that the *Prelates* and *Laity*
did in *Parliament*, in a *Civil one.*

At what time the *Convocation* of *York* ſate, this Year, the Negligence of the
Regiſter to note the Day on which they agreed to the *Proviſion* for *Arms*, which
had before *paſſed* our *Synod*, leaves it in doubt. That it was after our *Clergy's*
Prorogation, we have this Preſumption, or rather Aſſurance; that upon the laſt
Day of their Meeting, the *Cardinal* deſir'd the *Biſhops* that before they went away
to their *Dioceſſes*, they would aſſiſt at the drawing up the Order for the *Proviſion* of *Arms* againſt the *Scots*, according to the Articles agreed upon at the 13*th*
Seſſion before. This *Decree* was drawn up accordingly, and a Mandate iſſued
out by the *Archbiſhop* for the Publiſhing of it. After which, a *Certificatory* was
made of it for the Archbiſhop of *York*; who, I ſuppoſe, tranſmitted it to the
Clergy of *his Province*, that ſo they might come (as accordingly they did) to the
ſame Agreement. If in this my Conjecture be right, as I believe it is; then
muſt their *Seſſion* have been ſome time after both the *Parliament* and our *Convoca-*
tion were prorogued. This however is plain, and it effectually confutes Dr. *A.*'s
Pretences, that they *prorogued* their *Convocation* but to the 21*ſt* of *October*,
whereas the *Parliament* was prorogued to the 5*th*, and our *Convocation* to the
11*th* of *November* after.

Hitherto I may therefore venture to ſay, there is no manner of Colour to juſtifie any ſuch *ſtrict*, or *neceſſary Dependance*, by the *Laws* of our *Conſtitution*, in
poin

point of *Meeting*, between the *Parliament* and *Convocations*, as Dr. *A.* ſpeaks of. The latter of theſe were now indeed accuſtomed to be Aſſembled with every *Parliament*; that ſo they might be ready at hand to *deliberate* upon ſuch Matters as the Prince ſhould think fit to propoſe to them; but eſpecially that their *Aids* which they ſhould grant in *Convocation*, might (according to the *Method* now ſet on foot) be *Ratified* and *Confirm'd* by *Authority* of *Parliament*. But then this was All; for being thus *call'd*, they often did their Buſineſs many *Days*, or *Weeks*, after the *Parliament* was riſen: They only *prorogued* their *Convocations*, when the *Prince diſſolv'd* his *Parliament*; and by ſo doing plainly ſhew'd that they knew no ſuch *neceſſary Connexion* between theſe two *Aſſemblies*, but that the One might be *Summon'd*, or *Sit*, and *Act*, when the Other did not; nay when there was no ſuch thing as the *Other Council* at all in *Being*. Let Dr. *A.* conſider this, and reconcile it to his New *Hypotheſis* if he knows how. Q. MARY the Iſt.

Queen ELIZABETH.

Queen *Mary* being dead, *November* the 17*th*, Queen *Elizabeth* her Siſter ſucceeded; and held her [1] firſt *Parliament* at *Weſtminſter* the 23*d* of *January* following. It ſate from thence, after a ſhort *Prorogation* of two Days, till the 8*th* of *May*, and then was *Diſſolv'd*. [2] The *Convocation* of our *Province* kept an exact Conformity with it: It met the Day after it ſhould have begun, and was *Diſſolv'd* the next Day after it *ended*. But the [3] *Convocation* of *York* was altogether irregular: It began not till the 10*th* of *February*, (almoſt three Weeks after the *Parliament* firſt Aſſembled) and then, to uſe Dr. *A*'s own Expreſſion, met only in order to be told when it ſhould meet again. The *Queen's Writ* was read, and the *Names call'd over*, and the *Abſent Members* pronounced *Contumacious*; but no Buſineſs was done, not ſo much as a *Prolocutor* choſen. From hence it was *Prorogued* a Month forward, to *March* the 16*th*: And then again nothing at all was done; only it was a ſecond time *prorogued* to the *laſt* of the ſame Month, and then to the 15*th* of *April*, in the ſame manner. What became of it afterwards the *Convocation Book* tells us not: So little it ſeems there was done, that it was hardly thought worth the while to take notice of it. Thus much however we may learn from it to our preſent Purpoſe, that the Practice of *Calling Convocations* in Time of *Parliament*, and then *proroguing* them without ſuffering them to enter upon *Buſineſs*, or even to *chuſe* a *Prolocutor*, is not of ſo late a Date as Dr. *A.* would make us believe; but has been a Matter of early (as it will hereafter appear to have been of frequent) *Practice*; ſince the time that our *Princes* have thought fit to *Aſſemble* theſe *Synods*, not *Occaſionally*, when they had ſomewhat for them to do, but *Regularly*; and, as it is now phras'd, *of courſe*, with *every Parliament*; whether there was any Buſineſs for them to tranſact, or no. Sect. 76. 1558.

[1] D'Ews Journal, p. 1. &c.

[2] Synod. *MS.* Colleg. Benedict. Cantab. Vol. 1. p. 192.

[3] 1 Convoc. Book.

The next [4] *Parliament* of this Reign was ſummon'd to begin at *Weſtminſter*, on *Monday*, *January* the 11*th*, 1562; and accordingly did ſit the next Day, *January* the 12*th*. It continued till the 10*th* of *April*, 1563; and was then *prorogued* unto the 2*d* of *October* following. With this *Parliament* the [5] *Convocation* of the *Province* of *Canterbury* was appointed to meet *January* the 12*th*; and begun the Day after it, *January* the 13*th*. It out-ſate it four Days, till *April* the 14*th*, and was then continued till the 3*d* of *October* after. In this *Convocation* much Buſineſs was done, which we ſhall hereafter conſider; ſo that here all went right according to Dr. *A*'s Deſire. But the *Convocation* of the other *Province* did but very little. It met according to its firſt *Summons*, *January* the 12*th*: The *Queen's Writ* was *read*, ſo was the *Archbiſhop*'s *Commiſſion* to certain Perſons appointed to *preſide* in his ſtead. The ſame was repeated the next Day, *January* the 13*th*: But that being done, the *Synod* was *prorogued* to the 5*th* of *February*, and no manner of Buſineſs enter'd upon. On the 5*th* of *February* they ſate twice, and had ſome Debates concerning certain *Articles*, and about the Proctors Wages, concerning which they agreed to conſult their *Archbiſhop*; which being done, the Aſſembly was continued to the 12*th* of *March*, above a Month after. On the 12*th* and 13*th* of *March* they met, and agreed to a *Subſidy* for the *Queen*, and ſettled the *Wages* of the *Proctors* for *Cheſter* aud *Carliſle*; which having done, they were again prorogued to the *laſt* of *March*, above a Fortnight more: Sect. 77. 1562.

[4] D'Ews Journal, p. 78, 91.

[5] Acta *MSS.* *hujus* Convocat.

ELIZABETH. more. On the last of *March* they did nothing, but were continued farther till the 28*th* of *April*; when they met again, (almost three Weeks after the *Parliament* was risen) read the *Queen's Writ* of *Prorogation*, and were Continued to the 3*d* of *October* following.

Sect. 78. This is the Summ of what passed in that *Convocation*: They did but very little, and for that little they troubled not themselves with the *Choice* of a *Prolocutor*; but presently agreed to the *Subsidy* propos'd, which was the chief, and almost the *only thing* they had to agree to. From this time we meet with nothing but Prorogations both of *Parliament* and *Convocations* till the End of *September*, 1565;[1] when the *Parliament* again Assembled at *Westminster*, on the last Day of that Month; and sate till the 2*d* of *January* following, and then was dissolv'd.

1566.
[1] D'Ewes Journal, p. 93.

What the *Convocation* of our Province did during this *Session*, more than grant a *Subsidy*, I am not able to say: Sure I am, this was all that the *Synod* of the *Other Province* at all attempted to do. And because we have the [2] *Acts* of this *Convocation* very full and particular, I shall briefly represent the Procedure of it.

[2] 1 Convoc. Book.

On *Tuesday* the 1*st* of *October* the *Convocation* met, under the *Presidency* of the *Archbishop's Commissioners*; and was only *prorogued* to the 30*th* of the same *Month*. On the 30*th* they met again, and were again continued to the 12*th* of *November*, without entring upon any Debates. The 12*th* of *November* they met a third time; but they met again only to be prorogued till the 27*th* of the same Month. On the 27*th* of *November* they resum'd their *Session*, and were further continued to the 11*th* of *December*. From the 11*th* of *December* they were again prorogued to the 20*th* of the same Month. When, having now met for almost three Months without doing any thing, (only to be *told when they should meet again*, as Dr. *A.* wittily descants upon this point;) they agreed to a *Subsidy* for the *Queen*; drew up their Consent, and subscrib'd it, all at One Meeting without ever Dividing, or so much as Chusing a *Prolocutor* for the *Lower House*, and so were prorogued to the 8*th* of *January* following.

The Parliament was Dissolv'd *January* the 2*d*, and the *Writ* for Dissolving our *Convocation*, pass'd the next day, *January* the 3*d*; but without taking the least Notice of the *Parliament*, or its *Dissolution*; as in all reason it should have done had the Queen been Obliged, by the *Laws* of our *Constitution*, to Conclude the One at the same time that She did the Other. But all this notwithstanding the *Convocation* of *York* not only met again according to their *Prorogation*, *January* the 8*th*, but were again *prorogued* to the 15*th* of the same Month; tho' the Parliament had been *Dissolv'd* the Week before. On the 15*th* of *January* they met the last time: The Presidents pronounced the *Absent Members Contumacious* (a strange Procedure upon Dr. *A*'s Principles, that Men should be condemned as *Contumacious* for not meeting in *Convocation* a Fortnight after the *Parliament* was *Dissolv'd*, and the *Convocation* therefore ought *legally* to have been *Dissolv'd* with it!) and then by Authority of the *Queen's Writ*, this *Synod* was also Concluded.

And here now let Dr. *A.* say; Excepting only in the One Act of *Granting a Subsidy*, in which he not only allows the Case to be now altered, but is well content that it should have been so; What has our late *King*, or our *Archbishop* done, that was not done in this *Convocation?* Were the Clergy *summon'd* by the *Queen* with this *Parliament?* So they have been by his *Majesty*, with ours? Did they meet from time to time under the *Commissioners* appointed to *preside* over them? They have done the same, or I am sure ought to have done it, under the *Commissioners* of our *Archbishops*, or such Others as had *Authority* in this Case? But our *Synods* met only to be *prorogued?* So did this: The *Archbishop* had nothing to propose to them: They made no Request to him that they might enter upon any Business; and so (the *Queen's Subsidy* excepted) no thing at all was done by them.

Sect. 78. The next [1] *Parliament* of this Reign was held at *Westminster*, *April* the 2*d*, 1571, and continued to *Tuesday*, *May* the 29*th*, and so was Dissolved. With this *Parliament* our *Convocation* was Assembled, *April* the 3*d*: It sate and did Business; and, I suppose, was *Dissolv'd* soon after the *Parliament* ended. [2] The Synod of *York* began the same Day, but it did no Business before the 2*d* of *May*; at which time a Schedule was offer'd to the *Presidents* by one of the *Clerks* of the

1571.
[1] D'Ewes Journal, p. 136.
[2] Convoc. Book.

Convoc

tion for a *Reformation* to be made in the *Churches* of that *Province*; which being publickly read, they Reſolved to *Deliberate* upon it till *Wedneſday* the 9*th* of *May*. On *Fryday* the 11*th*, the *Subſidy* was *Granted* to the *Queen*, and an Order made for the *Proctors* Wages. But this was all that was done in that whole Meeting; For tho' the *Schedule* before mention'd, was once or twice taken Notice of; and at the laſt Meeting it was agreed that it ſhould be debated upon the next *Seſſion*; yet I conceive, nothing was then done, but the *Convocation* was *Diſſolv'd*, as the *Parliament* had been before. This *Seſſion* however was appointed to be upon *June* the 20*th*, and I find a *Proxie* that day Entred for that *Convocation*, tho' the *Parliament* had been *Diſſolv'd* above three Weeks before: Which therefore may be a New Evidence to Aſſure us, that the late Notion of the Neceſſary Dependance of the One of theſe Aſſemblies upon the Other, was altogether unknown in thoſe days.

On [1] *Thurſday* the 8*th* of *May*, the next Year, Another *Parliament* began; and ſate till the laſt of *June* following; when it was Adjourn'd to the 1*ſt* of *Novem*. The *Convocation* of *Canterbury* was, by the *Queen's Writ*, Summon'd to meet the day after, *May* the 9*th*; and was Open'd by the Archbiſhop at that time according to the Summons: But whether it Met, or entred upon any Buſineſs, I cannot tell, having not ſeen any Acts, or Extracts, of it. This I am ſure, that the *Convocation* of *York* was this Year abſolutely ſuch as our late *Convocations*, ſo much branded by Dr. *A.* with Innovation, and Oppreſſion, have been. It met by the Queens Writ, *May* the 9*th*, and was continued by a few *Prorogations* till the 18*th* of *July*; almoſt three Weeks after the Parliament was Prorogued. In all this time no Buſineſs was moved, nor any *Prolocutor* choſen: A thing frequently Omitted, without any Complaint, in that Province; how much ſoever it has been thought a Grievance, and Innovation of the Rights and Powers of the Clergy, to neglect it, upon the like Principle of having Nothing for him to do, in This.

Sect. 79. 1572. [1] D'Ewes Journ. p. 101.

After many *Prorogations*, this ſame *Parliament* began its [2] Second *Seſſion* on Wedneſday the 8*th* of *February* 1575; and ſate till the 15*th* of *March* enſuing. Our *Convocation* met with it, and entred upon ſome Buſineſs, of which I ſhall have Occaſion hereafter to take Notice. But in that of *York*, nothing at all was done till *March* the 23*d*; eight days after the *Parliament* was Riſen. Then a Subſidy was Agreed to for the Queen, but not finiſhed. On *Thurſday* the 5*th* of April they met again; and a third time on *Thurſday*, *April* the 19*th*, five Weeks after the *Seſſion* of *Parliament* was Ended. At this laſt Meeting they finiſhed their *Grant*; and ſo were *Prorogued* to the 6*th* of *November*, as our Convocation before had been.

1575. [2] Ibid. p. 226.

The laſt [3] *Seſſion* of this *Parliament* began not till the 16*th* of *January* 1580. It ſate *till* the 18*th* of *March*; and was Prorogued, to the 24*th* of *April* after. From thenceforth ſeveral *Prorogations* were made of it; till at laſt it was Diſſolv'd, *April* the 19*th* 1583. With this *Parliament* Our *Convocation* met: A Motion was made to draw up ſome *Articles* againſt the dangerous Opinions of the *Family of Love*, but nothing was done in it. In ſhort, All that they did ended in a *Subſidy* to the *Queen*, as [4] Mr. *Fuller*, from our Records (now loſt) informs us. [5] Dr. *A.* indeed has acquainted us with ſome Other of their Tranſactions. He mentions a Petition from the *London-Miniſters* to the Biſhops, and the reſt of the *Convocation*, which is ſaid to have been read and committed, *February* the 10*th*. Of this I can give no farther Account, and muſt therefore leave it as I find it. But for his other [6] Inſtance, and much more conſiderable, of the *Convocations Petitioning* the *Queen* on behalf of the *Archbiſhop*; Dr. *Heylin* affirms it to be a Great Miſtake, and from him I have already corrected the Error of it.

Sect. 80. 1580. [3] D'Ewes Journ. p. 266, 274, 275.

[4] Fuller Ch. Hiſt. p. 135. ad Ann.

[5] Rights, &c. p. 110, 111.

[6] Ibid. p. 109.

But whatever the *Convocation* of *Canterbury* did, certain it is that the *Convocation* of the *other Province* did nothing but grant their *Subſidy*, and order the *Salaries* of the *Proctors* who appear'd for the *Clergy* at it. They were *Prorogued* from time to time till the 8*th* of *March*, without any other Buſineſs than that of being told when they ſhould meet again. On that day they Agreed to their *Subſidy*, and ſo were again *Prorogued*, as before, till the 7*th* of *April*; about three Weeks after the *Parliament* was *Riſen*. It is I think Remarkable, that tho' the *Parliament* had been Prorogued to the 24*th* of *April* (from whence it was afterwards continued by ſhort Intervals, to the 29*th* of *May*; 12*th* and 28*th* of *June*; 6*th* of *July*: 1*ſt* of *Auguſt*; and

5*th*

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5th of *October*;) yet the Presidents passing over all these, made but one large Prorogation of the *Convocation*, to *October* the 6th; which, had the Connexion been so Sacred between these Bodies, as Dr. *A.* would have us think it to be, they could in no wise have Justified the Doing of. But the truth is, the Proceedings of this *Province* are so utterly irreconcilable with Dr. *A*'s Principles, that he must in his Next *Edition* and *Corrections*, either restrain the *Title* of his Book to the *Convocation* of the *Province* of *Canterbury*, and the *Rights*, *Powers*, and *Priviledges of That only*; or He must resolve to give up his Plea; for 'tis certain the *Province* of *York* has all along acted in a direct Opposition to his Pretences.

Sect. 81. 1584.

The next *Parliament* of this Reign was Summon'd to begin at *Westminster* *November* the 23*d*, 1584; and sate till the 29th of *March* ensuing. With this *Parliament* Our *Convocation* Assembled, *November* the 24th, and sate on with it to *March* the 31*st*. In this Assembly a *Subsidy* was *granted*, the *Articuli Cleri* were pass'd, and some Persons Conven'd before the *Archbishop* and *Bishops*. The *Convocation* of *York* began the same day with that of *Canterbury*; but it did nothing more than Grant its *Subsidy* on *Thursday March* the 4th. The rest of its *Sessions* were meer *Prorogations*, without any thing done but what *Custom* and *Form* required. Yet even thus it sate to the 7th of *April*; Nine days after the *Parliament* was *Risen*: And then it was *Prorogued* to the *Tuesday* before *Whitsunday*, *May* the 25th, five days beyond what that *Great Council* had been continued to.

1586. [1] D'Ewes Jour. p. 375, &c.

This [1] Parliament thus Prorogued in 1585, continued by several Prorogations till the 14th of *September* 1586 before it was Dissolv'd; but it met not any more for Publick Affairs. A New One was presently Call'd to begin at *Westminster*, the 15th of *October* the same Year; and after two short Prorogations met there *October* the 29th: [2] It sate till the 2*d* of *December*; when it was Adjourn'd by the *Queen's Commissioners* to the 15th of *February*: From thence it sate on to *March* the 23*d*, and so was Dissolv'd.

[2] Ibid. p. 382.

The *Convocation* of the *Province* of *Canterbury* was Summon'd by Writ to meet at St. *Paul's London*, *October* the 16th; but being twice Prorogued, as the *Parliament* was, it sate not till the 2*d* of *November*, three days after the *Parliament* began. It Continued to the 2*d* of *December*, and was then Prorogued to the 17th of *February* following. From thenceforth it sate on, till the day after the *Parliament*, *March* the 24th; when it was, in like manner, *Dissolv'd*.

In this *Convocation* little was done besides what related to the *Subsidies*, and *Benevolence* therein *Granted* to the *Queen*. But in that of *York* there was yet less; for that was the only Business, besides Matters of Course, which they Enter'd upon. Their *Synod* Assembled, according to its first Summons, *October* the 16th, and was then Open'd in form, tho' the Parliament was Prorogued to the 27th of the same Month. From thenceforth we meet with nothing but meer Continuations, and those without any Regard to the [3] *Sessions* of the *Parliament*, till the 9th of *March*; when the Business of the *Subsidy and Benevolence* came on. These were Confirm'd at their next Meeting, *March* the 23*d*, the *last day* of the *Parliament*. After which we meet with another *Session* *March* the 31*st*, and then another *Continuation* to *April* the 23*d*; notwithstanding the *Parliament* had so long before been Dissolv'd. But indeed it has been as much the *Custom* of this Province to sit some considerable time after the *Parliament* has been Risen, as for the other to break up within a few days of it. And Dr. *A.* therefore will please to consider, whether this being so, they have not a Good *Right* to hold their *Convocation after* the *Parliament* is *Dissolv'd*, in that *Province*, tho' we have not any such Right in This.

[3] The Parliament was Adjourn'd *December* 2. The *Convocation* met *Decem* 15.

Sect. 82. 1588.

The next [4] *Parliament* should have sate at *Westminster* on *Tuesday* the 12th of *November* 1588: but was Prorogued till the 4th of *February* following. From thence it sate till *Saturday*, *March* the 29th, and so was Dissolv'd. By a *Writ* dated *September* the 20th, the *Convocation* of *Canterbury* was order'd to be held at St. *Paul's London*, *November* the 13th. But as the *Parliament* had been, so this Assembly was by another *Writ*, dated *October* the 19th, *Prorogued* to the 5th of *February*, before it sate. It continued from thenceforth, till the 2*d* of *April*, four Days after the *Parliament* had been *Dissolv'd*, and was then, in like manner, *Dissolved*. The Great Business of this *Convocation* was to *Grant* a *double Subsidy* to the *Queen*; should I add, it was All that the *Convocation* did, I do not see but that the *Acts* of it would Justify my Assertion. For tho' at the beginning the

[4] D'Ewes Jour. p. 419.

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Lower Clergy were admoniſhed to make any Complaints they had to Offer against ſuch as broke the *Orders* and *Canons* before Made, and afterwards the *Archbiſhop* Communicated to both Houſes certain *Articles* eſtabliſhed by the *Queen's Authority* concerning *Reſidence*, and ſome Other Points; Yet excepting a *Petition* of the *Lower Houſe*, to the *Houſe* of *Lords*, to Exempt the *Clergy* from *Proviſion* of *Arms*, there was nothing properly done by them, beſides the *Granting* of the *Subſidy*, I before mention'd, to the *Queen*. ELIZABETH.

But whatever was done in the Convocation of this Province, certain it is, that nothing at all elſe was either done, or mov'd, in the Other. The *Prelates* and *Clergy* met there, as they did with Us, *February* the 5*th*. From thence there were only *Prorogations*, till *Saturday March* the 8*th*. Then the *Subſidy* was agreed to, and the Salaries of the *Proctors* Order'd. After which, they were again continued by ſeveral *Prorogations* till the 18*th* of *April*, almoſt three Weeks after the *Parliament Ended*, and ſo were Diſſolv'd.

On the 19*th* of *February* 1592, the next [1] *Parliament* was Aſſembled. It ſate there till the 10*th* of *April*; at which time it was Diſſolv'd, as the Others had commonly been before. With this *Parliament* the *Convocation* of either Province met, *February* the 20*th*. If Dr. *A.* from his private *Extracts* can tell Us what Buſineſs they did beſides That of *Granting* a *Subſidy*, He will do more than without the help of them, I am able to Do. But to ſay the truth, I believe little elſe was done: So that laying that aſide, which *Convocations* are now no longer either Call'd for, or permitted to Do; this may paſs for a Meeting of as little Conſequence, as any that have almoſt been Aſſembled in our own Days. It continued till the 11*th* of *April*, and then as it met a day after the *Parliament* began, ſo was it Diſſolv'd, in like manner, a day after the *Parliament* ended. Sect. 83. 1592. [1] D'Ewes Jour. p. 456.

But in the *Convocation* of the Other *Province*, there is no room for doubt in this Particular. The *Acts* of it are Expreſs; and ſhew us what was, or rather, that nothing at all was done by it. From *February* the 20*th*, till *April* the 4, it was barely *Prorogued*, without any manner of Buſineſs, more than Matters of *Form*, entred upon. On that day (according to Cuſtom) the *Subſidy* being to be demanded, the *Cauſe* of the *Convocation* was declar'd to them. What that was we may, therefore, eaſily Gueſs, tho' it be not particularly mention'd. The *Subſidy* was the ſame *Seſſion* Concluded upon and finiſh'd. And that being done, the Preſidents Prorogued the *Convocation* from time to time, till the 10*th* of *April*: On which Day they *Prorogued* it farther till that day Month; unleſs in the mean time the *Queens Writ* of *Diſſolution* ſhou'd be ſent to the *Archbiſhop*. This was done Ten Days after the *Parliament* had been *Diſſolv'd*: So that at that time therefore this *Convocation* was not only ſtill Sitting; but under an utter Uncertainty how long it might be before it ſhould Riſe.

It was not before *Monday*, *October* the 24*th* 1597, that the next [2] *Parliament* of this Reign began. Having Sate till the 20*th* of *December*, it was by the *Queen's Order* Adjourn'd till the 11*th* of *January* following. From thence it Sate on till the 9*th* of *February*, when it was finally *Diſſolv'd*. With this *Parliament* the *Convocations* were Summon'd, according to the *Cuſtom* of theſe *Latter Reigns*. In the *Province* of *Canterbury*, the *Archbiſhop* not long after his *Mandate* was iſſued out for *Calling* of our *Synod*, Order'd the following *Direction* to be ſent after it, for Regulating the Procedure of the *Clergy* in their Elections for it. Sect. 84. 1597. [2] D'Ewes Jour. p. 522.

[3] "His Grace did ſince the Mandate ſent unto me, ſignify his Opinion, that He found ſome Inconveniences in former *Convocations*, that ſometimes either the *Dean*, or ſome of the *Archdeacons*, in ſome *Dioceſſes*, are Choſen *Proctors* for the *Clergy* of their *Dioceſſes*; whereby the Appearance that is requir'd at that ſolemn Aſſembly is not ſo furniſhed as it ought to be. And therefore his Grace willed me to require your Lordſhip to premoniſh your *Clergy*, that no *Dean* or *Archdeacon* be choſen *Proctor* for the *Clergy* of your *Dioceſs*.

William Blackwell.

[3] Regiſtrum Roffens lib. v. fol. 185.

That this *Convocation* did ſome Buſineſs, the Conſtitutions therein paſſed will not ſuffer us to doubt. But for the Particulars of its Procedure, I can give no Account of them; nor how long it ſate, or when it was Diſſolv'd. It is moſt probable, that it continued till a day or two after the *Parliament*, and ſo Ended as the like *Aſſemblies* before had done.

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The *Convocation* of the *Other Province* met the same day with Ours, Oct. 25*th*. Being Continued by *Prorogations* from time to time, it Attempted no Manner of Business till *Friday* the 9*th* of *December*, when the *Subsidy* was [illegible]. After that it was again *Prorogued* as before (and that without any Relation to the *Adjournment* of the *Parliament* [1] *December* the 20*th*,) till *February* the 7*th*, before which day, I suppose, it was Dissolved by the *Authority* of the *Writ*.

[1] The Convocation sate December 23. And again December 30.

Sect. 85. 1601.

[1] D'Ewes Jour. p. 597.

We are now come to the last [2] *Parliament* of this Reign, which began *Tuesday October* the 27*th*, and sate till the 19*th* of *December* following. The *Convocations* were Assembled the next day after the *Parliament*, at *London*, *October* the 28*th*. And here as far as my short *Collections* reach, I find [illegible] at all done, in the *Convocation* of our *Province*, besides *matter* of *form*, for the Exhortation which the *Archbishop* made to his *Suffragan Bishops*, at the *Conclusion* of this *Assembly*, to be diligent in their Charges, and carefully to keep the *Canons* made in the last *Convocations*; that was not properly a *Synod*, fair, nor any thing more than what He might as well have done, had it at all been held at that time. If the *Writ* for *Dissolving* this *Convocation* was *dated* the same day that the Other was for that of *York*; viz. *December* the 19*th*. We may then conclude, that it Outsate the *Parliament* but *two* days. But the *Dissolution* of the Other *Convocation* was not so soon made: For on the 23*d* of the *Month*, the Clergy not only met there, but were farther *Prorogued* to the 21*st* of *January* after: On which day being finally Assembled, they were also [illegible] almost Three Weeks after the Parliament.

Were it not for the *Subsidies* which this *Convocation*, as well as Ours, gave to the *Queen*, I should not need to take any farther notice of it. For the Acts of these *Assemblies* in that *Province* are very Exact, and Particular: It does not appear that any Manner of Business besides, was either done or Debated in this Synod. But they were *Prorogued* by their *Presidents* from time to time: A Practice which how hard soever Dr. *A.* may think it, or how soever he may descant, for his own Ends, upon it; Yet appears to have a very antient date in the (almost) *Constant Practice* of the *Province* of *York*, as *Occasionally*, in that of *Canterbury*.

King JAMES *the Ist.*

Sect. 86. 1603.

Queen *Elizabeth* dying about the later end of the Year 1602, King James the First Succeeded, and held his first *Parliament* on *Monday March* the 19*th*. What Business was transacted in this *Assembly* relating to our present Case will more properly fall under Consideration when I come to the next Reign, in which the Proceedings of our *Convocations* must more particularly claim our notice of. I shall only Observe this one One thing here, from the Journals of the *House of Lords*; to Shew the Opinion which the *Commons* then had of the Difference between the *Parliament* and *Convocation*; that upon *Wednesday* the 18*th*, this Message was sent up to the Lords, by them: [3] "That

[3] Journ. of the H. of Lords.

"they had received Information of his Majesty's Pleasure (deliver'd unto them "by their *Speaker*) for Conference by Them to be had with certain Lords "*Bishops*, concerning the *Reformation* of certain *Matters* and *Rites* of the "(whereof some Complaints had been made) and for the better Confidence "dence to be holden betwixt the *Commonalty* and *Clergy*; They were "to have such a Conference with some select Number of the *Bishops*, [illegible] "might Confer with them, *As Lords of the Higher House of Parliament*, "and not in such *Condition* and *Quality*, As *They are of the Commons* "*House*. To this we find the *Lords* Agreed; for the next day they appointed a *Committee* of *Thirty Lords*, without determining what they were; but possibly several of the *Bishops* might be *Omitted*, but sure we are, that some of the *Lay-Nobility* must have been joyn'd with them. The Occasion of this *Conference* proceeded from the Desire of the *Convocation* then *sitting*: And the Bishop of *London*, *President* of that *Assembly*, the same day told them, that the Speaker and *Lower House* had *Refus'd* the *Consultation* propos'd, and made *Complaint* to the *Lords*.

[4] Ibid.

The *Parliament* thus *Assembled*, continued till [4] *Saturday*, *July* the 7*th*, and was then Prorogued to the 7*th* of *February* following. On the 20*th* of

Convocation of the Province of *Canterbury* Assembled. Much Business was done by it, as the large *Book* of *Canons* there pass'd, not to mention any Other Matters, shews. On these Affairs it continued to Sit till *July* the 9*th*, and was then *Prorogued* till the 8*th* of *February* after. K. JAMES *the* Ist.

With this Busy *Parliament* and *Convocation*, the *Synod* of the other *Province* met: But it met to no manner of Purpose, more than meer Meeting; nor was there any thing done by it, or propos'd in it. In short, this Assembly was an exact Pattern of those so much now complain'd of: It met, and was Prorogued from *Session* to *Session*; without chusing a *Prolocutor*, or entring upon any *Synodical Act*, except in Matters of Form: And even those consisted only in *Calling* over the *Names* of the *Members*, and pronouncing the Absent Clergy, and Proctors, Contumacious.

After two other *Prorogations*, the same *Parliament* met again on the famous 5*th* of *November* 1605; and should have Sate, had not the Accident of the *Gunpowder Conspiracy* interrupted it. On the 9*th* it Assembled, and then the King deliver'd his Speech to the *Lords* and *Commons* upon that Occasion: After which they were Prorogued to the 21*st* of *January* following. From thenceforth they sate till the 27*th*, when they were again *Prorogued* to the 18*th* of *November*, A°. 1606. On the 6*th* of *November* the *Convocation* of our *Province* met again. Dr. *Ravis* the Prolocutor of the *Lower House* being promoted to the *See* of *Glocester*; the Archbishop recommended Dr. *Overall*, *Dean* of St. *Pauls*, to that Place; and Prorogued them to *November* the 13*th*. The *Parliament* had before this been Prorogued to the 21*st* of *January*; However on the 13*th* of *November* the *Convocation* met, and was in like manner Prorogued to the 22*d* of the same *January*. They had sate but once, before the Archbishop brought in a *Book* ready drawn up, concerning the *State of the Church*, &c. and desir'd both *Houses* to peruse it, and to Consult about it. This was the Great, and almost only Business of this Convocation; which continued till the 28*th* of *May*, the very day the *Parliament* Rose; and was then *Prorogued* to the 19*th* of *November* following. Sect. 87. 1605.

The *Convocation* of *York* met at its appointed time, *November* the 6*th*, and was *Prorogued* to the 3*d* of *December*, by the *Archbishop's Commissioners*: Who dying soon after, left that Assembly in Disorder, till the King, by a *Writ*, dated *January* the 22*d*, directed to the *Guardians* of the *Spiritualties*, recommended them to proceed again with it. This *Writ* was not presented to the *Dean* and *Chapter of York*, till *Tuesday* the 4*th* of *February*. They Resolv'd to proceed with the *Convocation* according to the *King's Command*: In order unto They Chose the *Bishop* of *Bristol*, their *Dean*, to Preside in it, and Address'd themselves to the King for his *Confirmation* of their *Election*; and for a *Commission* to *Treat*, *Conclude*, and *Do* such Other things in the said *Convocation*, as should be for the general Good of that *Province*. Then they Appointed the 10*th* of *February* for the *Assembling* of their *Convocation*; which on their Account met not till about three Weeks after the *Parliament* began. The Reason of this Unusual Request from that Province was this: The *Convocation* of our *Province* had, at their last Meeting, agreed to a *Book of Canons*, which they did in Good Measure *settle* the whole *Government*, and *Discipline* of the *Church*. This *Book* thus made and agreed to by *our Bishops* and Clergy, the *King* had Confirmed by his *Letters Patents*; and Order'd to be obeyed not only within the *Province* of *Canterbury*, (by whose Convocation it had first pass'd,) but in that of *York* too, who had not yet *Synodically Agreed* to it. This seem'd a little hard to them. Queen *Elizabeth* had indeed done the like before: But her *Confirmations* extended no farther than her *own Life*; and were the less Considered by them. The *Present Ratification* was to conclude *Posterity*; and to have Submitted to it without doing any thing to secure their Provincial *Rights*, would have been indeed to Own a *Subjection*, not at like that which Dr. *A.* would impose upon them; of being *Obliged to Obey whatsoever our Province should think fit to determine*. Here therefore they thought it needful to make a stand: And by passing these same *Canons* only by a *Licence* from the *King* under the *Great Seal of England*, to accommodate all; and at once both openly *Vindicate* their own *Liberty*, and submit it to the *King's Command*. For this End it was that they desir'd his Royal *Licence*; How they proceeded to *Act* upon them is the next Thing to be Consider'd.

K. JAMES *the* Ist. From the 10*th* of *February* to the 5*th* of *March*, they only *met*, and were *prorogued*: Being then *Assembled*, they chose, and presented their *Prolocutor*; who was presently *Confirm'd* by the *President*. This being done, they deliberated about the Matters which were to be *Treated* upon in that *Convocation* by vertue of the *King's Letters Patents*: And finally having *Read*, and *Approv'd*, the several *Canons* made by the *Convocation* of the *Province* of *Canterbury*, *Anno* 1603, They did by their *Unanimous Consent*, and *Assent*, *Ratifie the Ecclesiastical Constitutions aforesaid*; *and command Them to be firmly Observ'd in and through the whole Province of* York, as by their [1] *Decree*, or *Certificatory*, more fully appears, to which they *subscribed* their *Names*. On *Wednesday* the 9*th* of *April* they granted Four Subsidies to the King, and order'd the *Proctors Wages*: After which they were continued from time to time till the 3*d* of *June*, about a Week after the *Parliament* was risen; and then were prorogued to the 19*th* of *November* following.

[1] Append. ad Ann. 1605.

Thus pass'd this *Convocation*; the only One in which we find any Business to have been done, besides that of *granting Subsidies*, for many Years together. I might make several other Observations upon the Proceedings of it, but I shall content my self with this One; that as in the *preceding Acts* we do not meet with any mention either of any *Synodical Affairs* that were transacted, or of any *Prolocutor*, *Chosen*, *Presented*, or *Confirm'd*, in some Reigns before; so the true Reason of it was, that they did little more than agree to the same *Subsidies* which had been granted by the *Prelates* and *Clergy* of our *Province* who generally concerted those Matters with their *Archbishop* and *Bishops*. And as for that they needed not any long Debates, so neither did they Choose any *Prolocutor* to moderate in them; but after the old manner (much better observ'd and continued in that, than in our *Province*) Agreed together to what was propos'd by their *Presidents* to Them, and seldom ever divided, or so much as withdrew, to Deliberate about it.

Sect. 88. But I must not conclude this Year without taking notice of an *Argument* offer'd by Dr. *A.* to prove the *Convocation Clergy* to be *Members* of *Parliament* so very extravagant, that were he not more than ordinarily fierce in his Allegation of it, I should have almost question'd whether he had designed in earnest to prove any thing by it. The Summ of it is this; "*That in the Office* [...] Rights, &c. p. 275, 276. "*out for the* 5th *of* November, *at the Restauration of King* Charles *the* II. "*mention is made of the* Nobility, Clergy, *and* Commons, *then* Assembled "Parliament. *For to say that by the* Clergy of the Realm, *my* Lords *the* Bishops "*only are intended, were so absurd a Gloss, that even* Dr. Wake's *Pen would, I be*"*lieve, be ashamed of it.*

The Words to which Dr. *A.* referrs are taken out of the *first Collect* for the Day; in which our *Church* thus expresses her Sense of the Deliverance which it pleased God to vouchsafe to us thereupon: "*We yield Thee our unfeigned* "*Thanks and Praise for the wonderful and mighty Deliverance of our late Gracious* "*Sovereign King* James, *the* Queen, *the* Prince, *and all the* Royal Branches, *with* "*the* Nobility, Clergy, *and* Commons, *then* Assembled *in* Parliament, *by Popish* "*Treachery appointed as Sheep to the Slaughter.* These are the Words of the *Prayer*: Will Dr. *A.* please to tell us, *who* were the *Clergy* then *Assembled in Parliament?* The *Convocations* were not to meet, till the *next Day*: The *Convocation-Clergy* therefore could not be the *Clergy* whom the *Papists* design'd to have *blown up*. And one part of them at least, those of *York*, would have been far enough off from the Danger, had they met the Day before.

But who then were the *Clergy* here spoken of? Let the *Act* of *Parliament* inform him. An *Act* upon the *Expressions* of which this *Prayer* was compos'd, and whose *Sense* therefore we may be sure it designed to deliver. He will there find the *Clergy* to have been the *Lords Spiritual*; who alone of all that *State* were wont to be *Assembled* in *Parliament*, and therefore could alone have been intended to have been destroy'd with it.

And now, let any indifferent Person consider how *weak* the *Reasoning*, how *ridiculous* the *Insolence* of this vain Writer upon this Occasion, must appear? (says he) *They*, the Clergy, *were then rightly said to be Assembled in Parliament, they may as rightly be said to be so Assembled still. And if Assembled in Parliament, why not a* Member *of* Parliament? *To those Intents and Purposes I mean for which They were assembled in it.* Dr. W. *will be pleased to answer this Question at his* [...]

K. JAMES *the Ist.*

ſure. The Anſwer is not difficult: A very little Leiſure will ſuffice to give it. The *Clergy ſpoken of in that Prayer*, were not, as Dr. *A.* repreſents it, the *Clergy* of the *Realm*, but the *State* of the *Clergy* ſummon'd by the *King's Writ* to *Parliament*. Of theſe, the *Biſhops* alone at that time (as for many Reigns before) came *Actually* to *Parliament*. Now that theſe are *rightly ſaid to be Aſſembled in Parliament*, and to be a *Member* of *Parliament*, Dr. *W.* acknowledges: But that they are either *ſummon'd* to *that Council* by their *Convocation-Mandates*; or are in the ſame reſpect *Members* of the *One*, in which *they are*, and always have been, *Members* of the *Other*, He utterly denies; and deſires Dr. *A.* at his leiſure to prove it, if he knows how.

But Dr. *A.* proceeds; "*Dr.* W. *will be pleaſed to Anſwer this Queſtion at his* "*leiſure*, and withal *to inform us, whether among his late Meditations on that Day,* "*this had not been a proper One.* He would have had me, I ſuppoſe, have enlarged the *Thankſgiving*; and have ſhewn how the *Prolocutor* and *Clergy* which ſhould have met at *Pauls* and *York* the *6th* of *November*, were wonderfully preſerved from being *blown up* at *Weſtminſter*, with the *Lords* and *Commons*, on the *5th*.

Let us hear how he concludes this Glorious Argument: "*His Function* "*may be ſome Excuſe for his being a Stranger to the* Language *of the* Statute-Book; "*but not to have ſo much* Law *as his* Common-Prayer Book *would have furniſh'd* "*him with, is*, let me tell him, Inexcuſable. Were it not too great a Preſumption for me to pretend to *TELL* Dr. *A.* any thing, I would take the Liberty to TELL him in my turn, That had he been better acquainted with the *Language* of the *Statute-Book*, he would have forborn mentioning ſuch impertinent Stuff as this out of his *Common-Prayer-Book*; and by ſo doing, have omitted a Reflection that I doubt, in the end, will be found to *wound himſelf* much more than it can do me.

Why Dr. *A.* referrs theſe Words to that *Office*, as ſet out at the Reſtauration of King *Charles* the II*d*, I can no more divine, than why he quoted the *ſecond Collect*, for a Paſſage which has ſtood almoſt theſe Hundred Years only in the *firſt*. The Paſſage to which he referrs, was put into the firſt *Form* of *Prayer* for that Day, in the time of King *James* the *Firſt*. It received no Alteration in either of the King *Charles's* Reigns. It continued the ſame under King *James* the Second: And notwithſtanding all the *Innovations* under his late Majeſty, remains juſt as it was to this very Day.

Sect 89. 1606.

To return now to the Parliament which was appointed to meet by Prorogation, *November* the 18*th*, *Anno* 1606. It ſate from thence to the 4*th* of *July* the next Year; and was then prorogued to the 16*th* of *November* after. With this *Parliament* the *Convocation* of our Province reſum'd its *Seſſions*, but did very little for the firſt half of their time. On *February* the 27*th*, the *Archbiſhop* brought in again the *Book* which he had deliver'd to be conſider'd of the laſt Year: And it appears by the *Subſcription* and *Certificate* of the *Prolocutor*, that it was twice read over, and approved of in the *Lower Houſe*. Before the *Convocation* of the other Province could come together, there was an *Archbiſhop* made; and ſo a *New* Writ iſſued out to him for the holding of his *Convocation*, prorogued, as has been ſaid, to the 19*th* of *November* before. In purſuance hereof that *Synod* was again reſum'd, *November* the 29*th*, Eleven Days after the Parliament ſate. From thenceforth, to the 10*th* of *April*, it was only *prorogued* without doing, or propoſing any *Synodical Buſineſs*. On *Friday* the 10*th* of *April*, the *King's Letters Patents* were Open'd, and Read in *Convocation*; by which they were again empower'd to enter upon Buſineſs, as they had been in their *laſt Aſſembly*. What they did by Authority hereof, their *Acts* ſay not. If the Subſcription in Dr. *Overal's Convocation-Book*, p. 92, may be depended upon, we muſt then conclude that it was read ſo far in this *Convocation*. But the Number appearing being exceeding ſmall, (not above *five* or *ſix*) and only *one part* of the *Book* peruſed, I preſume it was deſign'd to be again more fully and thoroughly Examin'd at ſome other Meeting; and ſo no Entry was made in the *Acts* of what that little Aſſembly had done in this Matter. By the *King's Writ*, dated *July* the 6*th*, two Days after the *Riſing* of the *Parliament*, this *Convocation* ſhould have been *prorogued*. But this *Writ* came not till late to *York*; for after this, they Aſſembled twice, on the 10*th* and 20*th* of that Month; and then were prorogued to the 17*th* of *November*, a Fortnight after the *Parliament* had been diſmiſs'd.

K. JAMES *the Ist.* 1609. It would be needleſs to purſue the ſeveral Continuations that were thenceforth made of all theſe Great Aſſemblies. The fourth *Seſſion* of th liament began, *February* the *9th* 1609, and Continued till the 23*d* of *July* th year. With this *Seſſion* of *Parliament* the Meeting of Our *Convocation* v actly Concurrent. I cannot ſay that nothing at all was done in it; be find, in One *Seſſion*, a *Conference* of the *two Houſes* (occaſioned by ſome *A* in the *Lower Houſe* of *Parliament*) about *Pluralities*; and in another, Mr. *C* Convened before the *Archbiſhop* in the *Upper Houſe*, for publiſhing a *neous Book*. But theſe are All the Inſtances of any moment that my ries furniſh me withal. Dr. *A.* who has ſuch exact *Extracts* of all th *vocations* will be able better to account for the reſt; if any thing that is al was done by them.

The *Synod* of the Other *Province* began the ſame day that our *Convoca* But it began to no other Purpoſe, but to be told when it ſhould mee For excepting only the Buſineſs of the *Subſidy* (which we are not now t der) this *Aſſembly* did not ſo much as propound any Buſineſs; or do a more than continue its *Seſſions* from time to time, till the 3*d* of *Auguſt*, t after the *Parliament* was riſen; when it was prorogued by the *King's Wr* 17*th* of *October* following.

1610. On the 16*th* of *October* the *laſt Seſſion* of this *Parliament* began; It co till the of *December*; and was then Prorogued to the 9*th* of *Febru* ſo Diſſolv'd. With this *Seſſion*, our *Convocation* met again: If it did a neſs 'tis more than I know; and I muſt leave it to Dr. *A.* to inform us was. All I can add is, that being *prorogued* with the *Parliament* to *Febr* 11*th*, it was alſo *Diſſolv'd*, two days after that *Great Council*. The *Convo* *York*, made large *Seſſions*, and did no Buſineſs. From *October* the 17*th* it *rogued* to *November* the 9*th*, thence to *December* the *firſt*. From the continued to the 20*th* of the ſame Month: Then to the 19*th* of *Febru* ſo was Diſſolv'd, ten days after the *Parliament* had been concluded.

Sect. 90. 1614. The next *Parliament* of this *Reign* began upon the 5*th* of *April*, 1614 till the 7*th* of *June*, and ſo was Diſſolv'd. On the 6*th* of the ſame *April* *vocation* met. In the *Upper Houſe* one *Griffin* was Arraign'd of horrid mies; Submitted, and Recanted. This is all that I know was done Houſe: Of any thing at all done in the Lower, I have hitherto met with mation. But yet leſs than this, I mean nothing at all, was done in the *C* *vocation*; which being met, *April* the 6*th*, was prorogued to the 11*th* thence to the 8*th* of *June*; ſo to the 15*th* of the *ſame Month*: At whi being eight days after the *Diſſolution* of the *Parliament*, that Aſſembly w like manner *Diſſolv'd*.

1620. From henceforth we meet with no more *Parliaments* till the End when another began, after two ſhort Prorogations, *January* the 30*th*, an the 14*th* of *June*, 1621. It was then *Adjourn'd* to *November* the 14*th*; thence to the 20*th* of the ſame Month. Then it ſate again till the 19 *cember*; from whence being again *Adjourn'd* to *February* the 8*th*, it was With this Parliament, the *Convocation* of *Canterbury* met, *January* the One of its *Seſſions* the *Lower Houſe* exhibited a *Schedule* to the Upper of lecters of the *Canons* of 1604: Beſides which I can find but little done in either. Dr. *A.* therefore, who is the beſt able, muſt from his ſupply this Defect; and ſhew what this Aſſembly did, if it did any thi than *Meet*, and be *prorogued*. In the *Province* of *York*, the *Convocation* as in former Years it had been wont to do; I mean, only to be *Prorogu* when the time came, to grant its *Subſidy*; and ſo be again prorogued fore. It began the ſame Day with ours, *January* the 31*ſt*. From was continued to *February* the 21*ſt*; then to *March* the 14*th*. In the *ſion*, *March* the 23*d*, the *Subſidy* was Agreed to: After which we ha diſtant *Prorogations*, to *March* the 28*th*, *April* the 18*th*, *May* the the 6*th*, and *June* the 11*th*; On which Day, being a Week after th the *Parliament*, it was prorogued to the 15*th* of *November*, 1621. of that Month, it met again with the *Parliament*: But it met only t *nued*; as accordingly it was to the 12*th* firſt, then to the 20*th* of From thence to the 9*th*, and laſtly, to the 27*th* of *February*; at w being almoſt three Weeks after the *Diſſolution* of the *Parliament*,

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Sect. 91. 1623.

also ended. In the former of these *Sessions*, the *Subsidy* was granted, and *Proctor's Wages* order'd; but nothing else done: In the *latter*, nothing at was either *debated*, or *concluded* upon.

The last *Parliament* of King *James* the 1st was order'd to be held at *Westmin-* *February* the 12th, 1623; but was Adjourn'd by Commission to the 16th, then again prorogued to the 19th of the same Month. From thence it sate *May* the 29th, 1624, and so was prorogued to the 2d of *November* following. was the only *Session* of it, for in *November* it was again *prorogued* to *February* 16th, and so to *April* the 20th; before which time the *King* dying, the *ment* was thereby dissolv'd.

With this *Parliament* the *Convocation*, of our *Province* sate *February* the 20th, . Whether any *Convocational Act* (that of their *Subsidy* excepted) was done he *Clergy* at this time I cannot tell; I can only say, that hitherto I have not with any. In the 4th *Session*, *March* the 10th, a Complaint was made to the *bishop* by the *Colledge* of *Physicians*, against *Ministers Exercising Physick*, and declaration made by his *Grace* thereupon, that they should not do it, but only their own *Parishes*, and that for *Charity*. And in another *Session*, a *petitionary* er was sent to the *Lord Keeper* to supersede a *Subpœna* serv'd upon the *Arch-* of *Norfolk*, by reason of his *Privilege* of *Convocation*: But other Business les this, I know not of any that was done by them.

The *Province* of *York*, which met at the same time, did yet less. For ex- ing two *Protections* granted to *Persons* belonging to their *Body*, and the *Sub-* with which we are not now concern'd; All the rest were only *Prorogations* time to time; without any Attempt of, or Motion made to enter upon, ness. The *Parliament* was prorogued, as I have before observ'd, *May* the : But this *Convocation* nevertheless sate on till *June* the 15th. And thought lf never the less a *Legal Assembly*, because the Other was risen.

should here have closed up the History of this Reign; but that Dr. *A.* has nced an Argument of a singular Nature from the *Warrant* for *Summoning* of *Parliament*, and these *Convocations*, to shew, that *Custom* has made these t *Assemblies* necessarily concurrent in point of Time with one another. Words are these: "The very *Warrant* to the Keeper of the Great Seal issuing out *Writs* for a *Parliament*, is a standing Testimony against these w Notions. It ran thus in King *James* the First's Time; and, I suppose, ns so still. Rights, &c. p. 68, 69.

Dr. *A*'s Copy.

reas we are resolved to *have* a *Parlia-*, &c. These are to Will and Require rthwith upon Receipt hereof to issue out Writs of Summons to all the Peers Kingdom; and also all other *Usual Writs* electing of such *Knights*, *Citizens*, and *s*, as are to serve therein; and withal e out all *Usual Writs* for the Summoning *Clergy of Both Provinces* in their Houses *vocation*. And this shall be your War- o to do.

Bishop *Hacket*'s Copy.

James Rex.

Trusty and well-beloved Councellor we greet you well. Whereas we are resolved to hold a Parliament at our Palace of *Westminster* the 12th Day of *Febr.* next ensuing. These are to Will and Require you forthwith, upon the Receipt hereof, to issue forth our Writs of Summons, to all the Peers of our Kingdom: And also all other Usual Writs for the Electing of such *Knights*, *Citizens*, and *Burgesses*, as are to serve therein. And withal to issue out All Usual Writs for the Summoning of the Clergy of Both Provinces in their Houses of *Convocation*. And this shall be your Warrant so to Do. Dated at our Palace of *Whitehall* in *Westminster*, this 28 *Decem.* 1623.

So that the Writs for the Convocations are, it seems, as *Usual* as those the Commons; and the One Assembly therefore is as *Customary* as the her.

his is Dr. *A*'s Argument; and the Conclusion which one would think d naturally have follow'd from it, is this: In 1623, King *James* by the *Warrant* order'd the Lord Keeper to issue out *Writs* for the *Parliament* and *cations* to meet about the same time; And therefore that *Parliament*, and *Convocations*, were *Concurrent* in their *Sessions* one with another: But Dr. *A.* e, as in most other Places, above the Common Laws of Argumentation. *Conclusions* are *General*, tho' his *Premises* be not so much as *Particular*, but *ingular*: And therefore 'tis enough for him that King *James* once order'd the

K. JAMES *the Ist.*

the *Parliament* and *Convocations* to be called at the ſame time, to warra
Deduction; that therefore, it was the conſtant Cuſtom for all other K
and for this Prince at all other Times, to do likewiſe.

But to examine this Argument a little more Carefully: " The very W
" to the Keeper of the Great Seal for *Iſſuing* out *Writs* for a *Parliamen*
" ſtanding Teſtimony againſt theſe New Notions. I allow it, ſuppoſi
Form of that *Warrant* were a ſtanding *Form*, ſettled by *Common*, or *Statu*
and as conſtantly held to as the *Legal Writs* in the *Regiſter*, and our *Courts*
dicature, are. But in a *Warrant* out of the *Secretary's Office*, in a Matt
depends intirely upon the King's preſent *Will*, and *Direction*; and may be
with every *Parliament*; the *Argument* will hold no farther, than to that
ſtance from which it is fetch'd, and therefore ought not to be brought i
other Conſequence. He proceeds;

" It ran thus in K. *James*'s time, and I ſuppoſe runs ſo ſtill. That it r
for that *Parliament*, I agree: The *Copy*, which I doubt not was taken fro
Original Warrant, ſhews it. But this is no Proof that it ran in the like
always. That the Caſe was otherwiſe in Queen *Elizabeth*'s time, we ha
Witneſs of an Honourable and Curious Enquirer into theſe Matters. H
us the *Common Form* which was then uſed; and in that there is not one
of the *Convocation*, or its Aſſembling. Let us take it in the Terms in
he has repreſented it to us.

D'Ewes Journ. p. 2.

" *Elizabeth*, by the Grace of God, Queen of *England*, *France*, a
" *land*, Defender of the Faith, *&c.* To our Right Truſty and Righ
" beloved *Nicholas Bacon* Knight, Lord Keeper of our Great Seal
" *land*, Greeting.

" Whereas We by our Council, for certain great and urgent
" concerning Us, the Good Eſtate and Common-wealth of this our
" and of the Church of *England*, and for the good Order and Conti
" of the ſame, have appointed and ordain'd a *Parliament* to be ho
" our City of *Weſtminſter*, the firſt Day of *April* next coming, in
" Caſe divers and ſundry Writs are to be directed forth under ou
" Seal of *England*, as well for the *Prelates*, *Biſhops*, and *Nobility* of t
" Realm, as alſo for the Election of *Knights*, *Citizens*, and *Bur*
" the ſeveral Counties, Cities, and Boroughs, Towns of the ſame
" preſent at the ſaid *Parliament* at the Day and Place aforeſaid.

" Whereupon we Will and Command you forthwith, upon the
" hereof, and by Warrant of the ſame, to cauſe ſuch and ſo many
" be made and ſealed under our Great Seal for the accompliſhin
" ſame, as in like Caſes hath been heretofore uſed and accuſtome
" this Bill ſigned with our Own Hand, ſhall be as well unto you, as t
" ſuch Clerk and Clerks as ſhall make and paſs the ſame, a ſufficien
" rant or Diſcharge in that Behalf given.

But Dr. *A.* proceeds; and becauſe the King having firſt order'd *Writ*
iſſued out for Aſſembling the *Parliament*, adds, (not only after a Full
but with an *Introduction* that manifeſtly ſevers the One from the
" And Withal To Iſſue Out all Uſual Writs for the Summoning of th
" of Both Provinces in their Houſes of *Convocation*, Concludes in this m
" So that the *Writs* for a *Convocation*, are it ſeems as *Uſual* as thoſe
" *Commons*. He is in the Right: The *King's Provincial Writs* to th
biſhops for Summoning their *Convocation*, are as *ſtated*, and *ſetled*, as tho
Sheriffs for ſummoning the *Commons*. But this is not his Meaning, no
anſwer his End: His Inference is of another kind, and has a farther
it. " So that the *Writs* for a *Convocation* are it ſeems as *Uſual* as tho
" *Commons*, and the One *Aſſembly* therefore is as *Cuſtomary* as the Othe
is to ſay; Becauſe King *James* here Ordered the *Uſual Writs* for the
tions to be iſſued out in the ſame Warrant in which he Ordered the *U*
to be iſſued out for ſummoning the *Knights*, *Citizens*, and *Burgeſſes*
ment; therefore whenever a *Parliament* is called, the *Convocation-Writ*
Conſtantly and Cuſtomarily been iſſued out, as the *Writs* for Electing
Citizens and *Burgeſſes*.

Dr. *A.* muſt excuſe me if I cannot comprehend the Conſequenc
tho' I am not ſo dull as not to ſee through the Artifice of it. In th

K. JAMES the Ist.

…ut, publiſh'd by Biſhop *Hacket*, the King having declared his Reſolution …old his *Parliament*, firſt Wills and Requires the Keeper of his Great Seal …e out *Writs* of *Summons* to All the *Peers*: There is a half Stop. After … he proceeds to the Other *Writs* which are requiſite to Compleat that Aſ-…y; And Also all other *Uſual Writs*, for Electing of *ſuch Knights, Citizens …urgeſſes*, as are to ſerve Therein; *Therein*, that is, in the *Parliament*, be-…entioned. Having thus provided for the Summoning of all the *Members …rliament*; In the laſt place, after a Full Point, follows a farther Order …rits to *Call* the *two Convocations* to ſit about the ſame time with it. And …AL To Issue Out (the Words are repeated, to ſhew that here a New Or-…egan) *And withal to iſſue out* all *Uſual Writs for the Summoning of the Clergy …h Provinces in their Houſes of Convocation*: That is to ſay, the *two Uſual …cial Writs* to the *two Arthbiſhops* for that Purpoſe. Thus both the *Words*, …he *Pointing* of the *Warrant*, evidently beſpeak the King's Meaning in it. …onfound it therefore, as much as was poſſible, Dr. *A.* changes all the … of it. He puts the whole together within one Full Period, as if they …ll alike relating to one and the ſame thing: And then Deſcanting upon, …her Equivocating with, the word *Uſual*, ſtrains the Whole to this forced …uction; That the *Lord Keeper* ſhould iſſue out *Writs*, as Usual, for the …*tions* to ſit together with the *Parliament*; and ſo moſt *logically* inferrs …his ſingle, and corrupted Inſtance, that it was the *Conſtant Uſage* to *Call* …, whenever the *Other* was *Summon'd*.

Ingenuity of this kind of dealing with Public Inſtruments, I muſt leave …ers to judge of: It ſhall ſuffice me to add yet one later Inſtance more to …he Weakneſs of it; and that even this form, as little as it makes for …was yet by no means any Stated or Conſtant *Form*, of this *Warrant*, for …ling of theſe Aſſemblies.

…the 24*th* of *January*, 167⅞, King *Charles* the II*d* in Council order'd a …*ent* to be ſummon'd to ſit at *Weſtminſter* the 6*th* of *March* following. It … 5*th* of *February* before any thing was reſolved upon, with relation to …*vocations*; the *Writs* for *Summoning* which were not agreed upon, till …or twelve Days after thoſe for the *Parliament* had been actually *ſealed* and …road. The time was very ſhort, and the Archbiſhop of *Canterbury* … he could not receive his Writ, and iſſue out his *Mandate* thereupon to …op of *London*, and have the other neceſſary *Mandates* diſpatch'd into all …ts of his Province, ſo ſoon as the King deſigned; and therefore he deſired, … Time for the *Convocations* Meeting might be enlarged. Accordingly …her Council held *March* the 3*d*, (but three Days before the *Parliament* …n Order was made for the *Convocation* to meet upon the 3*d* of *April* fol-…: And the *Archbiſhop's Mandate* for it bears date the 6*th* of *March*, the …ay that the Parliament ſate.

…or the Other Province, the Writ for diſſolving the preceding *Convocation* … dated till the 12*th* of *February*, 19 Days after the *Writs* were Order'd … *New Parliament*. Which being ſo, I ſhall leave it to Dr. *A.* to judge …r the *King's Warrant* to the *Lord Chancellor* for the *Calling* of that *Parlia-*…uld have any ſuch Clauſe in it for the *Convocations*, as that upon which he …ilds: Or by Conſequence, whether this can be any ſuch *ſtanding Form* as …reſents it to have been; which neither was wont to be made uſe of in …*n* before, and we are ſure has fail'd, perhaps very often, in thoſe …ollowed after.

King CHARLES *the Firſt.*

…ooner was King *Charles* the I*ſt* come to the Crown, but he immediately …n'd his *Parliament* to meet at *Weſtminſter*, *May* the 17*th*. It ſate not till … of *June* following: Thence it continued till *July* the 11*th*; when it was …*d* to *Oxford*, *Auguſt* the 1*ſt*; and there Diſſolv'd, upon the 12*th* of the …nth. Sa. 9. 1625.

… this *Parliament* the *Convocation* of our *Province* ſate in both Places. At …rom *June* the 20*th* to *July* the 12*th*: At *Oxford*, from the 2*d* of *Auguſt* …*th*; when it was alſo Diſſolv'd. Yet in both theſe *Seſſions* I cannot find …d any thing more than give its *Subſidies*; for the reſt, it was prorogued …ne to time, till it was finally concluded.

K. CHARLES *the Iſt.*

The *Convocation* at *York* was Open'd in form, *May* the 18*th*, notwithſtanding the *Prorogation* of the *Parliament* to the End of that Month. From thence we meet with a few diſtant *Prorogations*, but nothing done, till *July* the 21*ſt*. Then the *Subſidies* were granted, tho' the *Parliament* had been *Adjourn'd* on the 11*th* of that Month, to meet at *Oxford*, *Auguſt* the 1*ſt*. How long it ſate after this I cannot tell: The Acts only mention another Prorogation to *Auguſt* the 4*th*; and ſo leave us without any farther Proſecution of this Aſſembly; which either met no more, or only in order to its being prorogued, or diſſolv'd.

1626. On *Monday*, *February* the 6*th*, this ſame Year, a ſecond *Parliament* Aſſembled; and was Diſſolv'd the 15*th* of *June* following. [1]Dr. *A.* has obſerved how in the laſt Parliament of King *James* the I*ſt*, the *Præmunientes Clauſe* was executed by the *Biſhop* of *Litchfield*. The ſame was now done by the *Biſhop* of *Norwich*: And that we may the better know with what Deſign theſe *Writs*, about this time, were again begun to be put in execution, an Author, who pretends to have been well acquainted with this Affair, gives us this Account of it. There were ſome about the King who had Repreſented to him, that it would be for the Service of the Crown, as well as for the Honour and Intereſt of the Church, to ſupport the *Parliamentary Rights* of the *Clergy*, and to bring them again into a Cloſer Union with the *Lay-Commons* in that Great Council. This Deſign thus ſet on foot, as I conceive, towards the latter end of the foregoing Reign, King *Charles* the I*ſt* was Eaſily perſwaded to countenance and further all he could in his. But the Difficulties which he met with put a Stop to his *Deſigns*; and the long Interruptions of *Parliaments* which follow'd after, and the troubleſome State of Affairs when thoſe of 1640 met, hindred him from doing any thing more in it.

[1]Addit. p. 88, 89.

Diſc. of the State Eccleſiaſt. by *C. D.*

This *Parliament* was ſummon'd to meet at *Weſtminſter*, *February* the 6*th*: Our *Convocation* began at St. *Pauls London*, the next Day, *February* the 7*th*; and was Continued from time to time till *June* the 16*th*. I know not of any Buſineſs that it did in all this time, or that it met for any thing beſides Matters of Form; not ſo much as a *Subſidy* being granted by it. In the *Province* of *York* a Queſtion was mov'd, Whether any One would *Conſtitute* any Perſon his *Proxy* in the *Convocation*, who was not a *Member* of the *Convocation*; ſo that by vertue of ſuch a *Subſtitution*, he ſhould become a Member of it? And it was reſolv'd in the *Negative*. But this one thing excepted, the *Aſſembly* was continued by diſtant *Prorogations*, from the 8*th* of *February* to the 28*th* of *June*, (almoſt a Fortnight after the *Parliament* had been Diſſolv'd) without doing any Buſineſs; and then by vertue of the *King's Writ*, that alſo was ended.

Sect. 93. 1627. The next *Parliament* of this *Reign* began *March* the 17*th*, 1627. It ſate till the 26*th* of *June*, 1628; and was then prorogued to the 20*th* of *October* following. From the 20*th* of *October* it was farther Continued till the 20*th* of *January* next enſuing: Then it ſate till *February* the 25*th*; from whence being Adjourn'd firſt to the 2*d*, and then to the 11*th* of *March*, it was Diſſolv'd.

On the 18*th* of *March*, the Day after the *Parliament*, the *Convocation* of the *Province* of *Canterbury* Aſſembled. In the former of its *Seſſions*, a Grant was made of Five *Subſidies* to the King; nothing elſe, that I know of, done. If any thing at all were done in the *Latter*, it is more than I have yet met with; and I have ſome Reaſon to think that nothing was done.

About the beginning of the *Convocation* of the Other *Province* the *Archbiſhop* died; yet the *Guardians* of the *Spiritualities* went on with it; and on *May* the 19*th*, being their ſecond *Seſſion*, they granted the like *Subſidies* that our *Prelates* and *Clergy* before had done. From thence they were *prorogued* to the 5*th* of *June*, and 11*th* of *July*. The *Parliament* had been prorogued almoſt a Fortnight before this laſt *Seſſion*; yet they met, and were continued to the 20*th* of *October* following.

The *Parliament* began its Second *Seſſion*, *January* the 20*th*: But the *Convocation* of this *Province* met not till the 10*th* of *February*, almoſt three Weeks after. Its firſt *Prorogation* was till the 26*th* of the ſame Month, the Day after the *Parliament* was Adjourn'd. Its next was to *Wedneſday*, *March* the 18*th*, eight Days after the State Council was Diſſolv'd: And it was yet later, *viz. March* the 22*d*, before this *Convocation* was ended; tho' the other had been concluded almoſt a Fortnight before. So that in ſhort then, this *Convocation* met three Weeks after the *Parliament* began; Sate but *once* with it, and was not Diſſolved till about a *Fortnight* after it.

Such

Such was the State of the Three firſt *Convocations* of this Reign: We muſt now make a large Step forward to the troubleſome Aſſemblies of the Year 1640: The firſt *Parliament* of which met *April* the 13*th*, and was diſſolved the 5*th* of *May* after. The *Convocation* of the *Province* of *Canterbury* met by Authority of the *King's Writ* the next Day, *April* the 14*th*. On *Friday* the 17*th*, the King's *Letters Patents* were exhibited to it, by vertue whereof the Biſhops and Clergy were impower'd to make *Canons* and *Conſtitutions*: But theſe being *limited* to the *Time* of the *Parliament*, and that *Diſſolved May* the 5*th*, on the 13*th* of *May* a *New Commiſſion* was granted; by Authority whereof, they went on with the Buſineſs both of *Canons* and *Subſidies*, till the 29*th* of the ſame Month; when the *Convocation* was by *Writ* Diſſolv'd.

The *Convocation* of the *Province* of *York*, began the ſame day that the Other of *Canterbury* was Open'd. On the 5*th* of *May* the King's *Letters Patents* of *Licence* for them to make *Canons*, during the Continuance of the *Parliament*, were exhibited to them. But the *Parliament* was *Diſſolv'd* the ſame day, and ſo the *Letters*, in effect, Out-dated before they were read. To remedy this, Others, dated the 20*th* of the ſame Month, were ſent to them; by Vertue whereof, they proceeded in their Buſineſs till about the 26*th* of *June*, and ſo were *Diſſolv'd*, a Month after the *Convocation* of the Other *Province* had been Ended.

How great a Contention the Proceedings of theſe *Convocations* raiſed in thoſe days, the Hiſtories of that unhappy time will not ſuffer Us to be Ignorant. Dr. *A.* whoſe Diligence has not been wanting to catch at every the leaſt Shadow of an Argument that may but ſeem to favour his Cauſe, has made his Advantage of it. He tells us that the *Parliament* which met not long after, *Voted theſe* Canons *Illegal*, CHIEFLY *on this Head, becauſe they were made in an* Aſſembly, *which tho' it met by the* Parliament Writ, *yet ſate and acted after the* Parliament *was determin'd*. I will not now enquire of Dr. *A.* How the two *Convocations* call'd by the *Mandates* of their Reſpective *Archbiſhops*, by vertue of the King's *Provincial Writs*, directed to Them purpoſely for that End; could poſſibly be underſtood, in Law, to have met by Vertue of the *Parliament Writ*, which is of another kind, and relates to another, and quite different Aſſembly. I have ſufficiently ſhewn the falſeneſs of that *Principle* already. The Point which I muſt now take the Liberty to differ from him in, is, the *particular* matter of *Fact* relating to their *Canons*. He affirms that the *Parliament* Voted them to be *Illegal* CHIEFLY *upon this* Head, becauſe they were made in an *Aſſembly*, which tho it met by the *Parliament Writ*, yet *Sate* and *Acted* after the *Parliament* was determin'd. On the the contrary I aſſert, that this was only a popular Exception, made uſe of indeed by ſome of the *Warmer Members* in their *Invectives* againſt them; but never taken notice of by the *Houſe* of *Commons* as any Ground at all of their *Exception*, much leſs inſiſted upon as the CHIEF HEAD upon which they VOTED Them to be Illegal. Let us ſee which of us are in the Right in this particular.

Rights, &c. p. 67.

The firſt Reſolutions which the Houſe came to againſt theſe *Canons*, were on *Tueſday December* the 15*th*; and thoſe were to this effect.

Rushworth's Collections 2*d* Part p. 1365. And Nalſon's Collect. Vol. 1. p. 678, 679.

Reſolved upon the Queſtion, Nullo Contradicente.

"That the Clergy of *England* convented in *Any Convocation* or *Synod*, or "Otherwiſe, have no Power to make any Conſtitutions, Canons, or "Acts whatſoever, in matter of Doctrine, Diſcipline, or otherwiſe, to "bind the Clergy or Laity of the Land, without Common Conſent of "Parliament.

Reſolved upon the Queſtion, Nullo Contradicente.

"That the ſeveral Conſtitutions and Canons Eccleſiaſtical, treated upon by "the Archbiſhops of *Canterbury* and *York*, Preſidents of the *Convocation*, "for the Reſpective Provinces of *Canterbury* and *York*, and the reſt of the "Biſhops and Clergy of thoſe Provinces, and agreed upon with the King's "Majeſties Licence in their ſeveral *Synods* begun at *London* and *York* "1640, do not bind the Clergy or Laity of this Land, or Either of "them.

But their laſt and great Reſolution, with which we are at preſent concern'd, was not till the day following.

K. CHARLES *the Ist.*

Reſolv'd upon the *Queſtion*, Nullo Contradicente.

" That theſe Canons and Conſtitutions Eccleſiaſtical, treated upon by the " Archbiſhops of *Canterbury* and *York*, Preſidents of the *Convocations* for " the Reſpective Provinces of *Canterbury* and *York*; and agreed upon with " the King's Majeſty's Licence in their ſeveral *Synods*, begun at *London* " and *York* in the Year 1640, do contain in them many Matters contrary " to the King's Prerogative; to the Fundamental Laws and Statutes of " the Realm; to the Right of Parliament; to the Property and Liberty " of the Subjects; and Matters tending to Sedition, and of dangerous Con- " ſequence.

Such were the Reſolutions of the Houſe in this Caſe; and in them we ſee what the CHIEF HEADS were, upon which they Rejected thoſe *Canons*. That they condemn'd them not becauſe they were made by the *Convocation* after the Parliament was Diſſolved; that was ſo far from being one of their CHIEF HEADS, that it is not mention'd as any Ground at all of what they did: No, but for much Greater and more ſolid Reaſons, ſuppoſing they had been in the Right. 1*ſt*. Becauſe the *Clergy* had no Power, in ANY *Convocation* or *Synod*, to make ANY *Canons*, &c. to bind either the Clergy or Laity, without the Conſent of Parliament. And, 2*dly*. That the *Canons* which they had made, contained Matters in them contrary to the King's Prerogative, &c. and matters tending to Sedition, and of dangerous Conſequence.

It was but three days before the Paſſing of theſe *Votes*, while this Matter was actually under debate, that the Lord Keeper *Finch* was Voted a Traytor by them, and impeach'd before the Lords as ſuch. They charged Him * with per- " ſwading the *Judges* to deliver their Opinions for the Levying of *Ship-money*: " * For Illegal Actions in *Forreſt-Matters*: * For Ill Offices done in making the " King to *Diſſolve* the *Laſt Parliament*; (that very *Parliament* with which the *Convocation* we are now ſpeaking of Met, and if we will believe Dr. *A.* ſhould have Ended;) " and Cauſing his Declaration thereupon to be put forth. Had that *Houſe* thought the Continuance of the *Convocation* after the *Riſing* of the *Parliament*, to have been ſo contrary to the *Fundamental Law* and *Rule* of our *Conſtitution*, as this Author now pretends that it did; How came it to paſs that they took no Notice of his Encouraging the *King* and *Clergy* in ſo Illegal an Action? He ſealed the *King's Licence*; He ſubſcribed his Opinion for their *ſitting* on: [1] It was upon his Authority eſpecially, that they did *Sit* and *Act*. And yet in impeaching this very Man, the Houſe took no manner of Notice of it, nor drew up any *Article* againſt him for what He did in it.

[1] Wharton's Life of AB. Laud. p. 79, 80.

When about two Months after, they impeach'd Archbiſhop *Laud* of High Treaſon, and made theſe very *Canons* One of their *Articles* againſt Him; Did they Alledge their being paſs'd after the *Parliament* was *Diſſolv'd?* Was this the CHIEF HEAD of their Complaint againſt them? Or, indeed, was it at all mentioned as any Fault at all. Let the Words of their Impeachment, in this Particular, determine betwixt Us.

Ibid. p. 154. " 5. He hath traiterouſly cauſed a Book of *Canons* to be Compoſed and Pub- " liſhed, and thoſe *Canons* to be put in Execution, without any *Lawful Warrant* " and *Authority* in that behalf. Their Meaning is, that he ought not to have done it without the *Conſent* of *Parliament*; as they had before declared in their firſt Queſtion againſt them. " In which pretended *Canons* many Mat- " ters are contain'd contrary to the King's Prerogative, &c. Many of the which " *Canons* by the practice of the ſaid Archbiſhop, were ſurreptitiouſly paſs'd in the " laſt *Convocation*, without due Conſideration and Debate: Others by Fear and " Compulſion were ſubſcribed to by the Prelates and Clerks there Aſſembled, " which had never been Voted, and Paſſed in the *Convocation*, as they ought to " have been. And the ſaid Archbiſhop hath Contrived and Endeavour'd " to Aſſure and Confirm the Unlawful and Exorbitant Power which he hath " Uſurped and Exerciſed over his Majeſties Subjects, by a Wicked and Un- " godly *Oath*, in one of the ſaid pretended *Canons*, &c.

Ibid. In Anſwer to this Article, the Biſhop aſſerted the *Authority* by which theſe *Canons* were publiſhed, and put in Execution. He vindicated the *Matters* contain'd in them: He juſtified the *Freedom* and *Method* of their paſſing. But for the Lawfulneſs of the *Convocations* ſitting and acting *after the Parliament* was

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Diſſolved, He ſaid not a Word. He was not impeach'd upon that HEAD, and therefore needed not to make any *Defence* in that particular. K. CHARLES *the Ist.*

When Mr. *Nicholas* came to proſecute his Impeachment upon this *Article*, He made his Entry, indeed, upon it with this Pretence, that it *was againſt Law for the* Convocation *to Sit*, the Parliament *being Diſſolved*. But ſo he did with ſeveral Others which yet were far from making any Part of his Real Crimes: As it is but too Uſual in ſuch kind of Cauſes, to *Aggravate* Matters againſt Thoſe whom they Proſecute, by any Topics that may be likely to move their Judges to Condemn Them. But then, that this was All he intended by it, his Own Words ſhew; where leaving theſe Preliminaries, He tells the *Lords*, that "*He would paſs theſe things by, and charge nothing upon him but the* Votes *of Both* "*Houſes, that thoſe* Canons contain'd *Matters contrary to the King's Prerogative*, "*&c.* A plain Proof that the *Sitting* of the *Convocation* after the *Parliament* was *diſſolv'd*, was not only not the CHIEF HEAD on which the *Parliament* Voted them to be *Illegal*, but was indeed, none of their *Reaſons* at all. Ib. p. 282.

However, ſince Dr. *A.* has endeavour'd to inſinuate as if the *Judges* themſelves had in ſome Meaſure Prevaricated, and not given a Clear Opinion in this Caſe; let us hear how the Archbiſhop (who beſt knew their meaning) defended himſelf againſt this Inſinuation, "*That it was againſt Law for the* Convocation *to* "*Sit, The* Parliament *being* Diſſolv'd. No my Lords, ſaid he, nothing againſt "Law that I know. For we were *Call'd* to *Sit* in *Convocation* by a *Different* "*Writ* from *That* which Called us, as *Biſhops*, to the *Parliament*. And we could "not *Riſe* till his Majeſty ſent Us another Writ to diſcharge us; and this is "well known to the *Judges*, and the Other *Lawyers* here Preſent: So we con- "tinued Sitting tho' the Parliament Roſe. Nor was this ſitting continued by "any Advice or Deſire of Mine. For I humbly deſired a *Writ* to *Diſſolve* us. "But the beſt *Council* then Preſent, both of *Judges*, and Other *Lawyers*, aſ- "ſured the King we might *Legally* Sit: And here is a Copy atteſted under "their Hands. Ibid. p. 232.

But I inſiſt too long upon this Inſtance, tho' the moſt Pertinent and Popular of any he has yet brought in Proof of his Aſſertion. The ſum of all is this; Some of the Warmer Members in their Speeches did inveigh againſt the *Canons* for this Reaſon, among others, that they were made by the *Convocation* after the *Parliament* was *Diſſolv'd*. But that it was ever agreed to as the *Reſolution* of *either Houſe*, much leſs that it was upon this HEAD CHIEFLY, that they *Voted* theſe *Canons* to be *Illegal*, I do abſolutely deny: And muſt deſire Dr. *A.* either to ſhew upon what Authority he Affirm'd this; Or to leave the World to Conclude, that he had none; but wrote it purely to ſerve a turn, and give ſome Colour to an Aſſertion as falſe in its ſelf, as it is contrary at once, both to the *Prerogative* of the *Crown*, and to the *Rights* and *Liberty* of the *Church*.

To proceed now to the Remainder of this Reign: On the 3*d* of *November*, the ſame Year, another *Parliament* began, which is all I ſhall need to ſay of it. To look to its End would be both ungrateful in its ſelf, and of little Uſe to our preſent Purpoſe. With this *Parliament*, the *Convocation* of the *Province* of *Canterbury* met, *November* the 4*th*. By the Acts which remain of both Houſes, it appears, that they met from time to time, and determin'd ſome points of Form as to Elections, *&c.* but did nothing more. The times were now very difficult, and the *Biſhops* and *Clergy* under great Dangers, and worſer Apprehenſions. In this ſtate the *Biſhops* ſeem to have Aſſembled till towards *Chriſtmas*: But the *Clergy* who were not under the ſame Difficulties, met a Month after; till at laſt, about the beginning of *February*, They both brake off their Aſſembling. Sect. 95.

The *Convocation* of *York* was Summon'd to begin the ſame day that the Other of *Canterbury* had been. But before that day came, the *Archbiſhop* died, and their *Meeting* thereby was prevented. [1] To remedy this Defect, on the 11*th* of *December* another Writ was iſſued out to the *Guardian* of the *Spiritualties*, to Aſſemble the *Convocation* of that Province with all convenient Speed. Upon this ſecond *Writ*, a new Day was prefixed for its Meeting, *January* the 4*th*: But before that day came, the Publick Diſorders were ſuch, and their Diſcouragements ſo great, that, I ſuppoſe they never met at all. This at leaſt is certain, that no Notice is taken, in their *Convocation Books*, of any *Aſſembly* that follow'd upon it. [1] Regiſtr. Dec. & Capit. Ebor. Ab Ann. 1634. fol. 28.

King

King CHARLES *the* IId.

Sect. 96. 1660. Here therefore we muſt cloſe up the Unfortunate Reign of that Excellent Prince, King *Charles* the I*ſt*: On the 25*th* of *April* 1660, began that *Convention* which Reſtored his Son King *Charles* the II*d* to the Throne. It continued under that Prince (being by his *Aſſent*, and an *Act* made therewith, declar'd to be the *Lawful Parliament* of this *Realm*) till the 29*th* of *December* following. But the Diſorders into which the *Church* had fallen during the Confuſions of that fatal Civil War, were too great, to be preſently remedied: Nor could things therefore be ſo ordered, as to have any *Convocation* ſit with it.

1661. On the 8*th* of *May*, the next Year, another *Parliament* Aſſembled, which by ſeveral Prorogations, continued till the 24*th* of *January*, 1678. Upon the very ſame day, the *Long Convocation* began, which ſate with it, and was Diſſolv'd about *Three Weeks* after it. During the two firſt *Seſſions* of this *Convocation* there was much Buſineſs to be done; and the Biſhops and Clergy were accordingly employ'd with Great Diligence about it. How they proceeded in it, as far as concerns the *Province* of *Canterbury*, the *Acts* of that *Convocation*, now Printed at large, may abundantly ſuffice to ſhew. As for the Part which the *Province* of *York* had in theſe Matters, it is but little underſtood; and for that Reaſon, as alſo becauſe it is ſo conſiderable a Piece of Our *Church Hiſtory*, I have put into the *Appendix* the whole Proceſs of it. The latter of theſe two buſie Seſſions Ended with the *Parliament*, *July* the 27*th*, 1663. From thence till the *Diſſolution* of the *Parliament* there were about (xv) Other *Seſſions*; and almoſt as many of the *Convocation*. But the *Clergy*, from thenceforth, *Met* only for *form's* ſake; to be told (as Dr. *A.* has phras'd it) when they ſhould *Meet* again: For after this I find no *Synodical Buſineſs* done; nor ſcarce the mention of any that was moved in either Houſe. In ſhort, except three things, of no great Moment; namely a Committee appointed to inſpect a *new Grammar*, *May* the 4*th*, 1664; A like Order about a Latin *Prayer-Book*, *May* the 18*th*, and a *Petition* agreed to be made to the King for a *Patent* on behalf of Dr. *Duport*, to have the ſole Liberty of *Printing* his *Greek* Tranſlation of the *Pſalms* for ſeven Years, *October* the 11*th*, 1667; I do not know whether ſo much as a Motion was made of any Matter; Or the leaſt thing done, but only to meet, and be prorogued; and Chuſe another *Prolocutor*, when the old One *Died*, or was *Promoted*; the Grand Affairs of the Synod of this Province for above xv Years together. And yet even in this State it did not always attend upon the Parliament neither: For in 1665, That *Great Council* ſate at *Oxford* from the 9*th* of *October* to the End of that Month: But the *Convocation* was prorogued from the 2*d* of *Auguſt*, to the 26*th* of *January*; and met not for above two Months before, nor almoſt Three Months after the end of that *Seſſion* of *Parliament*. The ſame was, in effect, the Caſe of this *Convocation* about two Years after. The *Parliament* was by *Proclamation* order'd to meet *July* the 15*th*, 1667: It *met*, and was *adjourn'd* by the Kings command to the 29*th* of the ſame Month; when a Peace being concluded, it was *Prorogued* to the 10*th* of *October*, to which it had been prorogued at the End of the *Seſſion* before. But the *Convocation* was not *Summon'd* at either of Thoſe days; nor did it at all Aſſemble when the Other *Council* met. I might mention ſeveral other the like Diſagreements in the *Seſſions* of that *Parliament* and that *Convocation*: But I ſhall take notice of the chiefeſt of them in the *Table* which I ſhall ſubjoyn to the End of this *Chapter*; and not inſiſt any longer upon them in this Place.

If the *Convocation* of *Canterbury* did ſo little, I ſhall not need to ſay that that of *York* did yet leſs; that is, did nothing at all. They met and were Prorogued (a thing which Dr. *A.* makes ſuch a grievous Complaint about, as if it had never been heard of till the laſt Reign) but that was all: No Buſineſs beyond Matters of neceſſary *form* being once Done, or ſo much as *Attempted* by them.

Sect 97. 1678. The long Parliament of King *Charles* being Diſſolv'd *January* the 24*th* 1678, another was Call'd to Sit at *Weſtminſter* upon the 6*th* of *March* following. With this Parliament the *Convocation* of the Province of *Canterbury* was *Summon'd*; but it was Summon'd but two days before that *State Council* was to

to meet: And the day appointed for its Assembling, was not till the 3d of *April*, a Month after the *Parliament* began. It was continued from time to time till the 15th of *August*, 1679: And was so far from doing any Business, that the formal Part of *Chusing* a *Prolocutor*, and *Opening* the *Session*, which had hitherto been constantly observed in this *Province*, was not Regarded.

The Case was the same in the *Other Province*, only the Concurrence with the *Parliament* was still less. It sate not till the 3d of *May* 1679: After which it was *Prorogued* from time to time without doing any thing till *Monday*, *August* the 25th, and then was *Dissolved*.

On the 17th of *October* the the same Year, another *Parliament* was Summon'd to Meet at *Westminster*; but was by several Prorogations continued till the 21st of *October*, 1680. It then assembled and sate till the 10th of *January* next following, and then was prorogued to the 20th of the same Month; when it was dissolved. The next Day after the *Parliament*, both the *Convocations* were Assembled. That of our Province was by several *Prorogations* Continued till the 1st of *January*, 1680; but did no manner of Business. That of the *Other* Province was in like manner *Prorogued* till the 2d of *December*, 1680; after which, we find no Entries at all in their Books, till the End of this, and of the next Reign. However, even that alone may suffice to Assure us of the little that was done; and that if they ever met at all, it was only for Forms sake, and to prorogue to another Meeting.

Sect. 98. 1680.

There was yet one *Parliament* more Assembled in this Reign, at *Oxford*, *March* the 21st, 1680: It sate but One Week, being Dissolved the 28th of the same Month. The *Convocation* of our *Province* was order'd to meet, not at *Oxford*, but at St. *Paul's*, *London*, *March* the 22d. It was the same Day prorogued to the 6th of *April*, nine Days after the *Dissolution* of the Parliament; and then by a *Writ* of the same Date it was *Dissolved*.

1681.

King JAMES *the Second.*

And now we have but One *Parliament* more to bring us to the End of this long and tedious Deduction: It is that of King *James* the IId, which began on the 19th, 1685, and sate till the 2d of *July* following. It resumed its Session the 9th of *November*, and continued to the 20th of *December*: After which it was prorogued from one time to another till the of *July*, 1687, and so was Dissolved.

Sect. 99. 1685.

With this *Parliament* the *Convocation* of our Province met, *May* the 20th: A Sermon was preached, and the *Lower House* ordered to choose a *Prolocutor*; and a Day prefix'd for the *Presenting* of him. Besides this, nothing at all was done, neither in that, nor the following Session of *Parliament*. But the Assembly was *prorogued* on till *Tuesday*, *July* the 13th, 1687, and then *Dissolved*.

King WILLIAM *and Queen* MARY.

The next *Convocation* which met after this, was in the first of the late Reign: As with the *Convention Parliament* which sate from *February* to *August*, none was held in either Province. It met with the *Parliament* which began by Prorogation *October* the 19th 1689; but sate not till the 6th of *November*, Seventeen Days after the *Parliament*. To this *Convocation* their *Majesties* sent a Royal Licence, and not only empower'd them to enter upon Business, but proposed to them such Matters as they thought fit for them to deliberate upon. They continued to meet to these Ends till the 14th of *December*; after which there was nothing done by them.

Sect. 100. 1689.

In the *Province* of *York* the *Convocation* began upon the 19th of *October*; but it was only *Prorogued* from *Session* to *Session*; and neither did, nor debated upon, any thing.

Having thus drawn down the Succession of our *Parliaments* and *Convocations* in the late *Reign*; it will now be time for me to stop, and consider what *Innovation* either those Princes, or our present *Metropolitans* have made; what they have done, I do not say which they had not a *Legal Authority* to do; but which other *Princes*, and *Primates*, had done before them.

Sect. 101.

As

Sect. 102. As for the *King* our late Sovereign, whom the *Letter* to *A Convocation-man*, which first began this Dispute, seems to charge as the principal Obstructer of our *Convocations*; I cannot see, if the Case be truly so as I have before Represented it, what could have been desired of him, that was not actually done by him. He *Assembled* the *Convocations* duly with every *Parliament*: He permitted them to *Continue* to *meet*, if they thought good, to the *End*, nay, and for the most, part long after the *End*, of every *Sessions*. And this without any One Instance, within all his Reign, to the contrary. For as for the Pretence of the *Convocation Writs* being once dropp'd for the *Province of York*, I believe even Dr. *A.* himself is satisfied, that the *Writ* was both Ordered by the *King* and *Sealed* by the *Chancellor*; However it came to stop at the *Crown Office*, and so not to be *put* in *Execution* within that *Province*. Whatever difference therefore there may be between Dr. *A.* and Me, in our *Notions* in this Case, 'tis certain there has been nothing innovated in *matter* of *Fact*. The *Writs* for our *Convocations* have been Regularly issued out, with every *Parliament*; and if Dr. *A.* will permit me to add it, notwithstanding any thing I have before argued, it is both my *Desire* that they *may*, and my *Opinion* that they should always be so. And to prevent any Mistake either of my *Design*, or of my *Judgment* (if that be of any moment) in this *particular*, I will take the liberty here, once for all, freely to declare it.

It is, I think, as evident as 'tis possible for any *Historical* Point to be that *before* the *Time* of King *Henry* the viii*th*, there was no manner of *Dependance* of the *Convocations* upon the *Parliament*. They were *actually Assembled* at *several times*; without any other Relation to one another, than what the Expectation of the like *Aids* from the *Clergy*, which were given Them by the *Laity*, justly raised in our *Princes*; and thereby Prompted them when they *Demanded*, or *Received*, any Supplies of the *One*, to *Assemble* the *Other*, either at or near the same time; and to *Demand*, or *Receive*, a *Suitable Grant* from Them also.

I do therefore look upon it to be a Matter of the utmost *Certainty*, that tho' the *Convocations* of the *Clergy*, as they were first *Summon'd* by Order of the *King's Writs*, were truly *State Assemblies*, yet they were not *Parliamentary Attendances*. On the Contrary; The *Clergy* have by *Other Writs* been *Called* to *Parliament* ever since any of these *Convocations* have been in use. For an Age or two they *actually Assembled* with it; and to this Day they are both Regularly *Summon'd* to it, and in the *Account* of our *Law*, as well by the *Rules* of our *Constitution*, do make One of the *Chiefest Estates* of it.

These *Convocations* our *Princes* were formerly wont to Require their *Archbishops* to Call at any Time, whenever they had Occasion for them: And they never did cause them to be Assembled, but only at such times as they had some particular Need of them. But since the 25*th* of King *Henry* the viii*th*, our *Princes* having taken up the Method of *Confirming* the *Grants* of their *Clergy* by *Authority* of *Parliament*; they have generally Order'd the One to be *Assembled* as often as the Other was held. By this means the *Clergy* have sometimes met together in *Convocation*, when the *King* has had no Design, or Occasion, to make use of them. In these Cases, if our *Metropolitans* have had any *Business* to propose to them, they have employ'd them in the *Doing* of that: Otherwise, they have *Continued* them by *Prorogations*, from time to time, till the *End* of the *Parliament*; about which time they have commonly been either *Prorogued*, or *Dissolved* by *Authority* of the *King's Writ*.

Now this having been done purely by the *Pleasure* of our *Princes*, and in the *free Exercise* of their *Royal Authority*, without any *Law* of the *Realm*, or *Rule* of our *Constitution*, which *Obliged* them so to Do: I do humbly conceive, that the *Bare Custom* of doing this, has not *Abridged* their Royal *Prerogative*; nor introduced any *Legal Obligation* upon Them to Continue to act so in this Particular, as their Predecessors have commonly done before them. I look upon them to proceed with the same Freedom in *Summoning* our *Convocations* now that King *Henry* the viii*th* did, when he first began thus to *Summon* them heretofore.

This therefore, as I am perswaded it is the just *Right* of the *Prince*, so do I take it to be not only the *Duty*, but *Interest* of the *Church*, to support it. To *Oblige* the *Clergy*, *necessarily* to MEET with; and, as 'tis now phrased, to ATTEND upon

upon, every *Parliament*; and being thus Assembled, *Actually* to *Sit*, and either *Do*, or be *Ready* in a *Posture* of *Doing Business*, as long as every such *Parliament* lasts; is such a Burden, as I verily believe should it be strictly exacted of them, would be found of great Charge and Inconvenience, if not to Others, yet to the *Remoter Clergy*; and especially to such whose *Dignities* require their *Personal Presence* at these *Assemblies*, without affording them, many times, a *suitable Ability* of *Coming* to them, and *Attending* upon them. To confine the *Prerogative* of the *Prince*, and deny him the Authority of Causing these *Convocations* to be held at any other Seasons, but just when the *Parliament* is *Sitting*, may be no less a Detriment to the Affairs of it; should such Exigences arise, or such Circumstances happen, in which there may be need of the Public Consultation of its *Bishops* and *Clergy*; and the *Prince* be content to Assemble them, when it might not be so proper for him to Convene the Other. Whereas to allow the King his *Rightful Authority* in this Case, can admit but of One Exception, and that such as having never yet happen'd, we have the less Reason to fear it; namely, that some *Prince* may hereafter arise, who may *Refuse* to *Summon* the *Convocations* at all, if once it be allow'd that He has it in his Power to *Call* them, or *not*, at such Seasons. But then, this no Prince who has any Regard to *Religion*, or to the *Church*, will Do: And should we ever be so unfortunate as to have one that valued neither, and therefore should refuse to grant any *Writs* to the *Archbishops* for this Purpose, I do not see but that the Result would be much the same. He would Abuse his *Authority* indeed in not issuing out his *Writs* as he ought to do; and so he would do, if the *Church* had any need of such an *Assembly*, tho' he were not under any such *legal Obligation*: But still without his *Writs* the *Archbishops* cannot *Convene* their *Clergy*, nor the *Clergy* *Come together*, on pain of such *Punishment* as our Law directs in that Case.

As therefore I do look upon our *Princes* to *Act freely* in the *Calling* of our *Convocations*, and to be at liberty, by our Law, to *Assemble* them at any time that they shall think Expedient to do; so do I account it to be for the *Benefit* of the *Church*, to Acknowledge and Support the Freedom of their *Prerogative* in this Particular. But yet still, I do conceive, that without some very great Reason to the Contrary, this having been the *Custom* of our *Kings* for above 150 years past, it ought not lightly to be broken in upon: Nor would I, by any thing I have here either Allow'd, or Proved, on this Occasion, be understood to give the least Encouragement to the future laying aside of this Practice; tho' I do not think the *Prerogative* of the *Crown* to be strictly *Obliged*, or *Limited*, by it. If there be nothing for the *Clergy* to do; or if the Times be not proper, nor expedient for them to *Assemble*; as they are (in Dr *A*'s Phrase) summon'd acourse, so may they by their *President* be *prorogued acourse*; and their *Session* reserved to some more favourable Seasons. If there be, they are then at hand to do it; and have the *High Court* of *Parliament* Sitting, either to *Confirm* their *Acts*, or to *receive* their *Petitions*; or to *do* any *Other Business* in which they may be *Aiding* to the *Good* of the *Church*. In short, To *Summon* the *Convocations* in *time* of *Parliament*, may have *many Conveniences*: What Inconvenience there can be to any *Prince* in it, or what *Temptation*, almost, to prompt him to Omit it, I cannot foresee. Whilst the *Metropolitan* has the *Power* to *Ease* his *Clergy*, being *Summon'd*, and not to *Exact* their *Attendance*, but only when there is some *Business* of *moment* to be done by them; neither can the Church suffer by it: And therefore as it has been the Custom for our *Princes* to *Summon* them, at such times, for above 150 years past; so is it my hearty Wish, that they should continue still to be Assembled at those Seasons.

All that I desire is that both the *Prince*, and the *Metropolitan*, may have each their *Legal Rights* preserved to them: The one to *Assemble* the *Convocation* at any time, whenever the *Needs* of the *Church* shall require it: The other to excuse their *Clergy*, from a tedious, and laborious, as well as expensive, *Attendance*, when there is nothing at all, or nothing of any consequence, to be done by them.

But of this let every one judge as he sees cause; It is enough for me that, *de facto*, our late Royal Sovereign has made no *Change* in this matter. The *Convocations* have been duly called with every *Parliament*; and being *Called*, have been freely left by him to *Assemble*, if they thought Good, to the *End* of every *Session*. The *Innovation* therefore, if there has been any made, must Sect. 103.

wholly lie at the *Archbiſhop's* doors: Who have indeed, in both *Provinces*, prorogued their *Convocations* from time to time, without ever ſetting them upon any Buſineſs, or Requiring their Aſſembling in order thereunto. But ſo have their Predeceſſors done before them: And I appeal to the Account before given, whether in this I ſay any thing which the plain Evidence of *Fact* do's not bear me out in.

The firſt Convocation entred in the *Books* of *York*, began *November* the 24th 1545. It was on the ſame day Prorogued to *January* the 26*th*: But the Clergy of our *Province* having before that granted their Subſidy, thoſe of that *Province* were Summon'd, before their time, to meet *December* the 14*th*. They *Met*, *Choſe* a *Prolocutor*, *Agreed* to the *Subſidy*; and ſo were again Continued from time to time, without doing of any other Buſineſs, or being ever ask'd to do any.

In 1547, the *Convocation* met *November* the 5*th*, but was the ſame day prorogued to *November* the 23*d*; then to *January* 20*th*, almoſt a Month after the *Parliament* was *Riſen*.

In 1552, the *Convocation* was *Summon'd* to *Aſſemble March* the 1*ſt*: The ſame day it was prorogued to *March* the 28*th*; then to *April* the 15*th*, that is, to a Fortnight after the *Seſſion* of *Parliament* was over.

In 1558, The *Convocation* began the 10*th* of *February*: It was the ſame day prorogued to *March* the 16*th*, then to *March* the 31*ſt*; from thence to the 13th of *April*; but nothing done, or moved by it.

In 1566, The *Convocation* was held *October* the 1*ſt*; and prorogued to the 30th of the ſame Month. On the 30*th* it was again Prorogued to *November* the 12th, without doing of any thing: Thus was it continued to *December* the 20*th*, when it Agreed to a *Subſidy*; and ſo was once more put off without going upon any Buſineſs, till the 8*th* of *January*; before which the Parliament was diſſolved.

I might, in the ſame manner, run over a large Catalogue of the *Convocations* of the Other *Province*; the Acts of which do alone remain entire to us. But I ſhall leave it to the *Reader*, to obſerve them as they lie in the foregoing Account; and take it for granted, that in the Province of *York*, the *Archbiſhop* has not only always enjoy'd the *Right* of *Proroguing* his *Convocation* according to his own Pleaſure, without ſuffering it to enter on any Buſineſs beſides that of *Subſidies*, but has frequently exerciſed that Right: And therefore that whatever *Innovations* may have been made on our ſide, yet to be ſure there has been none at all, or none of any *moment*, on theirs.

It is true, the *Convocations* of the *Province* of *Canterbury*, have been wont to be more frequently employ'd, and to tranſact more Buſineſs, than thoſe of *York*. But they have done it by the Direction, and Order of our Metropolitans; whom, I hope, Dr. *A.* will not deny both by the *Laws* of the *Realm*, and by the *Canons* of the *Church*, to enjoy as full and ample an Authority over their *Synods*, as the *Archbiſhops* of *York* can be preſumed to have over their *Convocations*. Had we the *Acts* of all our ſeveral Aſſemblies of this kind entire, I make no doubt, but we ſhould from them be furniſh'd with abundant Proofs of this. However, what remains will afford us ſome, and thoſe, ſufficient Inſtances to ſhew that our *Preſidents* have exerciſed all that Power over former *Convocations*, that has been either Claim'd, or Exerciſed, by our later Primates.

Were the *Convocation-Books* of King *Edward* the vi*th* entire, we ſhould, I believe, find very early Proofs in them of this Practice. The laſt of Queen *Mary* met by *Prorogation*, *November* the 11*th*, 1557. It was on the ſame Day *Prorogued* to *November* the 17*th*; on which Day the *Queen* dying, the *Parliament* was *diſſolved*; and ſo the *Convocation* ended with it.

Of the *Convocations* under Queen *Elizabeth*, we have but an imperfect Account; yet in ſeveral of them, there ſeems to have been very little done. Such were thoſe of 1566, 1572, 1588, 1592, 1601; of which, Dr. *A.* being the beſt qualified to give us the Hiſtory, I muſt leave it to him to inform the World whether they were not *Prorogued*, if not without doing any thing at all, yet without entring on any Buſineſs of moment: And whether thoſe *Prorogations* were made at the *Clergies Own Deſire*, or meerly by the *Archbiſhop's Authority*, let him alſo ſhew us.

Sect. 104. Authority, &c. p. 141.

But I muſt not paſs over the following *Convocations* thus briefly. I had ſo meerly affirm'd, what I ſee no Cauſe yet to retract; that our Clergy being wont in *Convocation* to *Aſſeſs* themſelves, were commonly ſuffer'd *to Meet and Sit*

long as it was Requisite for them to do for that Purpose. But that this being done they were for the most part Adjourn'd; and met no more till the King had some new Occasion for their Assistance. Had I then seen the *Convocation Books* of the *Other Province*, as I could not have desired any better Evidence of the Truth of my *Assertion*, so neither should I have appealed to any Other. In defect of that, I was forced to make use of such *Authorities* as lay before me; and what I then offer'd, I must beg leave once more to Repeat; if for nothing else yet, at least, to Consider what Reflections Dr. *A.* has thought fit to make upon it.

" [1] The Convocation which met the first of *King James* the 1*st*; was by [1] Ibid. p. 142.
" Prorogation, continued from time to time for seven Years together. Yet ex-
" cept it were in his *first Year*, we do not hear of any great Business that
" was done by them, more then that of *Granting Subsidies*. Against this Dr. *A.* has several Exceptions, which I shall take as they lie in Order in his Book.

And, 1*st*. [2] He affirms that I must speak this at all Adventures; because [2] Rights, &c.
" *Fuller* seems to say, that the *Acts* of this *Convocation* were lost, even in his p. (276.)
" time. Dr. *W.* must therefore be a *bold Adventurer* to pretend to say what
" was, or was not, done in it. Yet as *bold an Adventure* as this was, Dr. *A.* must allow that a Man may speak of *Convocations* whose *Acts* are lost; or he must have been as bold himself, in what he has said of those of King *Henry* the 8*th*, Queen *Mary*, and Queen *Elizabeth*; of few of which any Acts remain to us. He will tell us perhaps, that tho the *Acts* of these be lost, yet *large Extracts* of the *Acts* have been preserved. I need not Inform him, that so there have been of this very *Convocation*. He has the *Extracts* of it in his *Own Possession*: When I wrote they were in *Other Hands*; and from thence I had my Account of it.

He adds, 2*dly*, " That had I spoken out, and told the World plainly what
" that *Business* was which they did in their *first Year*, it would have given Us
" some account why they might Possibly have lain still a Good while after-
" wards. But that was not the Question: Whether the *Convocation* had Busi-
" ness, or no Business to do, I was not to dispute. The *Point* which I had to Con-
" sider, was, whether the *Convocation* may not be *Prorogued*, during the *Session* of
" *Parliament*, without being allow'd to Enter upon any Business; And whether,
" in fact, they had not been thus prorogued, long before the present times? If
" this had been done heretofore, there could then be no *Innovation* in doing of
" the very same thing now. That was all I was concern'd to shew: As for what
" he intimates, it might indeed have been of Use to Justify the *Metropolitan* in
" the *Exercise* of his *Power*, to shew that the *Convocation* had nothing to do;
" but my Business was only to prove, that he had a *Rightful Power*, in Subordinati-
" on to the *King's Authority*, to *Prorogue* it as he thought fit: Whether at this or
" that time he ought, or ought not, to *Exercise* that *Power*, is another Question;
" and was reserved to another place to determine.

But [3] Dr. *A's* next Attaque is more pertinent: For he affirms, that that [3] Ibid. p. (277.)
" *Convocation*, after all, did *Sit*, and *Do Business*; and that of a very important
" Nature: For in 1606, it pass'd Bishop *Overalls Convocation Book*. It is true,
" the *Archbishop*, in the fourth *Session* of that *Convocation*, did bring in a *Book*;
" which was afterwards both Read, and Agreed to by it. And some other Mat-
" ters were done, part of which Dr. *A.* takes notice of, and more he will here-
" after be able to afford Us Nor did I produce the Instance of this *Convocation*
" to prove, that nothing at all was done by the Clergy in it; but that no *Great*
" *Matter* was done by it. It cannot be expected, that from the short Minutes I
" have of this Assembly, I should be able to give any Good Account of the Pro-
" ceedings of it. But I believe, were the Computation to be made, it would ap-
" pear, that the *Meetings* in which they *Assembled* only to be *Prorogued*, were
" much more *numerous*, than those in which they did any Business: And then let
" Dr. *A.* give us a Good Reason, if he can, why the *Archbishop* who Continued
" so many of its *Sessions* without suffering the *Clergy* to enter upon any Business at
" all, might not if he had pleased, by the same *Authority*, have *Prorogued* them
" at any other times; and not have suffer'd them to do even that *little Business*,
" that was, (comparatively,) done by them.

What [4] Dr. *A.* means by his Instance of the Bishop of St. *Davids* Speech in [4] Ibid. p. (277.)
1601, about the *Use* of the *Cross*, which he brings to prove, that the *Canons* were
then *Re-debated* and his long note thereupon, I cannot imagine. The *Convoca-*
tion began *March* the 20*th* 1603. It passed the *Canons*, 1604: And at the Pass-

ing of them, that *Speech* was made; not upon his imaginary *Revision* of them, for which there is not the least Ground.

Sect. 105. [1] Ibid. p. (172)

But [1] Dr. *A.* Proceeds; and to what I had said, that in King *Charles* the IIst's time, there were but *few Parliaments*, and therefore we ought not to look for many Convocations; Replies, that "In the first *Sixteen* Years of King *Charles* "the first, there were five *New Parliaments* Chosen, and as many *Convocations*; "and every one of those *Convocations* met, and sate; and we know who "were the *Prolocutors* in each of them. I agree with Dr. *A*: There were so many *Convocations called* in that Princes time; *Prolocutors* were chosen; in Each of them; and the *Clergy* put in a *Posture* (as he calls it) of *doing Business*: And I have before told him for what Reason they were so. The *Archbishop* did it in obedience to the King's *Commands*; that so they might be ready to *Grant* their *Aids*, whenever they should be Demanded of them. But did the Three first of these *Covocations* do any other Business? Or were they continued by the *Archbishop* from time to time without Entring upon any? The first of them he says was "hindred from doing much Business by the Plague, which then "Reign'd. And yet notwithstanding the *Plague*, they met six times, between *May* and *July*, in *London*. Then they were prorogud to *Oxford*, where they met again in *Christ Church*, *August* the 2*d*; in *Merton Colledge Chappel*, *August* the 5*th*; in the same place *August* the 12*th*: But they did only meet, they did nothing; till at last they were dissolved by the King's Writ.

However, to allow of this Excuse, for that Meeting: What hinder'd the next *Convocation* from doing Business, which began the 7*th* of *February* following, and Continued till the middle of *June* the next Year? My Notes of this are but very short, and may easily mislead me: Yet I believe Dr. *A.* will be puzzled from his larger Extracts, to tell us of any matter of Moment that was done by it. The same was the Case of the Third which met in *March*, 1627: In which, if my brief Minutes deceive me not, little more than the *Subsidy* was debated on; with which we are not at present concerned. In the 4*th Convocation*, the Canons of 1640 were pass'd; so that there can be no dispute, but that then the Synod did sit, and *do the Business* that was proper for it: But the last, which met the same year, was again but little employ'd. The two first *Sessions* were taken up in matters of *Form*. At the *Third*, some of the *Body* were appointed to Officiate on the *fast day*, which was order'd to be Observed; and the Lower House *directed* by the *President*, to determine the *Controversies* about *Elections* which should come to be disputed. From this time, we find the *Convocation* Prorogued by the *Archbishop*, or his Commissioner, nine several times; but no Business done, nor any thing Attempted, but what related to *Elections*, or to the *Forms* of *Proceeding*; with which the *Clergy* usually fill'd up the time, till the *Archbishops Prorogation* was intimated to them.

This was the Case of four of the five *Convocations* of King *Charles* the IIst of which Dr. *A.* Speaks. They *Met*, and were *prorogued*; but they did Nothing: At least by the short remains which I have seen of the three first, and the *Acts* of the last, it does not appear that any thing of Moment was done, or enterprized by them.

Sect. 106. [2] Ibid. p. (278)

But against this, Dr. *A.* excepts: [2] "For even in these *Convocations*, some "*Motions* (he says) were made, and *Debates* held, tho' *no Synodical Conclusions* "were form'd. I do allow, that in the Diary of Archbishop *Laud*, we are told, that on *March* the 29*th*, 1626, there was a Debate about the *Sermon* which Bishop *Goodman* had preached at Court the *Sunday* before: And 'tis very natural to think, that Offence being taken at several Passages of it, the *Bishops* who met together, that day, should consider what was fit to be done by them thereupon. But the matter went no farther than *Debate*; for by the same *Diary* it appears, that tho' the *Convocation* was then sitting, yet that Affair was Committed by the *King* to a *Select Committee* of *Bishops*; who gave him their Resolution upon it, the 12*th* of *April* following.

Whether Mr. *Fuller*'s Instances be more considerable, will best appear from the Words of that *Author* concerning the *first*, and *last* of these *Convocations*. Of that of 1625, he thus speaks: [3] "The *Convocation* kept here, is scarce worth "the mentioning; seeing *little* the *Appearance* thereat, NOTHING the PERFOR- "MANCE therein. Dr. *James* made a motion, that the *MSS Fathers* in the Li- "brarie

[3] Church Hist. lib. xi. p. 120.

" braries of the *Universities*, or elsewhere in *England*, might be perused. But " alas! This Motion was Ended when it was Ended; Expiring in the Place " with the words of the Mover thereof. Of the last of 1640, [1] He says lit- [1] Ibib p. 17.
tle more, " Abreast with the *Parliament* began a *Convocation*, tho' unable long " to keep pace together; the latter soon tiring, as never inspired by *Commis-* " *sion* from the *King* to meddle with any Matters of *Religion*. Mr. *Warmistre* " made a Motion, to Condemn such Offensive *Canons* as were made in the last *Con-* " *vocation*: But that too went no farther than a *Motion*; nor do the *Acts* take any Notice any such *Motion* was made at All.

But still, " so much Business at least was done, in all these *Convocations*, as " made their TITLE GOOD to Do more, if they thought fit. What Dr. *A.* means by this, I cannot tell; Sure I am, that all these *Convocations* are an evi- dent Proof of the *Archbishop*'s *Authority* to *Prorogue* them, whenever *He thinks fit*; without asking any leave of the *Clergy*, or enquiring whether they have any *Business* to *Do*, *or No*. Let Dr. *A.* produce but any One Instance to the Con- trary of this: Let him shew where the *Archbishop* ever ask'd leave of the *Cler-* gy to *prorogue* His *Convocation*; Or when they *Refused* to be *Prorogued* for this Reason, that they had *Business to do*, and insisted upon their *Right*, and *Title*, to Do it, in despite of his *Authority*; and then I will allow him to Conclude, that they did somewhat that might suffice to make their TITLE GOOD to Do more. But if this he cannot Do, (as I am pretty sure he cannot) He must then give me leave from the Variety before alledged, to conclude; that by *Custom*, as well as by an *Original Power*, the *Metropolitan* has a *Right* to *Prorogue* his *Synod* WHEN, and AS OFTEN as he pleases; and is accountable to none besides the *King*, in the doing of it. If indeed he exercises this *Authority* to the *Prejudice* of the *Church*; If he thereby hinders the *Convocation* from doing *Business*, when it would be for the Advantage of our Religion that they should do it; he may be justly charged with *Abusing* that *Power*, which both the *Canons* of the *Church*, and the *Laws* and *Customs* of the *Realm*, have intrusted him withal. But still the *Power its self* is his *Just Right*; and in *Exercising* of it, He does no more, than what He may lawfully Do; and what Our *Archbishops* have *always Done*, without the leave of any, but the *King* only.

In the Reign of King CHARLES the II*d*; I took notice of the Business done by the *Convocation* of 1661, in Setling our *Church*, and the *Liturgy* of it, after the long Disorders of Our unfortunate *Civil War*: Which being done, I added, that tho' that *Convocation* met with many *Sessions* of *Parliament*, for several Years together, yet nothing else was done by them; as appear'd by the *Journal* which I had seen of it. Well; and what says Dr. *A.* to this Instance? [2] " He [2] Rights, &c. " had a *Journal* (says he) where there are no Memorandums of any thing p. (279.) " Done; and from that Empty *Journal*, one would think that he had learnt all " his Skill in the Business of *Convocations*. Whatever Dr. *A.* thinks of Dr. *W.* for his Skill, yet for some of his Friends sake, I would not have him speak too contemptibly *of that* EMPTY JOURNAL. It was Mr. *Munday*'s *Journal* of the *Pro-* *ceedings* of the *Lower House*, which I referr'd to; a Copy of which I had then by me: And I am sure Dr. *A.* knows too well, how much Use has been made of those Precious *Minutes* since, to think it prudent to undervalue them, tho' Dr. *W.* has appealed in this Case to them. Sect. 107.

" But had not *something else* (He means Dr. *Wake's* HEAD) been as EMPTY as " that *Journal*, he would have forborn giving that as an instance how Convocati- " ons have been employ'd whilst they were Used to Assess themselves, when all " the Prorogations of which he speaks *were after they began to be* Tax'd by Parli- " ament; and ALL of them were, *with the Good-Will and Consent of the Clergy*. I accept his Complement; and only beg leave to inform him, that in Quoting of this *Convocation* in the *last place*, I quoted the *last Convocation* that ever *Grant-* ed any *Subsidy* to the *King*: And I quoted it to shew, that the *Subsidy* being gi- ven, they from thenceforth did no Other Business; but were prorogued ma- ny times, for several Years together, without doing any thing that was ma- terial afterwards. But is Dr. *A.* in good earnest in what follows? Do's he think, that the *King* too was *Licented* by the *Clergy* to *Prorogue* them? That he says, it was done with the *Good Will* and *Consent* of the *Clergy*. I find then the *Convocation* has more Power than I imagined: A *Power* not only over the *Archbishop*, but the King too; so that even he must have their *Consent*, to *Continue* them;

Or

or he cannot justifie his doing of it. But Dr. *A.* cares not what he asserts, so it will, but Exalt the Authority of the *Clergy*, and Oppress an *Adversary*! In the mean time I desire him once more, before he sets up their *Authority* above the *King's Prerogative*, to prove, if he knows how, that the *Archbishop* needs either their *Good Will*, or *Consent*, to *Prorogue* them, as often as he pleases: Or that in doing of it, he do's any thing more than what *All* our *Archbishops* have *Customarily*, and *Constantly* done; without ever being Question'd for it by their Clergy, or (till these Reforming Days of ours) Opposed in it.

To conclude therefore this whole matter: From what has been said it appears, * That our *Metropolitans* have from time to time, *prorogued* their *Convocations*, as they have judged most Expedient for the *Benefit* of the *Church*, and for the Ease of their *Clergy*. * That in doing of this, they had no *Check* upon them from any but the King only; by whose *Authority*, as they have called their *Convocations*, so have they been Obliged to Continue their *Sessions* in such a manner, as not to *Defeat* his Ends in *summoning* of them. * That, in *fact*, these *Assembies* have before now been *Prorogued*, from the first day of their Meeting, to the last; without ever entring upon any Business, or being allow'd to do any. * That for the doing of this, our *Archbishops* have often Granted *Commissioners* to such of the *Prelates*, or *Clergy*, as they have thought fit: And those *Commissions* have not only done this by vertue of that Delegation, but have been so limited in their *Powers*, as not to have been at *Liberty* to do any thing besides. * When the *Convocations* have *met*, yet it has often been only for *Form* sake; and that rather to satisfie their Obligation to the *King's Writ*, than out of any Complyance with any Duty that they owed to the *Clergy*; who even in such their *Assembling*, have *Acted* in *Obedience* to their *Archbishops Authority*: And they have Ordered them to Assemble once or twice, to shew that they were ready to do what the *King* Required; and so have *prorogued* them, without going upon any Work. All which being so, I must beg leave to conclude, till I shall be better inform'd; that in *proroguing* our late *Convocations* as they have done, our *Archbishops* have Usurped no Authority which did not of Right belong to them; nor have done any thing more, than what our former *Archbishops* had, if not exactly in every Circumstance, yet in all that was of any moment, done before them.

As for what Dr. *A.* so much urges, of their being *Assembled in form*, and *Chusing a Prolocutor*, and *separating* into *two Houses*, and *putting themselves* into a *Posture* of *doing Business*; I must be excused, if I cannot see any such need of it, when it is before-hand Resolved, that no Business should be done. And for the *Archbishop's Authority* in that Case, he knows very well, that in the *Province* of *York* many whole *Convocations* have pass'd, and much Business been done, without their ever *Dividing* into *two Houses*, or *Chusing* of any *Prolocutor* at all. And so they did heretofore in the Other *Province* too; however the Largeness of the Bodies, which make up our two Houses, did at last force them to separate, for the better managing of their Debates. These *Preliminaries* therefore, are not *necessary* to the *Acting* of a *Convocation*; much less, to the *Nature* and *Being* of such an Assembly. Nor can any Reason be given why the *Archbishop*, who plainly has a Power of *Proroguing* the *Convocation* after these *Forms* are over, should not equally have the *Authority*, if he thinks fit, to Do it before. For either this, after all, the *Archbishop* of this *Province* must be allow'd a Power to Do; or it must be said, that his *Authority* over our *Convocation*, is not so great as the *Archbishop* of *York*'s over the *Synod* of that *Province*; but that the *Provincial* Clergy have Claims on our side, which they have not on theirs; neither of which can, I conceive, be Asserted without some Violence to our *National Constitution*: It being certain, that the *President* of the Other *Province* has often prorogued his *Convocation*, without ever directing, or allowing them to *chuse* a *Prolocutor*; or to *depart* out of the *Place* to which they were *summon'd* before him.

However, to shew how much I desire to comply with Dr. *A.* even here too (tho' I dare not pretend to Advise, much less, with him, to *Direct*, and *Require* my *Superiors*) yet would this satisfie, I would willingly become an humble *Petitioner* to them, that these *Sacred Meetings* (which I heartily wish may be, and do justly hope shall be, constantly *Assembled* with our *Parliaments*, as well as at all Other times, whenever the Church may have any need of them) should be from henceforth Open'd with the same Solemnity that they have heretofore been

wont

wont to be. That if in order hereunto, it would not be too great a Burden to the distant *Clergy* to be brought together for so small a Purpose, they might at the *Beginning* of every such *Synod*, be Required to Assist at the Solemnity, and *Chuse* their *Prolocutor*, as Dr. *A.* desires they should; and be directed by the *Archbishop*, if they had any *Motions* to make, or any *Petitions* to *Offer*, freely to *make* and *present* them. Would this contribute to the Ends of Peace and Union, as I do most sincerely desire the One, so would I heartily join in my Request, to our *most Reverend Metropolitan*, for the Other. But then in Order hereunto, I conceive, the Claim of *Right* in this Case must, in the first place, be dismiss'd; that so it may appear to be a *Concession* of *Grace*, not of *Justice*; and be Received as a *Condescension* to the Humble *Requests* of the *Clergy*, not as a Victory gain'd by Clamour and Importunity, over the just *Authority* of our President.

As for the other Notion advanced by Dr. *A.* That our *Convocations* have so necessary a Relation to the *Parliament*, that they cannot lawfully be separated; but the *One* must *End*, whenever the *Other Rises*; that is a Point, which how necessary soever it may be to his *Hypothesis*, yet I cannot by any means agree with him in. The History even of our *later Convocations*, manifestly overthrows it; and that there is not so much as a Colour for it in all our more ancient Assemblies of this kind, the Accouut I have before given of them, abundantly shews. And because this is a Matter wherein I conceive the *Liberty* of the *Church*, as well as the *Prerogative* of the *Crown*, to be very nearly concern'd; I shall the more easily be excused, if I insist a little more particularly upon it. Sect. 109.

What Dr. *A*'s Sense is, as to this Point, we cannot better learn than from his Own Words; and that both as to Matter of *Fact*, and Matter of *Right*, in this Particular. The Matter of Fact he thus Delivers, *p.* 48. "About the Entrance "of the *last Age*, when the *Prerogative* began to Recover the Ground it had "lost to the *Church*, we find those Meetings of the *Clergy* and *Laity*, more closely "United; the Dates of *Henry* the viiith's CONVOCATIONS being all ONE, or a "FEW *Days* BEFORE or AFTER (if not ALTOGETHER the SAME with) those of "his PARLIAMENTS. This is a little mystical, and shews Dr. *A.* not to have well known what the Case of King *Henry* the viiith's *Convocations* was. First, he tells us the *Dates* of them were ALL ONE with those of his *Parliaments*: And then presently, as if he doubted that might not be true, He adds a Cautious, OR, quite contrary to what he had before affirm'd; ALL ONE; OR A FEW DAYS BEFOFE OR AFTER; that is, OR NOT ALL ONE, but *different*. But neither did that please him; and therefore a *third* Essay was to be made in another form of Speech; and that too enclosed in Parenthesis, to make it still more Equivocal; (if NOT ALTOGETHET THE SAME WITH) So that, in short, the Dates of King *Henry* the viiith's *Convocations* were quite ALL ONE; or very near ALL ONE; if not ALTOGETHER ALL ONE, with those of his *Parliaments*. "And from EDWARD the "vith to this *Reign*, the *Clergy* have, I think, met ALWAYS, and parted within a "Day of the Parliament. There have been No DEVIATIONS from this Rule "that I know of, except in a *Legantine Synod* or two (which are no *Presidents*) "and ONCE in the CONVOCATION of 1640; but that Experiment succeeded too "ill, to be ever try'd a second time. ' Rights, &c. p. 48.

Dr. *A.* is here again a little Modest and Reserved; "The *Clergy* (says he) I "THINK *met* always, and *parted* within a *day* of the *Parliament*. And again, there "have been no Deviations from this *Rule* that I KNOW of: Words of Art and Caution, and such as this Author do's not commonly trouble his Reader withal. But he soon grew more positive: [2] For in *p.* 68, He became SURE of what before he durst not *absolutely affirm*. "SURE WE ARE, that the *Convocations* of the "*Clergy* have (as has been said already) for above 150 Years, in EVERY INSTANCE "(except that of *Forty*, and the *Synods Legantine*) *met* and *rose* within a day "of the *Parliament*. Will Dr. *A.* stand to his Assertion as he has now roundly deliver'd it? No, he must qualifie it once more; and therefore in his *New Corrections*, we are bid to alter it thus: SURE WE ARE that the *Convocations* of the Clergy *Have been Used, to meet and rise within a day of the Parliament*. Which being put in opposition to their *having done it in* EVERY INSTANCE, must imply, that this *Custom* was not Constant: That there had been *Several Instances* to the Contrary; only this had been the more COMMON USAGE; which is all that this *Author* seems by his last Thoughts to be willing to be held to. [2] Ibid. p. 68.

But

But how then will such an *Usage* inferr, what he presently after delivers us as *Parliamentary*, or *Convocation-Law*; "That the *Convocation* should meet ONLY "and ALWAYS in *time* of Parliament? And, which is yet more wonderful, founds it upon the *Authority* of *Custom*; which if it has not been Constant and Uniform, (as by his new Correction he himself implies that it has not) can be no *Custom*; but will rather shew, that the *Convocation* may still meet, as it has sometimes done, tho' the *Parliament* be not *Sitting*, or *Continue* after it is *Risen*.

Sect. 110. In Opposition to the Pretences of this Gentleman, I shall need only to shew, that he is intirely mistaken in his Matter of *Fact* upon which he *founds* his *Custom*; and that will prove, that he must be deceived in the *Position*, which he builds upon it. For however it be true, that since the Time of which he speaks, our *Princes*, for the Reason often before alledged, have generally Assembled our *Convocations* about the same time with their *Parliaments*; yet has it so fallen out, that there has been such a Distance, very often, between the Beginning and Ending of these Assemblies, that the One has often sate several Days, or Weeks, without the Other. Sometimes the King has not issued his *Writs* to *Call*, or *Prorogue* them, so nearly as is pretended; and thereby has sufficiently Vindicated his Right of doing both at his Pleasure. Sometimes *Accidents* have fallen out to hinder the *Execution* of his *Writs*; and by those a *greater Distance* has been made between them. And sometimes, tho' the King has issued out his *Writs*, and there has nothing extraordinary happen'd to hinder the Execution of them, yet our *Archbishops*, in fact, have not presently done it; as they must, and certainly would have done, had they known or believed any thing of what is now pretended, that their *Convocations* of *Right* cannot sit but ONLY in TIME of *Parliament*. And for this, as the shortest Method, as well as the cleareſt, in this Case, I shall referr the *Reader* to the following *Table*; in which he will find the Distance of our later *Convocations*, and *Parliaments*, plainly represented to him; and in that, Dr. *A*'s Assertions evidently confuted.

A. D.

A. D.	*Parliaments.*	*Convocations.*	*Difference.*
1509. K. Hen VIII.	Parliament ſate *Januar.* 21.	Convoc. *Cant.* Jan. 26. No Convoc. of *York.*	Five Days after the Parliament.
1511.	Parl. met *Febr.* 4. Continued to *April* 1.	Convoc. of *York* met not till April 26.	Eleven Weeks after the Parl. met. Three Weeks after it was Riſen.
1512.	2d. Seſſ. *Novemb.* 4. Continued to *Decemb.*	Convoc. of *York*, January 17. Contin. to Febr. 4,	Ten Weeks after the Parl. began. Six Weeks after it was ended.
1513.	3d. Seſſ. *Januar.* 23.	No Convocation.	
1514.	Parl. met *Febr.* 5.	Convoc. *Cant.* June 22. Council. *York*, Jan. 22.	Seven Months before the Parl. met. A fortnight before it met.
1515.	Parl. met *Novemb.* 12. Diſſolved *Decemb.* 22.	No Convocation of *York.*	
1516.		Convoc. *York*, April 9.	About 5 Months after the Parl. met. Above 3 Months after it was diſſolved
1523.	Parl. met Apr. 15.	Convoc. *Cant.* Apr. 20. Conv. *York*, *March* 22. 1522.	Five Days after the Parl. began. Three Weeks before it met.
1529.	Parl. Ended *Decemb.* 17.	Convoc. *Cant.* Decemb. 24. No Convoc. *of York.*	A Week after the Parliament.
1530.	Parl. met *Januar.* 16. Continued to *March* 31.	Convoc. of *York*, Jan. 12. Sate *May* the 4*th.*	Four Days before the Parl. met. Five Weeks after it was ended.
1531.	Parliament met *January* 15.	Convoc. of *York*, Febr. 7.	Above three Weeks after the Parliam.
1533.	Parliament ended *March* 30.	Conv. of *York* ſate *May* 5. 1534.	Five Weeks after the Parl. was Riſen.
1534.	Parl. ended *Decemb.* 18.	Convoc. of *York* ſate till (at leaſt) Febr. 3.	Seven Weeks after the Parl. was Riſen
1539.	Parl. met Apr. 28.	The Convocations *May* 2.	Four Days after the Parliament.
1540.	Parl. diſſolved *Jul.* 24.	Convoc. *Cant.* July 28.	Four Days after the Parliament.
1541.	Parl. met *Januar.* 16.	The Convocations *Jan.* 20.	Four Days after the Parliament.
1545.	Parl. ſate to *Decemb.* 24. Was Prorogued to *Nov.* 4. 1546.	Conv. *York* ſate to *Feb.* 25. Was Prorogued to *Nov.* 24. 1546.	Eight Weeks after the Parl. was ended Three weeks after the Parl was to meet
1547. K. Edw. VI.	Parl. Roſe *Decemb.* 24.	Covoc. of *York*, Januar. 20.	Almoſt a Month after the Parliament
1552.	Parl. Diſſolved Apr. 15.	Convoc. of *York*, May 4.	Eighteen Days after the Parliament.
1553.	Parl. Diſſolved *March* 31.	Convoc. of *York* granted its Subſidy, April 15.	A fortnight after the Parl. had been diſſolved.
A. D. 1553. Q Mary.	Parl Diſſolved *Decemb.* 6.	Convoc. *Cant.* Decemb. 13.	A Week after the Parliament.
1554.	Parl. Diſſolved *May* 5.	Convoc. *Cant.* ſate till *May* 11. was then Prorogued to *Octob.* 5. ſate again *May* 18. 21, 25. And was Prorogued as before, by its Preſident, to *Octob.* 5.	Sate almoſt three Weeks after the Parl. had been Diſſolved : And was then Prorogued on for four Months more.
1554.	Another Parliament Diſſolved *Jan.* 16.	The Conv. *Cant.* continued till Jan. 26.	Ten Days after the Parl. had been diſſolved.
1555.	Parl. met *Octob.* 21. Was Diſſolved *Decemb.* 9.	Convoc. *York* met *March* 4.	Above 4 Months after the Parl. began : Near 3 after it was Diſſolved.

A. D.	Parliaments	Convocations.	Difference.
1557.	Parl. Prorogued to *Nov.* 5	Conv. *York*, to *Octob.* 21. Conv. *Cant.* to *Nov.* 11.	A fortnight before the Parliament. Six Days after the Parliament.
1558. Q. *Eliz.*	Parl. met *Jan.* 23.	Convoc. *York* Febr. 10.	Eighteen Days after the Parliament began.
1563.	Parl. rose *April* 10.	Convoc. *Cant.* April 14. Convoc. *York*, April 28.	Four Days after the Parliament. Eighteen Days after the Parliament.
1566.	Parl. dissolved, *January* 2.	Convoc. *York*, Jan. 15.	Thirteen Days after the Parliament.
1571.	Parl. dissolved, *May* 29.	Convoc. *York* met Jun. 20.	Three Weeks after the Parl. had been dissolved.
1572.	Parl. rose *June* 30.	Convoc. *York*, July 18.	Eighteen Days after the Parliament.
1575.	Parl. rose *March* 15.	Convoc *York* debated of their Subsidy *March* 23. finished it *April* 19.	Five Weeks after the Parl. was risen.
1580.	Parl. rose *March* 18.	Convoc. *York* April 7.	Almost 3 Weeks after the Parliament.
1584.	Parl. rose *March* 29.	Convoc. *York*, April 7.	Nine Days after the Parliament.
1586.	Parl. dissolved *March* 23	Convoc. *York* sate, *March* 31. Was then prorogued to *April* 23.	Eight Days after the Parl. was dissolved. Prorogued three Weeks longer.
1589.	Parl. dissolved *March* 29.	Conv. *Cant.* Apr. 2. Conv. *York*, Apr. 18.	Four Days after the Parliament. Almost three Weeks.
1593.	Parl dissolved *April* 10.	Conv. *York* sate Apr. 20. Prorogued to *May* 20.	Ten Days after the Parl. was dissolved. Almost Six Weeks after the Parl. was dissolved.
1601.	Parl. dissolved *Decemb.* 19.	Convoc. *York* Jan. 7.	Nineteen Days after the Parliament.
1605. K. *James* I.	Parl. sate *Novemb.* 9 and was prorogued to *Jan.* 21.	Conv. *Cant.* sate *Nov.* 13. Conv *York* prorog. to *Dec.* 3. Then by vertue of a Royal Writ to the Guardians of the Spiritualties, met *Febr.* 10.	Four Days after the Parliament. Seven weeks before the Parl. was to met. Twenty Days after it met.
1606.	Parl. began *Novemb.* 18. Ended *July* 4 1607.	Conv. *York* began *Nov.* 29 Ended *July* 20. 1607.	Eleven Days after the Parl. met. Sixteen Days after the Parl. ended.
1609.	Parl. rose *July* 23.	Convoc. *York* August 3.	Eleven Days after the Parliament.
1610.	Parl. dissolved *Febr.* 9.	Convoc. *York* Febr. 19.	Ten Days after the Parliament.
1614.	Parl. dissolved June 7.	Convoc. *York* June 15.	Eight Days after the Parliament.
1621.	Parl. dissolved Febr 8.	Convoc. *York* Febr. 27.	Nineteen Days after the Parliament.
1624.	Parl. rose *May* 29.	Convoc. *York* June 15.	Seventeen Days after the Parliament.
1625. K. *Ch.* I.	Parl. Adjourn'd *July* 11. to *Aug.* 1.	Convoc. *York* granted a Subsidy, *July* 21.	Ten days after the Parl. was Adjourn'd. And as many before it met again.
1626.	Parl dissolved *June* 15.	Convoc. *York* June 28.	Thirteen Days after the Parliament.
1627.	Parl rose *June* 26. Parl. began *Jan.* 20. Dissolved *March* 10.	Convoc. *York*, July 11. Conv. *York* began *Febr.* 10. Was dissolved *March* 22.	A fortnight after the Parliament. Three weeks after the Parl. began. Twelve days after it was dissolved.
1640.	Parl. dissolved *May* 5. Parl. began *Novemb.* 3.	Conv. *Cant.* May 29. Conv. *York*, June 26. Conv. *York* by Writ to the Guard Spirit. To have met *Jan.* 4.	Above three weeks after the Parliament. Above seven weeks after the Parliament. Two Months after the Parl. sate.

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A. D.	Parliaments.	Convocations.	Difference.
1660. K. Ch. II.	The Convention (made a Parl.) ſate from *Apr.* to *December.*	No Convocation.	
1661.	Parl. began *May* 8. Parl. adjourn'd *July* 30.	Conv. the ſame Day. Conv. of *York* ſate Aug. 8.	Nine days after the Parl. roſe.
1662.	Parl. prorogued *May* 19.	Convoc. *York*, June 5.	Seventen days after the Parliament.
1663.	Parl. roſe *July* 27.	Convoc. *York*, Aug. 7.	Eleven days after the Parliament.
1665.	Parl. prorogued *Aug.* 1. to *Octob.* 3. *Lond. Octob.* 9. *Oxford.*	Convoc. *Cant.* prorog. *Aug.* 2. to *Januar.* 26. ---To *April* 24.	Prorogued above three Months beyond the Parliament,
1666.	Sate from *Octob.* 9. to *Oct.* 30. Then prorog. to *Feb.* 20. To *April* 23. 1666. To *Sept.* 18. 1666.	Convoc. *York* prorog. *Aug.* 2. to *Aug.* 18. *Oct.* 4. *Oct.* 17. *Oct.* 31. *Nov.* 15. *Feb.* 27. *March* 24. *Sept.* 24.	No Conv. with the Parl. at *Oxford.* The Conv. of *York* altogether Irregular.
1666.	Parl. prorogued *Febr.* 8. to *Oct.* 10. 1667.	Conv. *Cant.* Febr. 12. Conv. *York*, Febr. 22.	Four days after the Parliament roſe. Fourteen days after the Parliament.
1667.	The Parl. met by Proclamation, *July* 25. and by the King's Command adjourn'd to *July* 29.	The Convocat. was not Summon'd, nor did meet till *Oct.* 11.	No Convocation called with the Parl. in *July.*
1667.	Parl. adjourn'd to *Feb.* 6.	Conv. *Cant.* to Febr. 10. Conv. *York* to Febr. 13.	Four days after the Parliament. A Week after the Parliament.
1668.	Parl. adjourn'd *Aug.* 11. to *March* 1.	Conv. *Cant.* to Nov. 11. Conv. *York* to Aug. 20. Nov. 10. March. 12.	Almoſt four Months before the Parliament was to meet. Altogether irregular.
1669.	Parl. prorog. *Decemb.* 11.	Conv. *Cant.* Decemb. 17. Conv. *York* Decemb. 21.	Six days after the Parliament. Ten days after the Parliament.
1670.	Parl. roſe *April* 11.	Conv. *Cant.* April 15. Conv. *York* May 10.	Four days after the Parliament. A Month after the Parliament.
1671.	Parl. prorog. *April* 22.	Conv. *Cant.* April 28.	Six days after the Parliament.
1672.	Parl. prorog. *Octob.* 30.	Conv. *York*, Decemb. 11.	Almoſt Six Weeks after the Parliament.
1673.	Parl. roſe *March* 29.	Conv. *York*, April 2. Conv. *Cant.* April 7.	Four days after the Parliament. Nine days after the Parliament.
1673.	Parl. prorog. *Novemb.* 4.	Conv. *Cant.* Novemb. 11. Conv. *York*, Decemb. 3.	A Week after the Parliament. A Month after the Parliament.
1673	Parl. ſate from *January* 7. to *February* 24. Was prorogued to *Nov.* 10.	Conv. *Cant.* roſe Febr. 27. Conv. *York* on Jan. 8. was prorog. to the ſame day twelvemonth. 1674.	Three days after the Parliament. No Seſſion; but all Irregular.
1675.	Parl. roſe *June* 9.	Conv. *Cant.* June 12. Conv. *York*, July 22.	Three days after the Parliament. Six Weeks after the Parliament.
1675.	Parl prorog. *Novemb.* 22.	Conv. *Cant.* Decemb. 4.	Twelve days after the Parliament.
1676. 1677.	Parl. ſate *Febr.* 15. Contin. to *Apr.* 16. 1677. Was adjourn'd to *May* 21. and ſate till the 28. Then was continued to *July* 16. *Decemb.* 3. *Jan.* 15. *Jan*, 28.	Conv. *Cant.* prorog. *Apr.* 19. Was prorog. *June* 6. Conv. of *York*, met *Feb.* 16. and was at once prorog. to *Febr.* 16. the next Year.	Three days after the Parliament. Nine days after the Parliament. Paſſed over two whole Seſſions of Parliament.

A. D.	Parliaments.	Convocations.	Difference.
1678.	Parl. sate *Jan.* 28. 1677. to *May* 13.		
	Was prorogued to *May* 23. and then sate to *July* 15.	Conv. *Cant.* sate till *July* 18. Conv. *York* met by Anticipation, *July* 29.	Three days after the Parliament. A fortnight after the Parl. was risen.
	Was prorogued to *Aug.* 1. *Aug.* 29. *Octob.* 1.		
	Prorogued *Decemb.* 30.	Conv. *Cant.* prorogued to *Octob.* 4.	Three days after the Parliament.
	Jan. 24. was dissolved by Proclamation.	Conv. *Cant.* Continued till *Febr.* 12. And, Was then dissolved by the King's Writ.	Sate fourty days after the Parl. was prorogued. Was dissolved nineteen days after the Parl. had been dissolved.
1678.	Parl. met *March.* 6.	Conv. *Cant.* Apr. 3. Conv. *York*, May 3.	A Month after the Parl. began. Two Months after the Parl. began.

Sect. 111. And thus have I done with Dr. *A*'s last Argument drawn from *Custom*; and shewn it to be neither sufficient to destroy the *King's Prerogative*, supposing it to have stood so as he pretends it has; and to have such manifest *Defects* in *Point of Fact*, as utterly take off all the *force* of it.

Dr. *A.* affirms, that the two *Convocations* have a *Right* to *Meet*, *Sit*, and *Act*, with *every Parliament*: That this they have constantly done ever since the Time of King *Henry* the viiith; and thereby have acquired the *Authority* of *Custom*, as well as they have always had the *Law* of our *Constitution*, to entitle them thereunto. But in Fact it appears, that since the Time of King *Henry* the viiith, several *Parliaments* have been assembled, and no *Convocation* at all has *sate* with them: With Others, One of the *Convocations* only has been held; and very often, when Both have been summon'd, yet (the Case of Subsidies excepted, which now is out of doors) little or no Business has been done, or so much as attempted to be done, by either of them.

[1] Rights, &c. pag. 48. Dr. *A.* asserts, [1] That the *Dates* of King *Henry* the viiith's *Convocations have been all One, or a few Days before or after, if not altogether the same with, Those of his Parliaments.* To pass by the odd Contradictory Terms of this Proposition, 'tis in Matter of *Fact* intirely false; and from the foregoing History appears plainly so to be. In 1511 the *Parliament* met, *February* the 4*th*: The *Convocation* of *York* sate not till *April* the 26*th*. In 1512, the *Parliament* Assembled *November* the 4*th*: The *Convocation* of *York*, *January* the 17*th*. In 1514, the *Convocation* of *Canterbury* met *June* the 22*d*: That of *York*, *January* the 22*d*; the One Seven Months, the Other a Fortnight before the *Parliament* was held. In 1515, the *Parliament* sate *November* the 12*th*: The *Convocation* of *York*, *April* the 9*th*. In 1523, the *Convocation* of *York* met *March* the 22*d*: The *Parliament*, *April* the 20*th*. In 1531, the *Parliament* came together, *January* the 15*th*; the *Convocation* of *York* the 7*th* of *February* following.

[2] Rights, &c. p. 48, 49. Comp. p 68, &c. Dr. *A.* says, [2] That *from the* 1st *of* Edward *the* vith, *the Convocations have* met *always, and* parted, *within a Day of the Parliament: That there have been* no Deviations *from this Rule, except in a* Legantine Synod *or two, (which are no Presidents) and Once in the Convocation of* 1640: *But that Experiment succeeded too ill to be ever try'd a second time.* But the foregoing History sufficiently shews the Rashness of this Assertion. In 1555, the *Convocation* of *York* met four Months after the *Parliament* began; and almost three after it was Dissolved. In 1558, the same *Convocation* assembled Eighteen Days after the *Parliament*. In 1605, it met twenty Days; in 1606, eleven; in 1627, three Weeks after it. In 1678, the *Convocation* of *Canterbury* began a Month after the *Parliament*; that of *York* a Month later still.

The Case is the same as to their *Rising*, that it was for their Sitting. In 1547, the *Parliament* rose *December* the 24*th*: The *Convocation* of *York* near a Month after it. In 1552, the *Parliament* was dissolved *April* the 15*th*: The *Convocation* of *York* continued till *May* the 4*th*. In 1553, the *Parliament* was dissolved *March* the 31*st*: The *Convocation* of *York* granted not its Subsidy till the 15*th* of *April* following. The same Year a second *Parliament* met, and was dissolved *December* the 6*th*: But the *Convocation* of *York* went on till the 13*th*. In 1554, the

the *Parliament* was diſſolved *May* the 5*th*: The *Convocation* of *Canterbury* ſate till *May* the 25*th*, and was then only prorogued till the *October* following. The ſame Year another *Parliament* was diſſolved, *January* the 16*th*: The *Convocation* of *Canterbury* ſate till the 26*th* of the ſame Month. In 1555, the *Parliament* was diſſolved *December* the 9*th*: But the *Convocation* of *York* met not till the 4*th* of *March* after. In 1563, the *Parliament* roſe *April* the 10*th*: The *Convocation* of *York*, *April* the 28*th*. In 1566, the *Parliament* was diſſolved *January* the 2*d*; the ſame *Convocation*, *January* the 15*th*. In 1571, the *Parliament* was diſſolved *May* the 29*th*: The *Convocation* of *York* ſate *June* the 20*th*. In 1572, the *Parliament* roſe *June* the 30*th*: The *Convocation* of *York*, *July* the 18*th*. In 1575 the *Parliament* ended, *March* the 15*th*: The *Convocation* of *York* granted its Subſidy *April* the 19*th*. To paſs by the Parliaments of King *James* and King *Charles* the I*ſt*: The *long Parliament* of King *Charles* the II*d* was within our Memories, diſſolved *January* the 24*th*, 1678: Yet the *Convocation* of *Canterbury* went on till *February* the 12*th*, nineteen Days after the Other was concluded.

As for the Caſe of the *Convocations* of 1640, I have before ſhewn that the *Houſe of Commons*, violent as it was againſt them for what they did, yet paſs'd no Cenſure upon them for the *Time* at which they did it. By Dr. *A*'s Leave, their Sitting after the *Parliament* was Diſſolved *produced not One Vote*; tho' ſome of the warmer *Members* were not wanting in their *Reflections* upon them, in this reſpect, as well as in Others. And I am ſo far from paſſing over this Inſtance, as any way contrary to my Aſſertion, that I inſiſt upon it, as an evident Teſtimony of the Senſe even of that *Parliament* againſt Dr. *A.* in this Particular. For had they thought their Continuance ſo great a Violation of the *Rules* of our *Government*, and *Conſtitution*, as he pretends, we may be ſure we ſhould have heard ſufficiently of it: And I will venture to conclude, that they therefore only paſs'd by this Circumſtance, and condemn'd neither *Them*, nor their *Canons*, upon this Account; becauſe they ſaw there was no ſufficient Ground in it, on which to build any *legal Charge* againſt either.

Rights, &c. p. 216.

Whereas therefore Dr. *A.* (to proceed this one Step farther in the Recapitulation of his Paradoxes) affirms, that the *Convocations* are ſo tied up to the Time of the *Parliament's Sitting*, that they cannot *legally meet* but when that Great Council is *Aſſembled*; I affirm this to be Erroneous, both in *Law* and *Fact*: Our *Convocations* have always been wont to ſit at any time that the *King* has pleaſed to appoint for Them; and that tho' the *Parliament* has been *Prorogued* or *Diſſolved*; as by a multitude of *Inſtances*, even within this laſt Period, I have now ſhewn.

The only thing that may ſeem to admit of a Doubt, is their Right to *Act* in their *State-Capacity*, after the *State-Council* is *riſen*. And even that too do's not want ſufficient Preſidents to juſtifie it. In 1553, the *Parliament* was diſſolved *March* the 31*ſt*: Yet the *Clergy* granted their *Subſidy*, *April* the 15*th*. So they did again in 1575. The *Parliament* roſe *March* the 15*th*: The *Clergy* began to debate of their *Subſidy*, *March* the 23*d*; and concluded it not till the 19*th* of *April* following. Nay, in the Reign of King *Charles* the I*ſt*, the *Parliament* of 1625, was adjourn'd by the King from *London*, *July* the 11*th*, to meet at *Oxford*, *Auguſt* the 1*ſt*. Yet in the very middle of this *Interval* the *York Clergy* granted their *Subſidy*, *July* the 21*ſt*, ten Days after the *Parliament* had been *Adjourn'd*; and as many before it was to *meet* again.

See p. 112.

But I inſiſt too long upon theſe Remarks: I ſhall cloſe up all with a brief Conſideration of the *preſent Parliament*, which, were Men willing to be convinced, might alone ſuffice, to ſhew the Falſeneſs of Dr. *A*'s Principles in this Particular.

Among the other Proviſions which were made by his late Majeſty for the Peace and Safety of the Realm, that *Statute* was not the leaſt by which it was ordered, that the *Parliament* ſhould continue to ſit for *ſix Months* after his Demiſe, and not be *Diſſolved*, as otherwiſe it would have been, by his *Death*. By Vertue of this *Act* the preſent *Parliament* has continued in the State in which it before was, for theſe two Months laſt paſt; and is by no One doubted, to be the *Complete*, *Legal Parliament*, of this *Kingdom*.

But in that *Statute* by which the *Parliament* was thus continued, no Proviſion was made for the *Convocations* to ſit on with it. They were left to fall with the Prince, by whoſe *Authority* the *Archbiſhops* had called them: And accordingly, they have in *Fact* been *Diſſolved* all this while, tho' the *Parliament* has gone on to *Sit* and *Act* as before.

If

If by the *Law* of our *Constitution*, the *Convocations* be an *Essential part* of the *Parliament*; and as such ought *always*, by the same *Law*, to sit together with it, as Dr. *A.* pretends; then we must conclude, that this *Parliament* has sate all this while in an *imperfect State*; and by thus *sitting* and *acting* alone, by its self, has broken the *Legal Constitution* of our *Government*. An Assertion, I think, of a very bold and criminal nature; and such as no One who understands himself, and has that due Regard he ought to have for the Wisdom and Justice of her *Majesty*, her *Council*, and that *Great* and *Honourable Body*, will presume to own.

But if without any Injury to the *Rights* of the *Church*, or to the *Laws* of our *Constitution*, this *Parliament* has continued, and do's still continue, to *sit*, and *do* its proper Business, under her *Sacred Majestys Authority*, tho' the *Convocations* are *both Dissolved*; Then must I be Allow'd to affirm no more, than what the whole *Representative Body* of the *Realm* in this *Parliament* Assembled, do in their *Actions* plainly speak to us; that the *Provincial Convocations* of *Canterbury* and *York*, Called by Authority of the *Provincial Writs*, directed to their Respective *Archbishops* and *Presidents*, are no *Essential Members* of the *Parliament* of *England*; nor have any Right, by the *Rules* of our *Constitution*, to *Sit Always* in *time* of *Parliament*; but may, upon good and just Grounds, be either not *Summon'd*, or be *Prorogued* from time to time, without entring on any *Business*; nay, or even be *Dissolved* (as now they are) and the *Parliament* nevertheless lawfully continue to *Meet*, and *Act*, without them.

CHAP. X.

The Other General Question, concerning the Right of the Convocation to TREAT *of* Canons *and* Constitutions, *without the* Assent *or* License *of the* Prince, *Proposed, and Stated. My Opinion Confirmed: Dr. A's Exceptions against it Examined and Answered.*

Sect. 1. FROM the *First* General *Question* proposed to be discussed between Dr. *A.* and my self, concerning the *Right* of the *Convocations* to be *Summon'd* and *Sit* with *every Parliament*; I proceed to the *Second*, which relates to their *Power* of *Acting*, without any *License* from the *Prince* so to do. Now this being a Case which depends upon the *Authority* of an *Act* of *Parliament*, and the *Practice* of our *Princes* and *Convocations* thereupon, will admit of a much shorter, if not of a clearer Issue, than the foregoing. And that I may pursue it with all the Plainness I can, I will take this Method in the handling of it; First, I will state my Own, and Dr. *A*'s *Opinion*, of this Matter: And having done this, I will, in the next place, proceed to offer such Reasons as still move me to adhere to my former *Resolution* of this *Point*; and to vindicate them from those *Exceptions* which Dr. *A.* has thought fit to bring against them.

I.

Sect. 2. As for my Own *Opinion* in this Case, (if yet I may presume to call it my Own) [1] I deliver'd it in the Words of the two *Chief Justices*, and other *Justices*, at a Committee before the *Lords*, 8 *Jacob.* I. Where having first resolv'd, "[2] That "a *Convocation* cannot *Assemble* at their *Convocation* without the *Assent* of the "*King*: They, in the next place, declar'd, to the Intent of the Matter now in debate, "That after their *Assembly*, they cannot CONFER to CONSTITUTE any "CANONS without *License de l' Roy*. This those Learned Men founded upon the 25 *H.* 8. *c.* 19. "[3] The Design of which being to restrain the *Clergy* from "*doing* somewhat which they had been wont to *do in their Convocation*, must take "in as well their *Making* as their *Promulging* and *Executing* any *Provincial Ca-*"*nons*, or *Constitutions*; and restrain them from the *One* as well as from the "*Other*.

[1] Authority, &c. p. 108.
[2] Coke xii Report, pag. 72.
[3] Authority, &c. p. 109.

To state this Matter more particularly; Having thus, in the General, shewn what the Design of that *Act* was, [4] I proceeded, in the next *Section*, to distinguish between *Debating*, or *Consulting*, of *Other Matters*, and in order to *Other Ends*; and *Conferring* to *make Provincial Canons*, or *Constitutions*: And declared my Opinion in behalf of the *Convocation*, that notwithstanding this *Statute*, the *Clergy*

[4] Ibid. & p. 110.

Clergy may ſtill *Do* the *One*, tho' they are *forbidden* to *Attempt* the *Other*. "Whe-
" ther the *Convocation* may not, without the King's Licenſe, deliberate of ſuch
" things as may be fit to be done by them for the Service of the Church, I ſhall
" not undertake to ſay. Certain it is, that they may not *ſo Deliberate as to*
" *come to any Authoritative Reſolutions*, or to FRAME any ORDER or CONSTITUTION,
" of what kind ſoever it be, *without* the *King's Leave*.— To deliberate of what
" might uſefully be Conſider'd by them, and to *Petition* the *King* thereupon for
" *Leave* ſo to *Do*; This, as it is no ATTEMPTING TO MAKE A CANON, *&c.* ſo
" do's it not, I conceive, come within the Deſign of that *Prohibition* which this
" *Act* has laid upon them. And if the *King* allows the *Convocation* to *Sit*, I do
" not ſee wherein they would tranſgreſs in framing ſuch an *Addreſs*, ſuppoſing
" that his *Commiſſion* had not before prevented all Occaſion for ſuch an Appli-
" cation. But then ſtill this is but *asking Leave* to *act* as a *Synod*; and it will,
" after all, remain in the King's Breaſt what Anſwer to make to ſuch a Re-
" queſt; and whether he will grant them that *Leave* which they deſire, or
" no. As therefore the *Convocation* cannot meet, but by the *King's Writ*; ſo
" neither, being met, can they proceed to any *Canonical Debates*, or *Reſolu-*
" *tions*, without it. For by vertue of this *Act*, they are forbid not only to
" *Make*, but to *Attempt*; that is (as I underſtand it) to Do any thing
" that tends towards the *Making of any Canons*, without his Warrant for their
" doing of it. All which I elſewhere thus briefly ſumm up to the ſame ef-
fect: "[1] So that now then, to ſtate this other *Point* aright, the Queſtion be- [1] *Ib.* p. 171.
" tween us is this; Whether the *Laws* and *Cuſtoms* of this *Realm* have not re-
" ſtrain'd the *Clergy* from *Entring* on any *Synodical Debates*, in ORDER to the
" MAKING of any CANONS, or CONSTITUTIONS, without the ſpecial *Licenſe* of
" the *King* firſt had, to warrant Them ſo to Do?

But tho' this therefore might ſuffice, to ſhew what my Opinion in this Caſe Sect. 3.
was, and thereby to Cut off a Great Part of Dr. *A*'s *Exceptions* againſt it; Yet
to avoid, if it may be, all poſſible Miſtakes, or Miſrepreſentations of it hereaf-
ter, I will here beg leave to give a more full, and diſtinct, Account of my ſenſe
in this Particular.

I have before, I think, very fully ſhewn, that the *Convocations* of the *Clergy*, Call'd by Authority of the *King's Writ*, were Originally *Aſſembled* for *State-Purpoſes*, not for *Spiritual* or *Eccleſiaſtical Affairs*. That accordingly they were, in many Circumſtances, Eſſentially different from the *Provincial Councils* of the *Church of England*; and particularly in this, that the *One* were *Call'd* by the *ſole Authority* of their Reſpective *Archbiſhops*, and for a long time conſiſted only of the *Provincial Biſhops*, and *Prelates*: The *Lower Clergy* being not for ſeveral hundreds of Years either *Summon'd* to them, or accounted any *Neceſſary* or *Canonical Part* of them. But as in all humane Conſtitutions many Changes and Alterations gradually come in; ſo in proceſs of time, a Confuſion enſued in theſe *Aſſemblies* alſo. And that by this means; that the *Biſhops*, and *Prelats*, and *Clergy*, being frequently obliged to meet together for the *Affairs* of the *State*, in *Convocation*; our *Metropolitans* took the Opportunity, for the Eaſe of their *Clergy*, to empower or permit them, to *Act*, at the ſame time, in their *Eccleſiaſtical Capacities*; and to proceed at once, both as a *Council*, and as a *Convocation*. This, as far as I can obſerve, was firſt begun by Archbiſhop *Courtney*, in the *Convocation* at *Oxford*, Anno 1382; and was become the *Common Practice* at the time that this *Statute*, of the *Submiſſion* of the *Clergy*, was *made*.

King *Henry* the VIII*th* being reſolved to tie up the Hands of the *Clergy*, that ſo they might not be in a Condition of making any conſiderable Oppoſition to his Deſigns; in the firſt Place, by the Latitude of the Word *Convocation*, (which was now indifferently applied to any kind of *Synodical Meeting* of the *Clergy*) reſtrained them from *Aſſembling* by any *Eccleſiaſtical Summons*, without the *Authority* of the *King's Writ*; and thereby ſecured himſelf, that not only no *State Convocations*, but no *Provincial Councils*, ſhould be *held* againſt his Conſent. But becauſe it would be neceſſary for him to *Call* the *Clergy* to *Convocation*, in order to the raiſing of thoſe *Subſidies* upon them there, which they had not yet been accuſtom'd to Grant elſewhere; and that being *Met* in *Convocation* by his *Writ*, they might there proceed, by the *Conſent* and *Authority* of their *Metropolitan*, to *Act Synodically*, without any leave granted to them by *Himſelf* ſo to do;

do; therefore to ſecure himſelf againſt any Danger on this ſide too, it was farther Provided that they ſhould not from thenceforth *Attempt*, or *Make*, any *Canons* or *Conſtitutions Provincial*, without the *King's moſt Royal Aſſent* and *Licenſe*, *as well to Make*, as to *Promulge* and *Execute* the ſame. So that now the *Clergy* being come together in one Capacity, by Vertue of the *King's Writ*, could not (as before they might have done) by the Sole Permiſſion of their *Archbiſhop*, without any *Aſſent* or *Authority* from the King, proceed to *Act* in Another; but muſt as well have his *Licence* to *Make Canons*, when *Aſſembled* in *Convocation*; as his *Writ*, to Authorize the *Metropolitan* to *Aſſemble* them there.

Now this being the true deſign of that Prince in laying ſuch a *Reſtraint* upon the *Clergy*, and what his *Parliament*, as well as *Himſelf*, aimed at in the *Statute* which they made to this effect; the Caſe of the *Convocation*, with reſpect to their *Power* of *Acting*, I take to be plainly this: That being *Call'd* by the *King's Writ* to *Aſſemble* in their *State Capacity*; (as both the Words of it import, and the Continuance of the like *Form* of *Summons* now, by which they had been wont to be *Aſſembled* under that *Capacity* heretofore, do plainly ſhew) They are by that *Writ* empower'd, not only to *meet*, according to the *Mandate* of their *Metropolitan* iſſued out thereupon; but, being *met*, are Authorized freely to Act in that *Capacity*, without any other Reſtraint than that One, of not being any longer at Liberty to enforce their *Subſidies* by *Eccleſiaſtical Cenſures*; which, indeed, from thenceforth they could not do, becauſe they were by this Act generally Reſtrained from making *any Canons* or *Conſtitutions Provincial*, or *Synodical*, without the *King's Licence*; and no Exception, or Proviſion was made, for a Liberty to do that in this *One Caſe*, which they might not do in any other beſides.

Accordingly, whilſt they continued to grant their own Money, they had no need of any *Licenſe*, either to *Debate* of, or to come to a final *Reſolution* upon, any *Subſidies* for the *Government*. They Granted them freely as before; and drew up their *Grants* into a ſolemn *Inſtrument*; and by their *Preſident* offer'd it, under his *Metropolitical* Seal, to the King for his Acceptance.

If they had any *Addreſſes* to *make*, or any *Petitions* to *Preſent* to the *Biſhops*, the *Parliament*, or the *Prince*; they had, and ſtill have, a full Liberty to *Make* and to *Offer* them. And, as before, if they ſaw it needful, to proceed to any *proper Synodical Debates*, in order to the Regulating of any thing that might be wanting in the *Doctrine*, or *Diſcipline*, of the *Church*; They had an undoubted Right to draw up their *Requeſts* to their *Archbiſhop* and *Biſhops* for Leave or Directions to proceed upon it, ſo, I do humbly conceive, they may do the ſame now: Only with this Difference, That their *Petition* muſt now run, not for THEIR *Leave*, or *Conſent*, (who are no longer able to grant them any) but that they would obtain the *Princes Aſſent* and *Licenſe*, who alone, ſince this *Act*, can *Authorize* them in this Particular.

Sect. 4. And here, if I miſtake not, the *Power* of the *Convocation*, as ſuch, Determines. If they mean to proceed any farther, and to *Confer*, not in Order to a *Petition* for a *Licenſe*, but (as the *Judges* well expreſs'd it) to *Conſtitute Canons*, they muſt firſt qualify themſelves for ſuch *Conference*, by the *King's Licenſe*; or they will come within the Penalty of that *Statute* which prohibits any ſuch *Attempt*. But ſuch a *Licenſe* being obtain'd, They are thereby made a *Council*, as well as a *Convocation*; and from thenceforth may Act within the Bounds of ſuch their *Licenſe*, as ſecurely in that Capacity, as by their *Writ* of *Summons* They had Authority to proceed in their Other.

Here therefore it is, that I account a *Licenſe* to be *Neceſſary*: Not to enable them to Conſider of their *Civil Grievances*, or to *Petition* againſt them; Not to *make* any *Addreſſes* to the *Prince*, whether of *Requeſt* for his future *Protection*, or of *Thanks* for his *paſt Favours*; Not to *Grant Subſidies* (had they ſtill reſerved to themſelves the great Right and Priviledge of Granting them;) Nor yet to *Deliberate* of *Eccleſiaſtical Matters*, provided it be only in order to Petition their *Prelates*, and *Primate*; and by them their *Prince*, for a *Licenſe* to proceed farther, according to the Statute 25 *H.* 8. *c.* 19. But to CONFER to MAKE CANONS; to ATTEMPT any ſuch thing; to ALLEDGE or CLAIM any ſuch Right or *Power*, as ſtill remaining to them; to *put* any ſuch *Power in* URE, and thereby to MAKE, PROMULGE, or EXECUTE any *Canons* by their *Own Authority*: This, and every part of this, I conceive, is now forbidden; nor may the

Clergy

Clergy, without the *Royal Licence*, PRESUME to enter upon any ſuch *Debates*.

Sect. 5. But what ſort of Licence is it, that the *Statute* do's require to Qualify the *Convocation* to proceed with ſafety to *make Canons*? Muſt it be a *ſolemn Inſtrument* under the *Great Seal* of *England*? Or will a *Verbal Meſſage* ſent by the *Prince* to the *Clergy*, ſuffice to indemnify them in this Caſe? In anſwer to this; It muſt, in the firſt place, be Confeſſed, that herein the *Statute* determines nothing expreſly: It only ſays, *That the King's moſt Royal Aſſent and Licenſe muſt to Them be had*; and this is afterwards called his *moſt Royal Aſſent and Authority in that behalf*. And therefore the Prince being herein left at Liberty to *Signify* his *Aſſent*, and to *Grant* his *Authority* in ſuch manner as he pleaſes; I do not ſee but that if the *Convocation* be ſatisfied its ſelf, and can, upon Occaſion, make a *Legal Proof* to Others, that the *Prince* did give his *Royal Aſſent* to their *Proceedings*; howſoever it be communicated to them, it ought to indemnify them in *Acting* upon it, tho' it ſhould not be in the Way of a Formal *Licenſe* in *Writing*.

And accordingly, at the beginning, the King's Aſſent may, for ought I know, have been Convey'd, by word of Mouth, to the Clergy; firſt by his *Vicar General*; after that by the *Archbiſhop*, who ſometimes ſignified his *Royal Pleaſure* to them. But it was not long before a more *Solemn*, and *Secure Method* was introduced; and that, as ſeems moſt probable, at the deſire of the *Clergy* Themſelves: Who knowing the danger of the Times in which they lived, and having once felt the ſmart of falling under a *Premunire*, were deſirous to Proceed upon as ſure Grounds as they could; and to have the *Licenſe* upon which they Acted, Granted to them in ſo full, and evident a mannner, as might take off all ſuſpicion of Doubt, or Miſtake, in their *Acting* upon it. This I am ſure was the Caſe of the *Lower Houſe* of *Convocation*, in the 1*ſt* of King *Edward* the VI*th*; and might poſſibly have been the Practice of ſome Other *Convocatiens* before.

In the mean time, thoſe who the moſt oppoſe theſe kind of *Licenſes* in *Writing* under the *Great Seal* of *England*, yet cannot deny them to have been the conſtant Uſage for the laſt Hundred Years: And that, I think, is enough to warrant me, to ſay thus much, (which is all I ſhall ſay as to this Circumſtance) That if any Other kind of *Signification* of the *Princes Aſſent*, and *Authority*, might in *ſtrictneſs* of *Law* ſuffice to Juſtify the Proceedings of the *Convocation*, (which I ſhall neither affirm, nor deny) yet to be ſure this muſt be the moſt ſecure: And therefore it will be moſt adviſable for the Clergy, who have ſo much to hazard, ſhould they chance to be miſtaken, to go upon ſafe Grounds; and not to *venture* to *Act*, on any leſſer, or more doubtful Authority, than that upon which their Predeceſſors have *Acted*, for, at leaſt, an Age before them.

Sect. 6. Having thus plainly ſtated my Opinion in this Particular; It will now be time to ſee how far Dr. *A.* agrees with me in it; and wherein the true *difference* between us do's conſiſt. As for the *terms* in which he propoſes this ſecond *Queſtion*, they are too looſe, and myſtical, to let us into his Senſe of it. His Definition of this *Right* of the *Clergy* runs thus: [1] "A Right of *Treating* and "*Deliberating* about ſuch Affairs as lie within their *Proper Sphere*, and of *Coming* "to fit *Reſolutions* upon them; without being *neceſſitated* antecedently to Qua- "lify Themſelves for ſuch *Acts*, and *Debates*, by a *Licenſe* under the *Broad Seal* "of *England*. A pompous Deſcription, full of bigg Words, which Signify nothing at all: To every part of which I am ready to ſubſcribe, and yet am far from believing, what Dr. *A.* pretends, to be the *Right* of the *Clergy* in this Caſe.

[1] Rights, &c. p. 2, 78.

To come therefore a little more cloſely to the Point: And here in the firſt place, Dr. *A.* very ſeriouſly aſſures Us, "[2] That the *Clergy* are not, by the "*Statute* of King *H.* 8. tied up *Altogether* from *Acting Synodically*. That the "*Convocation*, however under a Reſtraint by that *Act*, is not become ſuch a "*lifeleſs Body*, as to have neither *Senſe* nor *Motion* till animated by a *Second* "*Royal Command*. Unqueſtionably, and according to *Common Opinion* and "*Practice*, they have, even ſince this *Statute*, in vertue of the *Writ* by which "they meet, a *Liberty* of *Addreſſing*, as they ſhall ſee cauſe, either with Thanks "or Requeſts, or other proper Repreſentations. I am clearly of his Opinion, and have freely own'd it to be my Senſe. If he knows of Any that have either Spoken, or Written otherwiſe, let him preſs it as Home as he Pleaſes upon Them.

[2] Ibid. p. 79.

[1] Ibid. "[1] But it is presumed also, that they may go a great deal farther; and that "there is nothing (*in that Act*) which hinders them even from *Devising* and "*Framing* the *Draught of a Canon*, so it be done only in a *preparatory Way*, "and with *Submission* to the *Royal Enacting Authority*. Here therefore it is, that Dr. *A.* both Expounds, and Limits, those Loose and Mystical Terms, which were so very hard to be Understood before. "The Right of *treating* and "*deliberating* about such *Affairs* as lie within their *proper Sphere*, and of *Coming* "to *fit Resolutions* upon them, without being necessitated antecedently to qua-"lify themselves for such *Acts* and *Debates* by a *Royal* License; is a Right of "*Devising* and *Framing* the *Draught* of any *Canon*, at their *own Pleasure*, and by "their *own Authority*, without any *Licence* from the *Prince* so to do.

"As for the *Limitation* (and the only one it is) that he puts upon their Pow-"er in this Case, so it be done only in a *Preparatory Way*, and with *Submiss-*"*on* to the *Royal Enacting Authority*; He thus interprets his own Meaning in it.

[2] Rights, &c. p. 98, 99. "[2] The Statute (as far as it relates to the Power of the *Clergy* in *Convocation*) "plainly implies no more than that *Canons* should not from thenceforth *Pass*, "and become *Obligatory*, without the *King's Leave*, and *Authority*, given in that "behalf: Without his *Leave*, which was requisite to their *Passing*; and his "*Authority*, which was afterwards to *Ratify*, and *Give 'em* Force.

But what Do's Dr. *A.* mean by *Passing?* Or, What is that *Passing* of *Canons* to which he allows the *King's Leave* to be Requisite? He will tell us that too. 'Tis not in Order to their *Passing* of *Either*, or *Both*, the *Houses of Convocation*. (For that they may do without the *King's leave*:) But 'tis in order to the *Archbishops Passing*, or Ratifying of them; for which *He*, indeed, needs the *King's License*, tho' the *Clergy* do not. Let us take it in his own Words:

[3] Ibid. p. 99. [3] "The 25*th* of *H.* 8. has not *in the least Altered* the *Law* of *Convocations*, in "Relation to *Any* of the *Powers*, or *Priviledges*, of the *Inferior Clergy*. They "can still *freely Consult* and *Debate*, *Petition* or *Represent*; *propose* the *Matter*, "or *Form* of *New-Canons*; and *consider* about the *Inforcing*, or *Abrogating* Old "*ones*: In a Word, *Act* in *All Instances*, and to *All Degrees*, as they *Could be-*"*fore the passing of that Statute*. Indeed, my *Lord Archbishop's Hands* are tied "by it: For He cannot now *Call* a *Convocation* without the *King's Writ*, which "before this *Act* he might, and in Elder times, frequently did. *He* cannot now "*Enact* and *Constitute* any thing by his *Own Authority*. --- He must before he "*Passes any Act* of the *two Houses*, have the *King's Assent* to it. And after it is "*Passed*, there must be the *King's License* also to *Promulge* and *Execute* it. But "the *Powers* and *Priviledges* of *All the Other Members* of *Convocation* continue "WHOLE and INTIRE to 'em, notwithstanding this *Statute*.

Sect. 7. And here now, One would think, We might venture roundly to State Dr. *A*'s Opinion in this Case; and Affirm it to be plainly this, That by the *Clergy* of the *Realm* of *England*, spoken of in that *Statute*, as *Submitting Themselves* to the *King's Majesty*, and *promising*, *in verbo Sacerdotii*, that they would never from thenceforth *presume* to *Attempt*, *Alledge*, *Claim*, or *Put in ure*, or to *Enact*, *Promulge*, or *Execute* any *New-Canons*, unless his most *Royal Assent* and *License* might to them be had, to *Make*, *Promulge*, and *Execute* the same; We are to understand (tho' by a pretty hard *Catachresis*) the *Two Archbishops*; who, by vertue of this *Act*, *Alone* are limited in their antient Power, both of *Calling* their *Respective Synods*, and of *Acting* in them: Whilst *All* the *Other Members of Convocation*, and particularly the *Inferior Clergy*, have their *Powers* and *Priviledges* continued *Whole* and *Intire* to 'em, and may *Act* not only in *All Instances*, but to *All Degrees*, as they Could have done *before the passing of that Statute*.

But no; Dr. *A*'s Meaning is not so easily to be fathomed: For when he comes to Summ up his Opinion, in the very same *Chapter*, I find the Case is alter'd; and the *Powers* and *Priviledges* even of the *Other Members* of the *Convocation*, to be very different with him now, from what they were *before* the *passing* of that *Statute*. His *State* of this Point, as it stands there, is this.

[4] Rights, &c. p. 113, 114. [4] "That the CLERGY COMMONERS being Assembled (*in Convocation*) "had Antiently a Right of *Framing Canons*, and *doing* several *Synodical Acts* "(not inconsistent with the *Law* of their *Country*) without expecting the *Prin-*"*ce's Leave* for entring on such *Debates*, or *Making* such *Decrees*.

"The 25 *H.* 8. *c.* 19. has not *in the least infringed this Right*, as far as the LOWER CLERGY are concerned in it.

"That

"That the *Limitations* there made to the Exercise of it CHIEFLY (He "should have said ONLY) concern the *Archbishop* of either *Province:* Who is "now restrained, as from Calling a *Convocation* without the *King's Writ*, so "from *Passing* or *Ratifying* any *Canon*, without the *Royal Licence*; and from *Pro-*"*mulging* the same by his *Own Authority*.

"That the *Inferior Clergy* are *no otherwise concern'd*, than to take Care that "they *give their Consent* to *no Canons framed* by *Themselves*, or *sent* from the *Up-*"*per House*, otherwise than with *Submission* to the *Royal Pleasure*; if the *King's* "*License*, and *Assent* be not before Obtain'd.

"That they are therefore left intirely at their Liberty to *Confer* and *Delibe-*"*rate*, even about *New Canons*, and also to *Devise*, *Frame*, and *Offer* them to "the *Upper House*, *if with a Protestation Annexed*, that they are neither *Intended*, "nor *Desir'd* to be *Enacted*, without the *King's License*.

So that now then it appears, that even the *Inferior Clergy* are thus far affected by that *Act*; that if *They Pass*, or *Consent* to any *Canons*, without the *King's License* first Obtained by them in that particular; they must Do it with a *Protestation Annexed*, that they do not thereby *intend* to give any *Force* to them, unless the *King* shall think fit to *Approve* and *Confirm* them. And whatsoever Dr. *A.* may fancy, I take This to be some, and that a very great *Limitation* of the *Clergy's Power*; whom yet he before Affirm'd to be still at Liberty to *Act* in *All Instances*, nay, and to *All Degrees*, *as they could have done before the Passing of that Statute.*

And this even Dr. *A.* himself, thinks to be of so Great a Consequence, as to make up, indeed, the whole of what is really Intended by those *Licenses*, which since 1603, have been constantly granted to our *Convocations* in these Cases; as far as the *Clergy* are concerned in them. For tho' in the *License*, there is a great deal more Expressed, yet this he takes to be That for which *alone* the *Clergy* either truly *needed* them, or did *intend* to *Do* by vertue of them. Thus speaking of the *License* of 1603, he tells us, That "'it is not a bare *Li-*'Rights, &c. "*cense* to *Treat* that is there granted, but beyond this (as the Words run) a pag. 390, 391. "full, free, and lawful Liberty, License, Power, and Authority, to *Confer*, "*Treat*, *Debate*, *Consider*, *Consult* and *Agree of*, and *upon*, such *Canons*, *Orders*, &c. "Now tho' a *License* to *Debate* of *Canons*, was not *necessary*, according to the "*Act*, yet a *License* to *Agree upon* them, might be judged *necessary*;— being liable "to be construed to a Sense Equivalent to *Enacting*, or *Making* of Them; "which, without the *Royal Assent*, and *License*, They (the *Clergy*) were by "the *Act expresly prohibited* to Do. The same I find him repeating in several other Parts of his Discourse upon this Point; and from All together Conclude, that, according to his *Opinion*, tho' the CLERGY may, *without* a *License*, *Debate* upon *Canons*, yet *They* may not come to an *Agreement* upon them; Or, at least, not without a *Solemn Protestation* made, at the same time, that by such their *Agreeing* to Them, they neither *Intend*, nor *Desire*, to *Enact* them, without the *King's License*.

Whereas therefore, in the *Enacting* of a *Canon*, these several Steps may be consider'd; * That the *Bishops* and *Clergy* in *Convocation*, may first, in general, *Debate* of such *Matters* as may be fit to be *Canonically* Establish'd by them: * Then *Resolve* to *frame* a *Canon*, or *Canons*, upon them; and having so done, may in the next place proceed * to appoint some *Person*, or *Committee*, to draw up the *Form* of a *Canon*, to be presented to, and consider'd of by the two *Houses*; And lastly, having, upon Debate, agreed to the *Form* so *drawn up*, may finally * *Conclude* upon, and *pass* the same, as the *last Act* of the *Convocation* in this Case: My Opinion is, that supposing them thus to begin to *Debate* at first, in order to the *Enacting* of a *Canon*, or *Constitution*, (which the *Judges* rightly call *Conferring* to *Constitute*) and not in order to *Petition* the *Prince* for his *License* so to Do; They do, by the *Statute* of the 25*th* of *H.* 8. *cap.* 19. need a *License* in every Step that they take, from the *First* to the *Last*: Whereas Dr. *A.* affirms, that they need it only for the last *Concluſive Vote*; when they come finally to *Agree upon*, and to *Enact* the *Canon* before *drawn* and *fitted* to their *Liking*; which (if I mistake not) is the true, and only Difference between us, in this Particular.

II.

Let us proceed to Examine which of these *Opinions* has the best *Authority* to support it; and will be most for the *Interest* and *Safety* of the *Clergy*, to proceed by in their *Convocations?* Sect. 8.

For the better judging of which, Dr. *A.* will give me leave, in the first place, to Observe, that how clear soever the *Sense* of the *Act*, upon which the *Authority* of the *King*, and the *Restraint* of the *Clergy*, in this case, is founded, may appear to Him, yet Others have thought that there is some Ambiguity in the Wording of it; and that such as may Do the *Clergy* a very great Prejudice, should their Enemies at any time take an advantage of it, and interpret it according to the *strictest Sense* and *Meaning* that the Words of it will bear: That *Sense* and *Meaning* which Dr. *A.* cannot but know has (for the last hundred Years at least) been generally thought to be the true one; and has, in fact, been preferr'd to that which he would here set up against it.

The Branch of that *Act* with which we are concerned, consists of two parts: The *One*, the *Recital* of the *Clergies Submission* and *Petition*; the *Other*, the *Parliaments Enacting* thereupon. The *Words* upon which the Dispute between us turns, are these; "That the *Clergy* shall not from henceforth presume to *Attempt*, "*Alledge*, *Claim*, or *Put in ure*, or *Enact*, *Promulge*, or *Execute*, any *new Canons*, &c. "without the King's License. And the Question upon them, in short, is this; whether these Words thus joined together in *One* continued Sentence, are not to be understood to relate to *One* and the *same Thing?* Dr. A. Confesses, that as they lie in the *Clergies Submission*, [1] "there may seem to be an *Ambiguity*: "That is, in plain terms, They do All of them there seem to belong to "*New Canons*, yet to be *made*. Let us see how he proposes the Difficulty, upon his second, and improved Thoughts, of this Matter [2] "For still a *Doubt* remains "behind, in relation to the *Submission* its self, recited in the *Preamble* of the *Act*, "and ACCORDING TO WHICH this *Clause* is said to have been *Enacted*. That *Recital* of the *Submission* bears, how the *Clergy* had promised, *in verbo Sacerdotii*, not to *Attempt*, *Alledge*, *Claim*, or *Put in ure*, or to *Enact*, *Promulge*, or *Execute*, any "*New-Canons*. Where, tho' the Words *Attempt*, *Alledge*, *Claim*, *Put in ure*, "are divided from the others, *Enact*, *Promulge*, *Execute*, by the particle *Or*; "which is used there in a *Disjunctive Sense*, on purpose to distinguish, and set "apart the two Comma's of this *Sentence*, and the two *Sets* of *Verbs* which have "place in each of them; yet All do nevertheless, at the End of the Sentence, "seem to Centre in *New Canons*. And should therefore the first set of *Verbs*, "as imploy'd in the *Subseqent Clause* (by it self consider'd) be Allowed to belong "to *Old Canons* only; yet that Clause being said to be *Enacted* ACCORDING TO "THE SUBMISSION before *Recited*, the Question still will be, whether by vertue "of that Relation they must not be extended to *New*, as well as *Old Ones*. This "is the only *Difficulty* that can possibly perplex our *Exposition* of the *Act*; but "there is a Consideration, or two, that will effectually clear it.

Sect. 9. Whether his *Considerations* do answer this Pretension, we will Enquire hereafter. That which I would at present observe from this Discourse, is this; that [3] he cannot deny, but that here is, after all, a just Ground of *Doubt* in this Matter: And that so Great, that no less a Man than our Learned Dr. *Cosins* was clearly of Opinion, that these *Words* did All belong to *New Canons*; which therefore he thought the *Clergy* were not only restrain'd from finally *Concluding* upon, but were forbidden to *Attempt*, &c. without the *Prince's Leave and Authority*.

But [4] Dr. *A.* carries this Difficulty yet higher: He Acknowledges, that upon the *first passing* of this *Act*, the very *Clergy* themselves, for ought he knows, might have supposed, that their *Liberty* of *Debate was Restrained* by it, as well as their *Power* of *Enacting*. Now One would think, that those who made the *Submission*, upon which this *Act* was founded; and lived at the time when it passed the *Parliament*, should have the best understood the *Sense* of Both. And that it must needs be very dangerous for the *Convocation* at this distance, to proceed upon such a *Meaning* of this *Act*, as not only the *Convocations* of the whole *Last Age* durst not venture upon; but those very Men who lived at the time when this *Act* was made, did apprehend not to come up to the full Scope and Intention of it. "Indeed, the DOUBTFUL WORDING OF THE ACT, (says he) "might possibly give the *Clergy* some *Alarm* at first, and put them under *Apprehensions*, that their *Liberty of Debate was Abridged by it*; or, at least, that *it might* "*be Construed* so to be, by those who in those distressing times, were willing "enough to take any Advantage of them. He seems to refer to the *Petition* of the *Lower House of Convocation*, in the 1*st* of King *Edward* the vi*th*; of which, He elsewhere

[1] Rights, &c. pag. 91.

[2] Additions, &c. p. 46.

[3] Ibid.

[4] Rights, &c. p. 100.

elſewhere tells us, that *Suppoſing it to be Authentick*, [1] "the preferring it ſhews, "that the *Clergy Doubted* whether a *Commiſſion might not be* neceſſary *to* enable "*them to* Attempt, Entreat, *and* Commune, *&c.* From all which therefore, thus much I conceive, Dr. *A.* himſelf will allow me to conclude, that the *Clauſe* of the *Act*, upon which this *Queſtion* turns, is not ſo *plainly* and *clearly* drawn, as not to leave ſome room for *Doubt*; and to be Capable, at leaſt, of a *Conſtruction*; *different* from that which he has given of it. [1] Ibid. p. 406.

And accordingly Dr. *A.* himſelf inſtances in One very Eminent Perſon, who did ſo Underſtand it, and Interpret it in the *Senſe* which I the rather think to have been Intended by it. The *Author* of the *firſt Letter to a Convocation-Man* having propoſed the Queſtion, "Whether or no the *Convocation* may *Confer* af-"ter their *Summons*, and *Meeting*, without the *King's Special Licenſe* and *Aſſent*; acknowleged, that the *Common Received Opinion* was in the negative. [2] If I take Dr. *A.* aright, he allows the ſame thing: Where ſhewing, that the *Clergy* are not, by this Clauſe, TIED UP ALTOGETHER from acting *Synodically*, (in which I eaſily agree with him) adds, "[2] Unqueſtionably, and according to *Common Opi-*"*nion* and *Practice*, they have, ever ſince this *Statute*, in Vertue of the *Writ* by "which they met, a Liberty of *Addreſſing*, as they ſhall ſee Cauſe, either with "*Thanks*, or *Requeſts*, or other proper Repreſentations. But it is PRESUMED ALSO "that they may go a great deal farther. An Expreſſion full of *Caution*, and *pre-*"*paratory* to an *Explication* of this *Statute*, that was to run counter the *Common Opi-*"*nion* before Spoken of, and to lead to a Singular, and Unpreſidented, *Practice*. Dr. *Cosins.* [2] Ibid. p. 79.

How far that other [2] Paſſage of Dr. *A.* may be fairly interpreted to the ſame Purpoſe, *p.* 101; I ſhall rather leave it to others to judge, than undertake my ſelf to determine. "In the mean time, ſays he, we will ſuppoſe the utmoſt "that can, by the *Vereſt Interpretation* of the Act, be pretended; that the "*Clergy* are, by it, Cut off from *Forming* the *Draught* of a *Canon*, or even *De-*"*liberating about One*, without being particularly impower'd to that pur-"poſe. This is plain, that Thoſe who the moſt inſiſt upon Dr. *A*'s Inter-"pretation of this *Statute* of *Submiſſion*, cannot deny, but that there are ſuch Difficulties and Ambiguities in it, as have miſled ſome of our greateſt Men, (if yet they were miſled) and made way for an *Opinion* to have *generally ob-*"*tain'd*; that by Vertue of it, the *Clergy* are *Reſtrain'd*, as well from *Debating* "*about*, as from *Enacting* any *Canons*; and may not only not *Make* any without a *Licenſe*, but not ſo much as *Conferr* to *Conſtitute*, without being firſt *Authorized* by the *Prince* ſo to do. [2] Ibid. p. 101.

For farther Proof whereof, give me leave to obſerve yet One thing more, which Dr. *A.* again Confeſſes, and which was indeed too well known to be de-nied; That for a Hundred Years paſt, (not to riſe any higher at preſent) the *Clergy* in *Convocation* have not *preſumed* to *Attempt*, any more than to *Enact* *Canons*, without the *King's Licenſe* and *Authority* firſt had in that Behalf. [3] From the 1*ſt* of King *James* the I*ſt*, Dr. *A.* himſelf dates the *Original* of theſe *kind* of *Licenſes*. And tho' he is very poſitive, that "*there is not any Opinion for* "*the Neceſſity of ſuch a Licenſe Elder than that*; yet even that ſuppoſes, and it is certainly moſt true, that this *Opinion* has prevail'd, both among our *Clergy* and *Lawyers* ever ſince: Inſomuch that, within our own Memories, when ſome *Synodical* Buſineſs was propoſed to have been done without it; it was, by good Advice, ſtopp'd upon this very ground, that they could not with Safety *Attempt ſuch Matters*, without being *Authorized* by the King to that Pur-poſe. Sect. 10. [3] Rights, &c. p. 363, 364, &c.

Let us put theſe Conceſſions together, and ſee what the Reſult of them will be. The *Clergy*, by the 25*th* of *H.* viii. *c.* 19, are laid under a *Legal Reſtraint* in the Buſineſs of *Making Canons*, *&c.* (for, as to Other Matters, I am as wil-ling as Dr. *A.* to think that their *Power* is not *Reſtrain'd.*) Dr. *A.* is of Opi-nion, that They may *Debate* and *Agree* upon the *Subſtance* of any *Canon*, with-out a Previous *Authority* from the *Prince*; but that they may not, without *in-curring* the *Penalties* of that *Statute*, *Make* or *Enact* it. Others have thought, (and Dr. *W.* with them do's *think*) that by the Tenour of that *Statute*, they are Reſtrain'd from *Debating*, in *Order* to the *making* of a *Canon*, unleſs they have the *Queen's Licenſe*, and *Authority*, in that behalf. [4] Of this, the Temporal *Judges* are to have the Reſolution; and ſhould the *Clergy* be caſt in their *Opi-nion*, they would incurr a *Præmunire*, by Acting contrary to the Purport of that Sect. 11. [4] Hobart. Rep. fol. 83, 84.

Statute.

Statute. It is confeſſed, that the *Act* is *Doubtfully drawn:* That the *Recital* of the *Submiſſion* of the the *Clergy*, ſeems to favour our Opinion, and to *Reſtrain* them from *Debating* about, as well as from *Enacting* and *Making* of *Canons*, without the *Queen's Leave.* Several of our greateſt Men have thus *underſtood* that *Statute*, and thereupon have thought, that ſince the *Paſſing* of it, the *Clergy* may of themſelves no more *Attempt*, than they may *Conſtitute* a *Canon.* This has been the *prevailing Senſe*, both of our *Lawyers*, and *Divines*, for theſe Hundred Years; ſcarce any body has made a *Doubt* of it. And in Conſequence thereof, our *Kings* have, for ſo long at leaſt, conſtantly granted them *Licenſes* to *Debate*, no leſs than to *Conſtitute*; and our *Convocations* have never *preſumed*, without ſuch a *Licenſe*, to *Attempt* the *One*, any more than to *Do* the *Other.* I appeal to any Reaſonable Perſon, by which of theſe two *Opinions*, Prudence and Intereſt, to ſay nothing of Peace and Charity, ought to move thoſe Venerable Bodies to govern their Proceedings? And whether, without examining this Matter any farther, that *Rule*, which in ſuch Circumſtances is wont to be recommended as the wiſeſt Direction, may not alone ſuffice to determine the Point between us, that in *Doubtful Caſes the ſafer ſide is to be choſen?* And that this is (at leaſt) a *Doubtful Caſe*, when Dr. *A.* has ſaid all that he can, his own Friends muſt Allow; tho' I confeſs, for my own part, I make no doubt, ſhould it ever come to the Tryal, on which ſide the *Determination* of our *Judges* would go.

But if Dr. *A.* thinks this Uſe of theſe *Conceſſions* to be too Great and Concluſive; (which I ſhall then Agree that it is, when I ſee the *Convocations* adventure to *Act* by thoſe *New Meaſures* which he has propoſed to Them; and not by thoſe more ſafe, and prudent *Rules*, by which their *Predeceſſors* have, for theſe Hundred Years, governed themſelves in their *Conciliary Debates*) let me, at leaſt, beſeech him to allow me thus much Favour from them; that I may be permitted, without any ſuſpicious Deſign againſt the *Rights* of the *Church*, (for which, I do aſſure him, my Concern is as hearty and ſincere, as 'tis poſſible for his to be) with the ſame Freedom to *Defend* the *Judgment* and *Actions* of our *Princes*, and *Convocations*, of the *laſt Age*, that he has uſed in *Oppoſing* the *One*, and *Cenſuring* the *Other*.

Sect. 12. In order whereunto, I will

(1*ſt.*) Enquire into the genuine *Senſe* of the *Statute*, 25 *H.* 8. *c.* 19.

(2*dly*,) I will ſhew, what the *Opinion* of Our *Reformed Clergy*, and Others, has been, as to *this Branch* of it. And,

(3*dly*,) Will examine, How our *Convocations* have proceeded, ſince the time of this *Act*: And whether it do's appear that ever they did, in Fact, *Debate* of, any more than *Conclude* upon, any *Canons*, *&c.* without the *previous Authority* of the *Prince* ſo to *Do.*

(1*ſt*,) To underſtand the genuine Senſe and Meaning of the *Statute*, in this Particular, Three things there are that may be needful to be conſider'd; and I ſhall take them, for the moſt part, as they lie in Dr. *A*'s own Account of them. 1*ſt*, The *Clergies Offers* to the *King* in this *Particular*: 2*dly*, The *King's* farther *Demand* of the *Clergy*, to which they were finally forced to *ſubmit*: And, 3*dly*, The *Form* of the *Statute*, which was afterwards *drawn* thereupon; and the Import of which we are now enquiring after.

As to the 1*ſt* of theſe, The *Clergies Offers* to the *King*; Dr. *A.* has furniſh'd us with Three ſeveral Draughts: Concerning the two laſt of which, tho' I am not ſatisfied that they were ever preſented to the *King*, as the *Act* of the *Convocation*, or did ever *paſs* in *Synod* as ſuch; yet I ſhall not deny, but that they may have been Compoſed by the *Clergy*, and perhaps Communicated to the *King*; to the end that being approved of by *Him*, they might afterward have been *propoſed* to, and *paſſed* by, the *Convocation.*

Sect. 13. In the firſt of theſe, in Anſwer to the Complaint of the *Commons*, *that they made Sanctions and Laws of Temporal things, not having, nor requiring, the* King's Royal Aſſent *to the ſame Laws ſo by Them made*; they juſtifie themſelves in ſuch their Proceeding. [1] They tell the King, that *They had* this Power *of* God, *and could not* Submit *it to his Authority.* That *their* Authority *of* Making Laws *was grounded upon the* Scripture *of* God, *and* Determination *of* Holy Church. *And as concerning the Requiring of the* King's Aſſent *to the* Authorizing *of* ſuch Laws, *as had been made by their Predeceſſors, or ſhould be* made *by* Themſelves; they doubted not but that the *King* knew That to *Depend not upon their Will and Li-*

[1] Addit. &c. Append. p. 18, 19. Compare Rights, &c. P. 464.

berty

berty, who might not Submit *the Execution of their Charges and Duty, certainly prescribed by God, to his Assent.* All the Qualification they made of the Stiffness of this *Answer*, was only an insignificant Compliment, as to his Own *Personal Qualifications*; which, to correct the Fault of Dr. *A*'s Transcript, more than for any other *Use* that is to be made of it, I shall here add: "Altho' in "very Deed the same is most worthy, for your most Princely and Excellent "Vertues, not only to Give your *Royal Assent*, but also to Devise and Command "[*That*] we should for Good Order and Manner [*by Statutes and Laws*] pro-"vide in the Church. Nevertheless, considering we may not so, [*Nor*] in "such sort, Restrain the doing of our Office in the Feeding and Ruling [*of*] "Christ's People, your Grace's Subjects; we most humbly desire your Grace, "as the same hath done heretofore, so from henceforth to shew your Grace's "Mind and Opinion to us, what your [*High*] Wisdom shall think conve-"nient; which we shall most gladly hear and follow, *IF it shall please God to* "inspire *us so to do.*

Sect. 14.

When this *Allegation* would not satisfie either the *King*, or the *Commons*, but the *Convocation* saw that they must do somewhat more to comply with the Resolution of Both; *New Forms* were drawn, and several Debates were held, how to compound the Matter with the *King*, upon the best and easiest Terms, and with the least Diminution, that might be, of their *Authority* in this Particular. The next Step therefore which They took, was to try whether they might not get Leave to continue freely to *Make Laws*, without any Restraint in that Particular, but to have the *King's License* and *Authority* for the *Publishing* of *such* of Them in which the *Laity* were *concerned*. "[1] We be contented, say they, to "make Promise unto your Highness, that in all *such Acts*, *Laws*, and *Ordinan-"ces*, as upon your *Lay-Subjects*, We, by reason of our *Spiritual Jurisdiction*, "and *Judicial Power*, shall *hereafter make*; We shall not PUBLISH, nor PUT "THEM FORTH, except first we require your Highness to give your *Con-"sent* and *Authority* unto Them: And so shall from time to time *Suspend* all such "*Our Acts*, *Ordinances*, and *Laws*, hereafter to be made, unto such Time as "your Highness, by your *Consent* and *Authority*, shall have *Authorized* the "same; except they be such as shall concern the *Maintenance* of the *Faith* and "*good Manners* in *Christ's Church*; and such as shall be for the *Reformation* and "*Correction* of Sin, after the *Laws* of the *Church*, and *laudable Customs*, as hath "been heretofore made, and hitherto receiv'd, and used, within your Realm. "In which Point our Trust is, and in our most humble manner we desire your "*Grace*, that it may so be, that upon the *Refusal* of your *Consent*, which we "reckon [*that*] we need not fear, [*but*] yet if any [*such*] thing should fall "[*out*,] your Highness will be then contented that we may *Exercise* our *Ju-"risdiction*, as far as it shall be thought necessary [*unto*] us, for the Mainte-"nance of Christ's Faith, and for the Reformation of Sin, according to our "Offices, and the Vocation that God hath Called us unto.

[1] Addit. Appendix, p. 25, 26.

This was the next Advance that the *Convocation* seems to have made, in order to the King's Satisfaction. Before they only pray'd, that his Majesty would let them "*know* his *Mind and Opinion*, *touching what He thought conve-"nient*; *which they would gladly hear and follow*, *if it should please God to inspire* "*them so to Do.* Now, tho' they cannot part with any thing of their *Power*, which concerns the *Making* of *Ecclesiastical Laws*, for which they expresly tell Him, "They no more needed his *Consent* and *License*, by way of *Authority*, "than for *Giving* of *Holy Orders*: Yet, having *Made* them, they are content to *ask* his *Leave* for PUBLISHING and PUTTING THEM FORTH; and promise to *Suspend Them*, till such Time as they had Attain'd his Consent so to do. This was something more than they had before Offer'd; but yet the *Limitations*, which they put upon this *Concession*, did almost take off all the Benefit of it. For, first, this was to take place in such *Laws*, *Acts*, and *Ordinances*, only, which were to be made upon His Majesty's *Lay-Subjects*. And that, secondly, but in such of them only, as did not concern *Faith*, or *Good Manners*; or were not intended for the *Reformation* and *Correction of Sin*, after the *Commandments* of *Almighty God*, according to the *Laws* of the *Church*, and *Laudable Customs of the Realm*; in which they still Reserve a *Power* to Themselves, not only to *Make*, but to *Publish Constitutions* too, tho' the King should *not give*, nay, tho' he should *Refuse*, his *Consent* to them.

[2] Addit. Appendix, p. 24.

Whether

Sect. 15. Whether this Draught were ever laid before the King, and disliked by Him; or whether, upon better Advice, the *Convocation* did not think fit to tender it all to Him, I cannot tell: But by the *Copy* of a *Third*, and more full *Submission*, in which they come up still nearer to the Kings Expectations, it [1] Ibid. p. 27, 28. appears that this Second Project would not satisfy. In [1] that "they offer and promise that from henceforth they would forbear to *Enact*, *Promulge*, *or put in Execution*, any such *Constitutions*, so by them to be *Made* in time Coming, unless his Highness by his *Royal Assent*, should *License* them to *Make*, *Promulge*, and *Execute* such *Constitutions*; and the same so *made*, should be *Approved* by his *Highnesses Authority*.

Now this One would have thought, should certainly have Answer'd the Utmost of What was expected from them. But yet some Circumstances there were in the wording of this too, and some *Omissions*, which made even this Offer, large as it seemed to be, yet not Go down with the *King*; to whom, I conceive, it was Privately Communicated. For first, what they here promised was by the *Lower House* limited to the *King's Life*; and so a Provision was made for the Recovery of their full *Authority* again, assoon as that *Prince* should die: Which however he Himself might have Connived at; yet those who managed that Affair under him, were not Contented with it. In the *second Article*, which concern'd *Canons already made*, several Circumstances did not please. But that which was most considerable was, that in the Close of all, such a *Salvo* was Added, as might in time be improved to the utter Overthrow of All that had been done: For all which I shall refer to the *Form* it self, as Dr. *A.* has published it from the *Cotton MS.* Besides that now, another thing was started, and that too was to be Agreed upon; namely to put the *Assembling* of the *Convocation*, wholly into the *King's Power*; so that they should no more *Meet* without his *Writ*, than they should *make* any *Canons*, or *Ordinances*, without his *License* and *Authority*.

Here therefore the King himself thought fit to interpose: And since the *Convocation* could not agree on any Form that would please him, He resolv'd to draw up a *Form* for them; and to send it to them by this *Almoner*; and what it was that he therein demanded of the *Clergy*, is the *next* thing, 2*dly*, to be considered.

Sect. 16. Now that was plainly this; To oblige themselves neither ever *hereafter* to *Meet* in *Synod*, without the *King's Writ*; nor being *Lawfully Assembled* by it, to Claim any *Right*, or to Proceed by Vertue of any Authority of their Own, to *Make Canons* or *Constitutions*, without the *King's Royal Assent* and *Licence first had and obtained by them, for that purpose.* In their two first *Papers*, they had flatly and positively insisted upon a *Divine Right*, or *Power*, to *Make Laws* in *Spiritual Matters*; and Declared it to be such, as it was not in their Power to Give up. This in their *last Paper* they had not indeed Asserted, but neither had they let fall any one Word to shew that they had the least Intention to depart from it. They promised only, that they would forbear to *Use it* without the *King's Consent*; and One House expresly limited the time of this *forbearance* to the *King's Life*: But they gave no Security that they would not hereafter Resume it, as a *Right*, which having *Receiv'd* immediately from *God*, they could no more part with, than (in their Own *Parallel*) they could with their Power of *Giving Orders.* The King therefore, to secure all, resolv'd to tie them fast from ever stirring hereafter: They had Offer'd not to *Make*, *Promulge*, or *Execute* any *Canons* without his *License.* This, whilst they held to their Word, Restrain'd their *Acting.* But because they had asserted a *Divine Right*, and *Authority* to *Make Laws*, which they pretended it was not in their Power to part with; and so a Reserve was still left, whereby to evacuate, upon the first convenient Occasion, their present Promise; therefore, to foreclose this too, it was thought needful to their Own three *Verbs*, to add three others; namely, "*That they* "*should not from thenceforth presume to* Alledge, Claim, *or* Put in Ure, *any such* "*Authority*; nor, in Consequence of *such their Authority*, *should Make*, Promulge "*or* Execute, *any* Canons *without the King's License.*

In their *second Paper*, they had told the King that they were *Contented to make Promise, not to Publish such certain Laws by them to be made, without his Consent.* And in their *Third*, That *they should forbear to Enact, &c. without his Royal Assent and License.* This the King thought to be but a cold and faint Assurance: He resolv'd

reſolv'd therefore to make it much ſtronger, and thereby to tie them the more cloſely to their Word. In Order thereunto he requir'd them to *Promiſe, in Verbo Sacerdotii, not only that they would never from thenceforth preſume* to *Alledge, Claim*, or *put in Ure* any ſuch *Divine Right*, as they had before ſtoutly Aſſerted; or by ſo doing to *Make, Promulge*, or *Execute any Canons*, without *his Licenſe*; but not ſo much as to *Attempt* either the *One*, or the *Other*. Now this cut off all Occaſion of any future Troubles in this particular; and was deſign'd at once both to prevent the Breach of this *Promiſe* here made, and to remove all ſuch Jealouſies and Diſorders, as might otherwiſe have been raiſed by ſome following *Convocations*, had they not been reſtrained from *Attempting*, as well as from *Enacting Laws*; that is from *Entring* upon any *Canonical Debates*, or Coming to any *Synodical Reſolutions*, whether in *Vindication of their Preſumed Right to Act by a Divine Authority in this Caſe*, without regard to the King's Allowance; or in order to the *Making* of *Canons*, tho' they ſhould not give their *laſt Sanction* to them, till they were *Empower'd* by the *King* to that purpoſe.

This therefore, I look upon to have been the true Occaſion of thoſe Additional *Words*, which the *King's Council* inſerted into the *Form*, in which the *Clergy* were Required to make their *Submiſſion*. They were not only not to *Aſſemble hereafter in Convocation* without the *King's Writ*; but were moreover to *Recognize* that they had not any *Right* to *Aſſemble* without it. Being met, they were not only not to *Make* any *Canons* without the *King's Licenſe*; but were to Renounce all *Claim* that they had to any *Power* of *Making* them, otherwiſe than by his *Permiſſion*. And to ſecure them in both, they were farther to promiſe not to *Attempt* any thing, that might either ſeem to *favour* ſuch a *Claim*, or to tend to ſuch a *purpoſe*. "'*We do offer* and promiſe *in Verbo Sacerdotii*, here unto your Highneſs, ſubmitting our ſelves moſt humbly to the ſame, that we will never from henceforth preſume to *Attempt*, *Alledge*, *Claim*, or *put in Ure*, or to *Enact*, *Promulge*, or *Execute*, any *Canons*, *Conſtitutions*, or *Ordinances Provincial*, or by any Other Name whatſoever they may be called in our *Convocation*, in time coming (which *Convocation* is, always hath been, and muſt be *Aſſembled* only by your Highneſſes *Commandment* of *Writ*) unleſs your Highneſs by your *Royal Aſſent* ſhall *Licenſe* Us to *Make, Promulge*, and *Execute* the ſame, and thereto give your moſt *Royal Aſſent*.' [1] Additions Appendp.30.

To this Form of *Submiſſion* Thoſe of the *Lower Houſe*, if Dr. *A.* ſays right, gave their Aſſent. They had, indeed, no reaſon to refuſe it: For having before agreed not to *Make*, or *Publiſh*, any *Canons* without the *King's Licenſe*; what remain'd, was only a Renunciation of an *Authoritative Power*, or *Right of Making* them; which they, as *Presbyters*, neither by the *Law of God*, nor by the *Canons* of the *Univerſal Church*, could claim; and therefore it was no great Hardſhip for Them to Renounce a Power, which only the later *Cuſtom* of our *Own Country*, had intituled them unto, and which was from thenceforth no more to be *Uſed* by Them, without the *King's Aſſent* and *Authority*. But theſe Circumſtances ſtuck harder with the *Biſhops*: They accounted themſelves to have a *Divine Right* to this *Authority*, and that they could no more Renounce their *Power* to *Make Laws* in *Spiritual Matters*, for the *Faith* and *Government* of the *Church*, than their *Power* of *Giving Orders*. And tho' they might be content to *Submit* the *Exerciſe* of it to the *King's Pleaſure*, ſo as not *Actually* to *Make* any ſuch *Laws* without his *Conſent*; yet they thought it a little ſevere to be Obliged to give up their *Authority* ſo to do: And to *promiſe* that they would no more *Alledge*, or *Claim* a *Right*, to *Enact* any *Canons* without the *King's Licenſe*, than they would *Put ſuch a Right in Ure*, by an *Actual Making* of Them. Sect. 17.

It was upon this Account, that I conceive, the Biſhops demurr'd to the *Form* ſent to them by the *King*; and tho' the *Lower Houſe* was willing to Agree to it, yet tarried till the Temporal Lords, (who had been with them upon this Occaſion) returned from the King to whom they had been ſent by them, before they would conclude upon any thing. The Event ſhew'd what their *Reſolution* was: The King was perſwaded to diſpenſe with thoſe *Words*, which bore the hardeſt upon their *Authority*; and adding only the laſt of *Putting in Ure*, to thoſe they had before Agreed to; to wit, *Enact*, *Promulge*, or *Execute*; to receive their *Submiſſion* and *Petition*, in All other Circumſtances,

ſuch as himſelf had preſcribed to them. And now, the Words of their *Submiſſion* ran thus: "We do *Offer* and *Promiſe*, *in Verbo Sacerdotii* here unto "your Highneſs, Submitting our ſelves moſt humbly to the ſame, that we will "never from henceforth *Enact*, *Put in Ure*, *Promulge*, or *Execute* any *New-* "*Canons*, or *Conſtitution Provincial*, or any *New Ordinance Provincial*, or *Synodal*, "in Our *Convocation* or *Synod*, in time coming (which Convocation is, always "hath been, and muſt be Aſſembled only by your *High Commandment* or *Writ*) "unleſs your Highneſs by your *Royal Aſſent*, ſhall *Licenſe* us to *Aſſemble* Our *Con-* "*vocation*, and to *Make*, *Promulge*, and *Execute* ſuch *Conſtitutions* and *Ordinances*, "as ſhall be made in the ſame, and thereto give your *Royal Aſſent* and *Authority*.

Sect. 18. Thus paſſed this *Submiſſion* in Our *Convocation*: Whether it was Revived by our *Biſhops* and *Clergy* the next Year, or Communicated to thoſe of the *Other Province*, and *Subſcribed* to, in like manner, by Them; as I cannot tell, ſo it is not very material to enquire. Three things only I would beg leave to Obſerve from what has now been offer'd, before I proceed to conſider the *Statute* which finally paſſed thereupon: Namely, *1ſt*, That it is plain, that All theſe Words (be their Import what they will) which we have been hitherto ſpeaking of, *viz. Attempt*, *Alledge*, *Claim*, *Put in Ure*, *Enact*, *Promulge*, and *Execute*; do apparently relate to the *Submiſſion*, and the *Promiſe* which the *Clergy* thereupon made to the *King*, concerning *Canons* and *Ordinances*, HEREAFTER *to be* PASSED by them. That they would not from HENCEFORTH *preſume* to *Attempt*, &c. IN their CONVOCATION IN TIME COMING; unleſs the *King* ſhould *Licenſe* them to *Make*, *Promulge* and *Execute* the ſame. And ſo the *Biſhops* and *Prelates* underſtood it; and therefore to all the Other Words, tho' plain enough before; They expreſly added, NEW *Canons*, and NEW *Ordinances*; and Call'd them ſuch *Conſtitutions* as *ſhall be made in Our Convocation*. And, indeed, 'tis of theſe alone that the whole firſt branch of their *Submiſſion* treats; the two latter (joyn'd by the *Convocation* into *One*) being purpoſely deſigned for ſuch *Canons* and *Conſtitutions*, as had *before been made*; and were now in conſequence of their *Petition* to be Reform'd.

2*dly*, That in Oppoſition to All theſe Several Words, as they relate to the *Clergies Submiſſion*, viz. *Attempt*, *Alledge*, *Claim*, *Put in Ure*, *Enact*, *Promulge*, and *Execute*; theſe three ſtand with reſpect to the *Kings Licence*, viz. *Make*, *Promulge*, *and Execute*: The two laſt of which being the *ſame* in *both*; it will follow that the *firſt* muſt be underſtood in ſuch a Latitude, as to anſwer to all the Reſt; So that the King by Granting the *Clergy* a *Licenſe* to *Make Canons*, would at all times Grant them thereby a full Power to *Attempt*, *Alledge*, *Claim*, *Put in Ure*, and *Enact* them. And the Reaſon of this is evident; becauſe that all theſe being but ſeveral ſteps neceſſary to be taken in Order to the *Making* of *Canons*, which the Clergy before might of themſelves have done, and with the *King's Licenſe* ſtill may Do; A *Licenſe* to *Make Canons* muſt needs be underſtood to intend a *Permiſſion* to Do *All* ſuch *Things* without which they cannot be *Made*. And ſo Enable them Legally not only to *Enact*; (the laſt thing done in *Making of Them*) but alſo to *Attempt*, to *Alledge*, and *Claim* a *Power*, with the *King's Conſent*, and by his *Permiſſion*, to *Enact*; and ſo Do all that was neceſſary, from firſt to laſt, to the *Making* of *Canons* and *Conſtitutions*.

3*dly*, That by thoſe words, *Attempt*, *Alledge*, *Claim*, and *Put in Ure*, Somewhat more was *meant* by the *King*, and *Underſtood* by the *Biſhops* and *Prelates* than a *bare Enacting*: For otherwiſe there would have been no need of their *demurring* ſo long upon Them, and making ſuch an Intereſt as we find they did for the *Omiſſion* of Them. For in All the Other *Clauſes* they came fully up to the *King's Own Terms*; which indeed were, in effect, their Own Offer in their laſt *Form* of *Submiſſion*; excepting only the *Acknowledgment*, and *Promiſe* of not *Aſſembling* in *Convocation* without his *Writ*: Which whether we conſider the Common *Practice* of that *Time*, or their preſent *Declaration*, that the *Convocation*, *was*, *always had been*, as well as *ought to be*, *ſo Aſſembled*; we have no Reaſon to think did very much ſtick with them.

Here therefore I would ask; What did the King Aim at, and the Biſhops ſo much deſire to avoid; the One by inſerting theſe *Words* into the *Form* of their *Submiſſion*, the Other in the Intereſt they made for the Omiſſion of them? Was it that they ſhould not expreſly *Conſtitute*, or *Enact* any *New-Canons*, without the *King's Licenſe*? They had before Offer'd it: They ſtill Agreed to *Oblige*
them

themſelves to that. But what was it then that they differ'd about? I have before ſhewn that the *Biſhops* Supposed themſelves to have a[i] *Right* and *Power given* to them by *Chriſt* to *Make Laws*; and that ſuch a *Power, the Granting whereof depended not upon their Own Will and Liberty*, nor could they *ſubmit* it to the *King's Pleaſure*. This they inſiſted upon not only in their *firſt Anſwer* to the *Commons Petition*, but in their next Draught; tho' I think not paſſed, yet it may be privately Communicated to the *King*. Here now was a *Salvo* ſtill reſerved, whereby to Vacate, upon Occaſion, All that they ſhould *promiſe* in this matter. They had no *power* to part with this *Right*; and therefore their *Promiſe* by which they did it, was from the beginning *Null*, and of *no Force*. This Pretence therefore, I ſuppoſe, it was that the King reſolved to foreclose, by the Addition of theſe Words: Which as they clearly relate to *New Canons hereafter to be made in Convocation*; ſo I think they cannot be more naturally Underſtood, than of their *Attempting*, or *Endeavouring*, by ſome *Synodical Act*, (for of ſuch only we are now ſpeaking) to *Alledge*, or *Claim* a *Divine Right*, or *Power* (notwithſtanding their preſent *Promiſe* to the King) and in Vertue thereof to *Put* ſuch their *Alledged*, and *Claim'd Power in Ure*; by *Conferring*, *Drawing*, *Conſenting* to, and ſo finally *Enacting* of *Canons* as before: All which they were hereby Required utterly to Renounce; and to *promiſe*, in *Verbo Sacerdotii*, that they would not make any ſuch Attempt, in any of their *Convocations*, in Time Coming. This is my humble Opinion, as to the Meaning and Occaſion of theſe *Words*: If Dr. *A.* can ſuggeſt any better, or more rational Senſe of them, I ſhall be ready with the utmoſt Impartiality to conſider it; and if I ſee cauſe as freely to Embrace it.

[i] Rights, &c. p. 464. Addit. Append. page 24, 25.

To proceed now *3dly*, To the *Act* of *Parliament* drawn, the next Year, upon this *Submiſſion*; the Meaning of which we are endeavouring, from theſe Premiſes, to Clear. And here it may be fit, in the firſt place, to take notice, that as this whole Tranſaction began in the *Houſe* of *Commons*, and took its Riſe from their Complaint to the King againſt the Proceedings of the *Biſhops* and *Clergy* in *Convocation*, ſo the *Statute* which was form'd thereupon, began in that Houſe too; and was from thence not ſent, but brought up to the *Lords*, on *March* the 27*th*; but three days before the *Parliament* Roſe. They ſtill perſiſted in their Proſecution of this Matter; and were reſolved by the *Preſent Act*, to hold the *Clergy* to their *Promiſe*, and thereby to deprive them, beyond all hope of Recovery, of their Antient *Authority* in this Particular. And accordingly we may obſerve how in the Wording of it, they have all along taken the ſtricteſt *Expreſſions* of *both* the *Forms*; I mean of that which the *King ſent* to the *Convocation*; and of that which the *Convocation paſſed*, and *preſented* to the *King* as their Act. So that we cannot think that they deſign'd to *Enact* any thing in Favour of the *Biſhops* and *Clergies Authority*; Or to take off from the Force of any thing that either the *King* had *Requir'd* of *Them*, or *They* had Themſelves *promiſed* the *King* in this Particular. Sect. 19.

The Ground on which they went, was the *Submiſſion* and *Petition* of the *Clergy*; which as the *Convocation* had Reduced from *Three*, to *Two Articles*, ſo in that the Commons followed their Steps. The *Submiſſion*, in both, Referr'd to what concern'd *New Canons hereafter to be made*: The *Petition*, to ſuch as *had been before Made*; and were then deſign'd not only to be Review'd, but being Approved by the Commiſſioners Appointed for that purpoſe, to be Ratified by *Civill*, as well as by *Eccleſiaſtical* Authority.

If therefore in drawing up of this *Act*, the *Parliament* firſt diſtinctly *Recite* the *Submiſſion* of the *Clergy* in the ſame Order, and under the ſame *Articles*, in which the *Clergy* preſented it to the *King*; and then proceed as diſtinctly to ENACT upon it: If *One* of theſe *Articles*, both in the *Clergies Submiſſion*, and in the *Parliaments Recital*, expreſly *treats* of *Canons hereafter to be made*; the Other of CANONS *already in being*, which were to be *Review'd*: And if there be nothing in the *Enacting part*, but what does as Plainly and Methodically relate to Both, in the ſame Order in which they had before made their *Recital*; then, I think, I may preſume to affirm, that in Interpreting of this *Statute*, we ought not to diſturb the apparent Order, and Method of it; but to take each part as it lies with Relation to its *proper Subject*; The *firſt Enacting Clauſe*, as referring to the *firſt Reciting Clauſe*, the *Submiſſion*; The Other to the Second, the *Petition* of the *Clergy*.

Sect. 20. Now that this *Method* was thus ſtrictly obſerved, as I have affirmed, both by the *Convocation*, and *Parliament*, as I cannot offer any more unexceptionable Proof than that of their Own Records to ſhew; ſo ſhall I not need to appeal to any Other. The ſeveral Draughts of which, for the Greater Evidence of this Matter, I will here ſet down, in ſeveral diſtinct Columns, as they anſwer to One another.

Addit. &c. Append. p. 33, 34.

The Convocations Submiſſion.

We your moſt Humble Subjects, Daily Oratours, and Beadſmen of your *Clergy* of *England*, having our Special Truſt and Confidence in your moſt excellent Wiſdom, your Princely Goodneſs, and Fervent Zeal to the Promotion of God's Honour, and Chriſtian Religion, and alſo in your Learning, far exceeding in Our Judgment the Learning of all Other Kings and Princes that we have Read of; and doubting Nothing but that the ſame, ſhall ſtill Continue, and daily increaſe in your Majeſty;

I.

Firſt do Offer and Promiſe, *in verbo Sacerdotii*, here unto your Highneſs, SUBMITTING our ſelves moſt humbly to the ſame, that we will *never from henceforth Enact*, *Put in Ure*, *Promulge*, or *Execute* any *New Canons* or Conſtitution Provincial, or any *New Ordinance* Provincial or Synodal, *in Our Convocation*, or *Synod in time coming* (which *Convocation* is always, hath been, and muſt be Aſſembled only by your high Commandment or Writ) unleſs your Highneſs by your Royal Aſſent, ſhall *Licenſe* Us to *Aſſemble* our *Convocation*, and to *Make*, *Promulge*, and *Execute* SUCH *Conſtitutions* and *Ordinances* as *ſhall be made in the Same*, and thereto give your *Royal Aſſent* and *Authority*.

The Parliaments Recital.

Where the King's Humble and Obedient Subjects the Clergy *of this* Realm of England *have not only Knowledged according to the Truth | that the* Convocations *of the ſame* Clergy *is | always hath been | and ought to be Aſſembled only by the King's Writ | But alſo SUBMITTING themſelves to the King's Majeſty |*

I.

Have promiſed in Verbo Sacerdotii *that they will* never from henceforth *preſume to* Attempt Alledge Claim *or* Put in Ure *or* Enact Promulge *or* Execute *any* New Canons Conſtitutions Ordinance *Provincial or Other or by whatſoever other Name they ſhall be called in the Convocation unleſs the* King's *moſt* Royal Aſſent *and* Licenſe *may to Them be had to* Make Promulge *and* Execute *the Same | and that his Majeſty do give his moſt Royal Aſſent and Authority in that behalf |*

Their *Enacting* upon that *Recital*.

Be it therefore now Enacted by Authority of this preſent Parliament According to the ſaid SUBMISSION and PETITION of the ſaid Clergy.

I.

That They ne any of Them from henceforth ſhall preſume to Attempt Alledge Claim or Put in Ure any Conſtitutions or Ordinances Provincial or Synodals or any Other Canons nor ſhall Enact Promulge or Execute any SUCH Canons Conſtitutions or Ordinance Provincial by Whatſoever Name or Names they may be called in their Convocations in time coming which alway ſhall be Aſſembled by Authority of the King's Writ | unleſs the ſame Clergy may have the King's moſt Royal Aſſent and Licenſe to Make Promulge and Execute SUCH Canons Conſtitutions and Ordinances Provincial or Synodal upon pain of Every one of the ſaid Clergy doing contrary to this Act | and being thereof Convict to ſuffer Impriſonment and make Fine at the King's Will | II.

II.

Secondarily, That whereas divers of the Conſtitutions, Ordinances, and Canons Provincial, or Synodal, which *hath been heretofore Enacted*, be thought to be not only much prejudicial to your Prerogative Royal, but alſo overmuch Onerous to your Highneſs Subjects, your Clergy aforeſaid is *Contented* if it may ſtand with your Highneſs Pleaſure, that it be committed to the Examination and Judgment of your Grace, and of 32 Perſons, whereof 16 to be of the Upper and Nether Houſe, of the Temporalty, and Other 16 of the Clergy; All to be choſen and appointed by your moſt Noble Grace: So that, finally, which ſoever of the ſaid Conſtitutions, Ordinances, or Canons, Provincial, or Synodal, ſhall be thought and determined by your Grace, and by the moſt part of the ſaid 32 Perſons, not to ſtand with God's Laws and the Laws of your Realm, the ſame to be abrogated, and taken away by your Grace and the Clergy; and ſuch of Them as ſhall be ſeen by your Grace, and by the moſt part of the ſaid 32 Perſons, to ſtand with God's Laws, and the Laws of your Realm, to ſtand in full Strength and Power, Your Graces moſt Royal Aſſent and Authority once impetrate, and fully Given to the ſame.

II.

And where *divers Conſtitutions Ordinances and Canons Provincial or Synodal which* heretofore hath been Enacted *and be thought not only to be much Prejudicial to the King's Prerogative Royal and Repugnant to the Laws and Statutes of this Realm / but alſo overmuch onerous to his Highneſs and his Subjects / the ſaid Clergy hath moſt humbly* BESOUGHT *the King's Highneſs that the ſaid Conſtitutions and Canons may be committed to the Examination and Judgment of his Highneſs and of 32 Perſons of the King's Subjects whereof 16 to be of the Upper and Nether Houſe of the Parliament of the Temporalty / and other 16 to be of the Clergy of this Realm / and All the ſaid 32 Perſons to be choſen and appointed by the King's Majeſtie / And that ſuch of the ſaid Conſtitutions and Canons as ſhall be thought and determined by the ſaid 32 Perſons or the more part of them worthy to be abrogated and annulled / ſhall be Abolite and made of no Value accordingly / And ſuch other of the ſame Conſtitutions and Canons as by the ſaid 32 or the more part of them ſhall be approved to ſtand with the Laws of God and Conſonant to the Laws of this Realm ſhall ſtand in their full Strength and Power / the King's moſt Royal Aſſent firſt had and obtained to the ſame*

II.

And foraſmuch as ſuch Canons Conſtitutions and Ordinance as heretofore hath been made by the Clergy of this Realm cannot now at the Seſſion of this Preſent Parliament by Reaſon of Shortneſs of time be Viewed Examined and Determined by the Kings Highneſs and 32 Perſons to be choſen and appointed according to the PETITION of the ſaid Clergy in form above Reherſed / Be it therefore Enacted by Auctoritie aforeſaid that the King's Highneſs ſhall have Power and Authority to Nominate and Aſſign at his Pleaſure the ſaid 32 Perſons of his Subjects whereof 16 to be of the Clergy and 16 to be of the Temporaltie of the Upper and Nether Houſe of the Parliament / And if any of the ſaid 32 Perſons ſo Choſen ſhall happen to die before their full Determination / then his Highneſs to Nominate Other from time to time of the ſaid two Houſes of the Parliament to ſupply the Number of the ſaid 32 And that the ſaid 32 by his Highneſs ſo to be Named ſhall have Power and Authority to View Search and Examine the ſaid Canons Conſtitutions and Ordinance Provincial and Synodal heretofore made / And ſuch of them as the King's Highneſs and the ſaid 32 or the more part of them ſhall deem and adjudge worthie to be continued Kept and Obeyed ſhall be from thenceforth Kept Obey'd and Executed within this Realm ſo that the King's moſt Royal Aſſent under his Great Seal be firſt had to the ſame / And the Reſidue of the ſaid Canons Conſtitutions and Ordinance Provincial which the King's Highneſs and the ſaid 32 Perſons or the more part of them ſhall not approve or deem and judge Worthy to be abolit abrogate and made fruſtrate ſhall from thenceforth be Void and of None Effect and never be put in Execution within this Realm

Such

Such is the plain Method, and Tenor of this Act, as far as concerns this Matter; after which follow two *Proviſo's*, in the very ſame Order:

I.
With Reſpect to *Canons*, &c. *hereafter to be made.*

[1] This Proviſo was added by the Lords, and agreed to by the Commons.

Provided alway that no Canons Conſtitutions or Ordinante ſhall be made or put in Execution within this Realm by Authority of the Convocation of the Clergy which ſhall be Contrariant or Repugnant to the King's Prerogative Royal or the Cuſtoms Laws or Statutes of this Realm / any thing contained in this Act to the Contrary hereof notwithſtanding

II.
With Reſpect to *Canons which had before been Enacted.*

[1] Provided alſo that ſuch Canons Conſtitutions Ordinances and Synodals Provincial being already made which be not Contrariant nor Repugnant to the Laws Statutes and Cuſtoms of this Realm nor to the damage or hurt of the King's Prerogative Royal ſhall now ſtill be Uſed and Exercyſed as they were afore the making of this Act till ſuch time as they be Viewed Searched or otherwiſe Ordered and Determined by the ſaid Thirty two Perſons or the more part of them according to the Tenor Form and Effect of this preſent Act

Sect. 21. And here now let any indifferent Perſon judge, whether in ſo plain and clear a Method, there can be any Doubt made to what *Canons*, and *Conſtitutions*, each part of this *Act* Refers. The Clergy *firſt* SUBMITTING themſelves to the King's Highneſs, *offer* and *promiſe*, not to *Make* any *New Canons* without his *Licenſe*. The Parliament, in the ſame Terms Recite, how that SUBMITTING themſelves *to the* King's Majeſty, they had *Promiſed* the ſame. The Clergy, *ſecondarily*, declare themſelves CONTENTED to have ſuch *Canons*, &c. as *had been heretofore Enacted, Reviewed* by the King, and Thirty two Perſons, to be Nominated by him for that purpoſe. The *Parliament* Recite how they had BESOUGHT the King in the ſame Caſe, for a *Review* of thoſe *Canons*, after the ſame manner which they had propoſed in their Addreſs to him. Having thus made a *diſtinct Recital* of the *Submiſſion* and *Petition* of the *Clergy*; the one, as we have ſeen, with the Relation to *New*, the other to *Old Canons*; They as diſtinctly ENACT therupon, *according to the ſaid* SUBMISSION and PETITION *of the ſaid Clergy:* Firſt, concerning *Canons hereafter to be made*; that they ſhould not *Preſume* to *Attempt*, &c. (the very words of their Recital) without the *King's Licenſe*. Then, concerning *Canons* which had *before been made, according to the* PETITION *of the ſaid Clergy*, to the like effect of their *Own Recital*, in the Introductory part of the *Statute*. The Method is Clear, and Natural, in all: The *Parliament's Recital*, agrees with the *Clergies Addreſs*; and both with the *Enacting part*: And I think leaves it beyond all reaſonable Doubt, that the firſt *Paragraph*, in every one, is to be Interpreted *only*, and *wholly*, of *New Canons*; the *Latter*, of *Old*; without confounding and intermixing the One with the Other, not only in the ſame *Sentence*, but in the middle of the *ſame Words*; without the leaſt Ground or Intimation given, to warrant ſuch a ſudden, and Unaccountable Change.

Sect. 22. To this Evidence, thus ariſing from the obvious Scope and Method of the *Act*, which is very clear, and exact; let us, ſecondly, add the Relation which the Words themſelves have to the Form of *Submiſſion* ſent by the *King* to the *Convocation*. It cannot reaſonably be Doubted but that the Words *Attempt*, *Alledge*, *Claim*, and *Put in ure*, did there as certainly belong to *New Canons*, as the others which follow in the ſame Uninterrupted Sentence with them, *Enact*, *Promulge*, and *Execute*. Nor can it any more be doubted, but that from thence the *Parliament* tranſcribed them into their *Recital* in this *Act*, in the ſame order, and with Relation to the ſame Subject. For thus they expreſs themſelves; "that the *Clergy had Promiſed, in* verbo Sacerdotii, *that they would never from* "*henceforth preſume to Attempt, Alledge, Claim,* or *Put in ure,* or *Enact, Promulge,* or *Execute,* any *New Canons*. How can it be imagined that ſuch a Grave and Wiſe Body, as the *Parliament*, ſhould, in their *Sanction* upon this very *Submiſſion*, after ſuch a plain *Recital*, intend to depart from that manifeſt Relation which

theſe

these Words had to *New Canons*; and proceeding to *Enact*, in the same *Words*; and in the same Order, design by the the first *four* to *Abrogate* all the *Old Canons* then in being (of which not the least Intimation had been any were Given by them) by the last *Three* to prohibit the *Clergy* from *Making New Ones*, without the *King's License*: And all this without adding any One Word to shew that they had any other *Canons* in their view when they came to *Enact*, than those to which both the *King's Paper* sent to the *Convocation*, and their *Own Recital* from it, had *Applied* those *Words* before.

Sect. 23. Nay let me add yet more, Thirdly; They not only give no *intimation* of any *design* to *Change* the *Subject*, concerning which they were *Enacting* in that first *Paragraph*; but in the Original *Record* of this *Statute*, still remaining, there is not so much as the Distinction of a *Point* to shew, that these *Seven Verbs* were to be thus strangely separated from One another, and Applied to two such different, or rather opposite, Subjects and Purposes. They all follow both in the *Recital*, and *Sanction*, of the *Act*, just as they lay in the *King*'s Paper; with several Marks of *Conjunction*, but without any thing to shew that they were not to be *All* applied to the same Intent of *Regulating* the *Convocation* in the making of *New Canons*. The Record carries the Sense thus, in the *Recital*; That the Clergy *had promised* in Verbo Sacerdotii *that they would never from henceforth presume to* Attempt Alledge Claim *or* Put in ure *or* Enact Promulge *or* Execute *any* New *Canons Constitutions Ordinances Provincial or Other or by whatsoever Other Name they shall be Called in the Convocation unless the King's most Royal Assent and License may to them be had to make promulge and execute the same.* In all this Sentence there is not one Point; but all runs from the Beginning to the End, in a Continued *Sense*, the Whole relating to the same Matter. The Case is the same in their *Sanction* upon this *Recital*: For tho' there the *Verbs* are divided, the better (as I conceive) to shew that the *Clergy* were to be Restrain'd not only from *Enacting*, *Promulging*, or *Executing* of *Canons*, without the *King's License*; (as one would now have it, and the *Bishops* heretofore would only have been) but also from *Attempting*, *Alledging*, *Claiming*, or *Putting in ure*, any *Power* to *make* any such *Canons*, without the like Authority (from which tho' they had no mind to be Restrained, yet the *Parliament* was resolved to tie them up;) yet in the whole Sentence there is again no *Point*; but the whole runs in the same continued *Sense*, without Interruption, and without Distinction: *Be it therefore now Enacted by Authority of this Present Parliament according to the said* Submission *and* Petition *of the said* Clergy *that they ne any of them from henceforth shall presume* to Attempt Alledge Claim or Put in ure *any Constitutions or Ordinances Provincial or Synodal or any other Canons nor shall* Enact Promulge or Execute *any such Canons* &c. *Unless the same Clergy may have the King's most Royal* Assent *and* License, &c. Now this, I think, plainly shews the *Parliaments Intention*; which would never have thus closely united all the parts of their *Sanction* in this *Act*, had they designed they should have Related to two such different Subjects, and have operated to such different Purposes, in its Force and Effect. And accordingly those who change their *Sense*, have in order thereunto made as bold with their *Punctuation*; and divided these *Words* as much in their *Transcript*, as they have in their *Interpretation*.

Sect. 24. However, *4thly*, let us see how it will run according to their own Construction: "Be it therefore now *Enacted*, by Authority of this present Parliament, according to the said *Submission* and *Petition* of the said Clergy; that "They, ne Any of them, from henceforth shall *presume* to *Attempt*, *Alledge*, "*Claim*, or *Put in Ure* any *Constitutions*, or *Ordinances*, Provincial or Synodal, or any *Other Canons*, which *have heretofore been made.* Will Those who advance this Sense of these Words, be pleas'd, first of all, to tell us, where the Clergy did ever *Submit* to, or *Petition* for, any such thing? That they agreed to have those *Canons* Reviewed; That they *Consented*, that such of Them as, upon the *Review*, should be *thought* and *determined worthy to be Abrogated and Annulled*, *should be Abolite and Made of no Value accordingly*; both the *Parliament* Recites, and their own *Petition* witnesses. But to be so rigorously tied up, that they should *not from thenceforth presume at all*, or (to state it to the best Advantage) not without the *King's* Express *License first had and obtain'd*, to *Attempt*, *Alledge*, *Claim*, or *Put in ure*, Any *Constitutions*, or *Ordinances*, *Provincial*, or *Other*, or any *Oth eCanons*; and so put it at once in the King's

Power.

Power to *Suspend*, or even totally to *Destroy* the whole *Ecclesiastical Polity*, *Jurisdiction*, and *Authority* of the *Church*; which, according to this Sense, could from henceforth neither *Put in ure* any *Old Canons*, nor *Make any New ones*, without his *License first had and obtain'd*; was a *Submission* much greater than for ought yet appears, the *King* ever *Required*, or the *Clergy* ever *Designed*, or the *Parliament* ever *Pretended* that they *had Made*. On the contrary, to prevent all Doubt of their Meaning in this Particular, they expresly provided for the Proceedings of the *Ecclesiastical Courts*, by these very *Canons*, as before: That *till such time as they were Reviewed, they should still be Used and Executed, as they were before the Making of this Act*; that is, without any *License* first Ask'd, or Obtain'd, from the *King*, to that *Purpose*.

But we will go on with their *Sanction*, according to this supposed *Sense* of it: "Be it Enacted, *&c.* That they ne any of them shall from henceforth presume "to *Attempt*, *Alledge*, *Claim*, or *Put in ure* any Constitutions or Ordinances "Provinciall or Synodall, or any other Canons *which heretofore have been made*. (So we are now to Expound it) "Nor shall *Enact*, *Promulge* or *Execute* any "SUCH CANONS Constitutions or Ordinance Provincial, *&c.* unless the "same Clergy may have the King's most Royal Assent and License to *Make* "*Promulge* and *Execute SUCH Canons Constitutions* and *Ordinances Provincial* or "*Synodal*. Can we imagine that the *Parliament* ever intended to Enact after so strange a Rate? To forbid the Clergy to *Enact such Canons* as were already *Enacted*, unless they first obtain'd the *King's License* to *Enact* the same? Yet this we must suppose, if the *former part* of that Sentence be to be understood of Old *Canons*; for to them the Relative *SUCH* do's evidently Apply the *Canons*, *Constitutions*, &c. which follow, and shew that we are to understand the *same Canons*, &c. in both the Members of it.

And this again, those who give us this Meaning, seem to have been aware of; who therefore, in their Explication of this Act, drop that *Relative* altogether, as if there were no such *Term* there; as indeed there ought not to have been, had the Parliament design'd to have been understood of One sort of *Canons* in One part, of Another in the Other part of the same *Sentence*. Upon all which Accounts, till I am better inform'd, I shall beg Leave to Conclude, that the King and the *Parliament* both intended the same thing: And that what they intended, consisted of *two Parts*; to One of which the *Bishops* had Agreed, namely, not to *Enact*, *Put in ure*, *Promulge*, or *Execute*, any *New Canons*, without the *King's Leave*; to the Other they had demurr'd, but were now by this *Act* constrain'd to *Submit*, *viz.* That they should not *Attempt*, *Alledge*, nor *Claim*, any more than not *Put in ure*, &c. any *Such Canons*; unless they had the same *License* for the One, which they had *Agreed* to *Expect* for the Other.

Sect 25. What those Words were designed to Restrain them from, I have already adventured from their Own Papers, as Publish'd by Dr. *A.* to Conjecture; *viz.* That it was to keep them from all future Endeavours to Recover the *Power* they now gave up; by Restraining them from *Attempting*, as well as from *Enacting* of any *Canons*, without the *King's Authority*: From *Alledging* and *Claiming*, as well as from *Putting in ure*, any *Divine* and *Unalienable Right* in this Case; which it was not in their *Power* to part with, and against which therefore all that the King had Required, and they Done, in Compliance with his Desires, was absolutely *Null*, and of *no Force*; as in some of their first Papers they had intimated to him that it would be.

But of this let every one judge as he pleases: It is sufficient to my Purpose, that by these Words the *Convocation* was design'd to be Restrain'd from somewhat else besides the *Enacting* of *Canons*, which was antecedent to it, and if done, would naturally End in it. If Dr. *A.* can tell us what that could have been, besides *Conferring* to *Constitute*, *Concluding* upon *Draughts* of *Canons*, and putting of those *Draughts* into their *last Form*, that the *Clergy* were wont heretofore to Do, but without the *King's License* may not do now, I am satisfied: My Aim being only to keep the *Clergy* from incurring the *Penalty* of this *Act*, not to restrain them from any Liberty which they may securely take within the Purport of it.

To these Arguments, drawn from the Method and Words of the *Statute* its self, compared with the *Submissions* and *Petitions* of the Clergy, upon which it was framed, I shall add yet two Observations more; which, tho' they do not directly serve to Expound the Act before us, may help to let us into a farther

ther Understanding of the *Design* of those who drew it, and to shew what they meant in it.

Sect. 26. Among other Arguments at first alledged by the *Convocation*, why they could not Oblige themselves to ask the *King's License* to *make Canons*, that which they the most strongly insisted upon was, [1] "That they reputed and took their *Au-* "*thority* of *making Laws* to be Grounded upon the *Scripture* of *God*, and *Determi-* "*nation* of *Holy Church*; and that therefore they might not *Submit* the *Execution* "of their *Charges* and *Duties*, certainly *prescribed* by *God*, to the *King's Assent*. This they again repeated in their second Paper, wherein they [2] "say, that this *Power* "and *Authority* of *making* Laws, in Matters concerning Faith and Good Manners, "necessary to the Soul's Health, all Christian Princes have hitherto recko- "ned themselves Bound to suffer the PRELATES to use within their Realms, "and have not claimed of the same *Prelates*, that they should from time to time "Require *their Consent* or *License* by the way of *Authority* more in *making* of such "*Laws*, than they do claim that they the said *Prelates* should from time to time "Require their *Consents* Authorizable in the *Giving of Holy Orders*, to any of "their Subjects, or in the Exercising any other Spiritual Act depending upon "their Spiritual Jurisdiction, the *Authority whereof proceedeth immediately from God*, "*and* from no *Power* or *Consent Authorizable* of any *Secular Prince*. And yet we know how this very Prince, about the same time, and by the Advice of the same Ministers, who now prompted him to restrain the *Bishops* in *Convocation* from Exercising this part of their *Authority*, without his *License*; did also Re- strain them from the Exercise of all the other branches of their *Episcopal Juris- diction*, here spoken of, without the like *License* first had under the *Great Seal of England* so to do. Of this we have a very early Instance still upon Record, not long after the passing of this Act; a [3] Commission Granted to *Fox* Bishop of *Hereford*, to exercise his *Episcopal Jurisdiction*; the very Person, who was the *King's Almoner*, when the *Submission* passed in *Convocation*, and brought them the *King's Form*, upon which they Submitted, to it. In these *Commissions* of *License*, it is Asserted (how truly I am not now to dispute) "that all manner of *Jurisdiction*, "as well *Ecclesiastical* as *Secular*, flows from the *King's Power*, as from its *Su-* "*preme* Head; that it therefore ought to be acknowledged as owing meerly to "his *Royal Bounty*, and to be given back to him whenever He should think fit "to Require the same. Upon this Ground, the King Authorizes the *Bishops* to *Give Orders*; to grant *Institution* to *Benefices*; to *Deprive Ministers*, if need were; to *Visit* their *Chapters*, and *Dioceses*; and all this only during Pleasure.

[1] Addit. Append p. 19. Rights, &c. p 464.

[2] Addit. Append. p 24.

[3] Append. ad Ann. 1535, 1536.

Thus did the King bring the whole *Ecclesiastical Jurisdiction* within his Own Power; so that without his *License*, neither could the *Bishops* in *Convocation make* any *New Canons*; nor out of it, *Execute* any part of their *Episcopal Authority*, pur- suant to the *Old Ones*. And as in the One, the Bishops were not permitted, without his *Commission* or LICENSE first had to impower them so to do, to Exercise any *Preparatory Acts*, in the Other Instances of their Authority (*Atten-* *tarent*, the Chief Word of the *Act* of *Parliament*, is the very Word of the *King's Prohibition* in the Other Case, of which I am now speaking) but were presumed to be utterly Void of all manner of Ability to do any thing in that respect, till they had received the *King's License*, from whom their *Whole Jurisdiction*, as to the *Actual Exercise* of it, is said to flow: So much more in the Other Case, where this Matter is more fully expres'd, may we justly suppose it to have been the King's Design to Restrain them from all *Manner* of *Use* of their *Legislative Authority*, till by the like *License* they should be *enabled* and allow'd, to *Attempt*, *Alledge*, *Claim*, and *Put in Ure* such their *Authority*; and in pursuance thereof, to *Enact*, *Promulge*, and *Execute Canons* and *Constitutions*, according to the Form and Method therein prescribed to them.

Sect. 27. And that which further confirms me in the same Opinion, is, secondly, the Consideration of that *Model* of *Ecclesiastical Government*, which seems to have been lay'd by those who had the Chief Management of these Matters; which which was plainly this: To Restore the Use of *Diocesan* and *Provincial Councils*, for the *Ecclesiastical Government* of the *Dioceses* and *Provinces* of the *Realm*; and therein, to tranfact those Affairs which were properly *Conciliary*; and which only the Later Practice of the foregoing *Century*, had brought within the *Cognisance* of the *Convocation*.

That this was the Design of our *first Reformers*, the Body of *Eccleſiaſtical Laws* drawn up by *Authority* of that very *Act* of which we are now ſpeaking, ſufficiently ſhews: Wherein it is directly appointed, [1] that every *Biſhop* ſhould hold his *Dioceſan Synod*, every Year; And each Archbiſhop his *Provincial Council*, not *ſtatedly*, or within any *Certain Period* of *Time*, (as Dr. *A.* pretends) but upon a juſt occaſion; [2] *Si contigerit in Eccleſia Gravem aliquando exoriri Cauſam*, as the *Conſtitution* expreſſes it. For the *Laws* of the Church being now to be fully ſetled by *Authority* of *Parliament*, and thereby a Proviſion to be made for the *Ordinary Government* of it, the only need there could be for ſuch an *Aſſembly*, muſt ariſe from ſome new Emergency, which had not been before ſufficiently foreſeen, or by conſequence, provided for: And then the Archbiſhop, in whoſe Province it fell out, was to Convene his *Provincial Biſhops*, and with them to Deliberate about it; and agree upon ſuch Remedy as they ſhould think needful in it. Theſe Councils were to be called for that End *Juſſu ac Voluntate Regis*; and being ſo Aſſembled for ſuch a *Particular Affair*, and allow'd to meet upon it; they would alſo have been *Licenſed*, as the Act directs, to do the Buſineſs for which they were Convened.

[1] Reformat. Legum Eccleſ Tit de Eccleſ. cap. 12,19,20.
[2] Ibid. cap. 18.

Now this being the Model to which the *Church-Government* was deſigned to be Reſtored; That the *Ordinary Juriſdiction*, and *Laws* of *Eccleſiaſtical Polity*, were to be firſt Eſtabliſhed by *Authority* of *Parliament*, and that for all *Greater Contingencies*, which had not before been provided againſt, *Provincial Councils* were to be held from time to time by the *King's Authority*; it is plain, that the Buſineſs of the *Convocation* would have hereby been reduced to what it was Originally call'd for, I mean to Matters of *Civil Intereſt*; to ſuch Affairs as the *Clergy* were to tranſact as *Members* of the *Community*, not as the *Miniſters* and *Governors* of the *Church*. By conſequence thoſe who went upon this Deſign, muſt have intended to have utterly Reſtrained the *Prelats* and *Clergy* from medling with any *Canonical* Matters *There*: From *Attempting*, as well as from *Making* of *Canons*, &c. which were no longer to be the Work of that *Convention*, but to be ſeparately done in a proper *Church-Council*.

Let us now put this whole Matter together: That the Notion of King *Henry* the 8*th*, and his *Council*, was, that All *Eccleſiaſtical Juriſdiction* flow'd *Originally* from the *Crown*; was *Owing* to his *Bounty*, and might be *Limited* or *Revoked* by Him at his *Will**; That, in purſuance hereof, he permitted not his *Biſhops* to ATTEMPT or *Exerciſe* the moſt proper *Acts* of their *Epiſcopal Function*, but by his LICENSE and *Commiſſion*; * That his Intention, with reſpect to the *Convocation* in particular, was, to Reduce it to the proper Buſineſs of a *State Aſſembly*; and for all *Greater Church Matters*, which concern'd the whole *Province*, to Revive the Uſage of *Provincial Councils*, to which the *Biſhops* of the *Province only* ſhould be Summon'd; and for the reſt, to leave it to every *Biſhop* within his own *Dioceſs*, to hold his *Yearly Synod* for the better Ordering the *Diſcipline* and *Government* thereof; * And then let us conſider the *Words* of the *Act*, upon which the *Reſtraint* of the *Convocations* Power is founded, and Compare it with the *Form* of *Submiſſion* upon which it was drawn; and after this judge, whether that *Prince*, and that *Parliament*, muſt not have deſigned wholly to tie up their hands in all Matters of *Eccleſiaſtical Juriſdiction*; and to have forbidden them not only to Enact any *Canons* without his *Licenſe*, but to enter on any *previous Acts*, in order thereunto, without his *Knowledge* and *Permiſſion*.

Sect. 28. But againſt this Senſe of that Act, Dr. *A.* excepts as an *Error* only of the *laſt Age*; which he thinks ought to be Reform'd, and ſet to rights, among ſome other *Convocational Affairs*, in This.

To make this *Expoſition* paſs off the better; inſtead of beginning in the Natural Order, with the *Submiſſion* of the *Clergy*, and the *Senſe* of that *firſt*, and ſo proceeding to the *Act* which was made upon it; He falls directly upon the *Statute*; and even in that too, paſſes by the manner of its *Recital*, and goes ſtraight on to the *Enacting part*; which being thus ſeparated from the reſt, might he ſuppoſed, afford him the better Opportunity of putting ſuch Colours as he had now Occaſion to lay upon it.

[3] Addit. p. 21. "[3] The Words of the *Act*, ſays he, are; That They, ne any of Them, ſhall "from henceforth preſume to *Attempt*, *Alledge*, *Claim*, or *Put in Ure* any *Conſtitutions* or *Ordinances* Provincial or Synodal, or any Other Canons: Nor "ſhall *Enact*, *Promulge*, or *Execute* any ſuch Canons, *&c.* unleſs the ſame "Clergy

" Clergy may have the King's moſt *Royal Aſſent*, and *Licenſe*, to *Make*, *Promulge*, " and *Execute*, ſuch *Canons*, *Conſtitutions*, and *Ordinances*. Here (continues he) " are *Two ſeveral Things* diſtinctly *prohibited* to the *Clergy*; in two *different Mem-* " *bers* of this Clauſe, that have each their proper *Verbs*, and thoſe *Verbs Subſtan-* " *tives* of their Own, which they govern, and in which their Signification and " Force is Determined. The Clergy are forbid, in the *firſt place*, to *Attempt*, " *Alledge*, *Claim*, or *Put in Ure*, any *Conſtitutions or Ordinances Provincial*, *or* " *Synodal*, *or any Other Canons*. They are forbid, in the ſecond place, to *Enact*, " *Promulge*, *or Execute* any *ſuch Canons*, &c. The *firſt Member* of this Clauſe, " is PLAINLY intended to *Vacate* all the *Canons already made*; the ſecond, to " hinder the *Clergy* from *making* any *ſuch for the future*, without Leave of the " *Crown*.

How falſe, as well as arbitrary, this Diviſion of the preſent Clauſe of this Statute is; how contrary to the Scope and Method, both of the *Submiſſion* of the *Clergy*, and the *Recital* of this very *Act*; nay, and to the *Words* of this very *Sanction* too, which not only *Enacts According to their* SUBMISSION, but, by the *Relative* SUCH, in the *Latter part* of the *Sentence*, plainly ſhews that the ſame kind of *Canons* are to be underſtood in the *One*, of which mention had been made in the *Other*, I have already ſhewn; and ſhall not need again to repeat here, what I have ſo largely inſiſted upon but juſt before. Three Conſiderations there are which Dr. *A.* offers in Proof of his *Interpretation*; and what Force there is in *Any*, or *All* of them, to Confirm it, I now proceed to enquire.

The firſt of Them is this; That the entire *Clauſe* is ſaid to be *Enacted*, according to the before Recited *Submiſſion* and *Petition* of the *Clergy*: But their *Submiſſion* Referr'd to the *Canons hereafter to be made*; their *Petition* to Thoſe which had been *already made*; and therefore *both theſe* muſt have been included within the *Sanction* of it. Will Dr. *A.* excuſe me if I ſay, that All this is but meer Suppoſition, without any Evidence or Authority, to Support his Conjecture. This *Clauſe* was, he ſays, Enacted, according to the *Submiſſion* and *Petition* of the *ſaid Clergy*. How do's that appear? Or which way will he prove, that it was this *Clauſe*, and not All that *part* of the *Act*, which relates to the *Submiſſion* and *Petition* of the *Clergy*, that was *Enacted* upon this *Ground*, and *according* to it. Sect. 29. [1] Ibid. p 23.

The *Statute* firſt diſtinctly Recites the *Clergies Submiſſion* and *Petition*, the One after the Other, without the leaſt *Mixture* and *Confuſion*. The *Submiſſion* wholly relates to *Conſtitutions* and *Canons hereafter to be made*; The *Petition*, to *Conſtitutions* and *Canons already in being*, which they deſired might be Review'd. Having done this, it proceeds to *Enact* in theſe Words; *Be it therefore now Enacted*, *by Authority of this preſent Parliament*, *according to the* SAID *Submiſſion and Petition of the Clergy*: And ſo goes on, in two diſtinct *Paragraphs*, anſwerable to the two Branches of the *Recital* before made; firſt to determine concerning *New Canons*, according to their *Submiſſion*; and next concerning *Old Ones*, according to their *Petition*.

To ſhew yet farther, where they began to Enact upon the *Latter* of theſe, the PETITION of the *Clergy*; that They did it in the Method and Order of the *Clergies Inſtrument*, and their own *Recital* upon it; having in the firſt *Clauſe* ſetled the Buſineſs of *New-Canons*, they thus Preface their *Sanction* concerning the Others: " And foraſmuch as ſuch *Canons*, *Conſtitutions*, and *Ordinances*, As " HERETOFORE HATH BEEN MADE *by the Clergy of this Realm*, cannot now, at the " Seſſion of this preſent Parliament, by reaſon of the Shortneſs of Time, be " *Viewed*, *Examined* and *Determined* by the King's Highneſs, and xxxii Perſons " to be Choſen and Appointed ACCORDING to *the* PETITION *of the ſaid* " *Clergy* in FORM ABOVE REHEARSED; *Be it therefore Enacted*, &c.

What can be more plain, than that here they began to *Enact* upon the PETITION of the *Clergy*? That this Branch of the *Act* therefore, as it lies in the *ſame* Order, and referrs to the *ſame* Subject, and is *prefaced* in this *plain manner*; ſo ought it to give a full Satisfaction to us, that therein the *Petition* of the *Clergy* was *Confirm'd*; and that the Other therefore, as it anſwers *entirely*, and *only*, to the SUBMISSION of the *Clergy*, ſo was it deſign'd to determine *only* of SUCH CANONS as that *Submiſſion* referr'd to.

But I muſt add yet more: Dr. *A.* ſays, that *this Clauſe* (and not *this whole Part* of the *Act*) was *Enacted* according to the ſaid SUBMISSION, and PETITION of the ſaid *Clergy*. It will not, perhaps, be very material to ask him, How then he came to break the Order, and to apply the *former part* of it to Old *Canons*, the *Subject* of their PETITION; the *latter* to NEW ONES, the Buſineſs of their SUBMISSION; ſeeing neither *New* nor *Old* are expreſly mention'd in this part of the *Statute*, but only *Canons*, and SUCH *Canons, Conſtitutions*, &c. That which I inſiſt upon, and muſt needs deſire ſome good Account of, is this; That if this *was done* ACCORDING TO THE SAID PETITION *of the* SAID CLERGY; that is, according to the *Petition* in the *Statute* before *Recited*; He will pleaſe to ſhew, where, in All that *Petition*, the *Clergy* deſire that "*the Force of* All *the* "Old *Canons might be actually Suſpended*, or, *pro tempore, Abrogated*; as by that part of this *Clauſe* he tells us that they were. They deſire that theſe *Canons* might be Committed to the *Examination* of the *King*, and *Thirty two Perſons*: That ſuch as upon their Examination ſhould be judged *Worthy to be* Abrogated, *or* Annulled, *might be abolite, and made of no value accordingly*. And that ſuch Other of the *ſame Conſtitutions* and *Canons, as ſhould be Approved by them, to ſtand with the Laws of God*, and *to be Conſonant to the Laws of the Realm, might ſtand in their full Strength and Power*. But as for any any *preſent, actual Suſpenſion*, of All the *Old Canons*, while this was doing, and before it could be done; for the *Abrogation* of them *Pro tempore*, of which he ſpeaks, there is not one Word in their *Petition*: Nor did it ever enter into their Thoughts, to put ſuch a Stop as that would have introduced, to all *Eccleſiaſtical Proceedings*, till ſuch a Reviſion could be made of thoſe *Canons* as they propoſed.

[1] Addit p. 23.

If therefore this *Clauſe* of that *Sentence*, did *Abrogate for the time* ALL *the* OLD CANONS, as Dr. *A.* ſays that it did; if it *actually Suſpended* the *Force* of them; Either let him ſhew Us in what *part* of their *Petition*, the *Clergy*, deſired this; Or he muſt give me leave to conclude, that this could not be intended to be done *according to the ſaid Petition of the ſaid Clergy*; becauſe indeed, it was never *Deſired*, or ſo much as Conſented to by Them.

Sect. 30.

And this brings me to what Dr. *A.* calls, (a little odly I confeſs, but yet ſo he Calls it,) his *Second Conſideration*, to prove that the *former part* of this *Sentence* ought to be applied to *Canons already made*, (for as to the *latter*, we both agree, that it belongs to ſuch as were hereafter to be eſtabliſhed:)

[2] Ibid. p. 23. 24.

[2] "It is "plain, ſays He, that the *Old Canons* were ſomewhere in this *Act Suſpended*, or "*pro tempore Abrogated*: And it is as plain, that this *Abrogation* was performed "by no other *Act* of this *Seſſion*, nor by any *other part* of this *Act*, but the very *Member* of this *Clauſe* now under debate; and therefore it was done in "this; and ſo this *Part* of it muſt be underſtood of *old Canons*.

Now here I do thus far Agree with Dr *A*: That neither in any *other Act* of this *Parliament*, nor in any *other Branch* of this *Act*, were All the *Old Canons* Generally put under any preſent *Suſpenſion*, or *Abrogation*: In this I diſſent from him, that I do not yet ſee any reaſon to believe, that they were at all intended to be *preſently*, either *Abrogated*, or *Suſpended*.

Sect. 31.

This therefore Dr. *A.* undertakes to prove:

[3] Ibid. p. 23.

[3] "1*ſt*. From a *Proviſo* in this "very *Statute* for continuing them in force, untill a *Review*, which unleſs this "*Abrogation* be *ſuppoſed*, had been altogether needleſs. This is a very extraordinary Reaſon indeed, and beſpeaks as extraordinary a Procedure in Thoſe who made this *Law*: Who, by this Account, muſt firſt have *Enacted According to* the *Petition of the Clergy*, ſuch a thing as the *Clergy* never thought of, I am ſure never ſaid one word about, in their *Petition*, as the *Act* it ſelf *Recites* it. And then having *Enacted* it, muſt in the ſelf ſame *Act* have clapped in a *Proviſo*, to *Annul* what they had themſelves *Enacted*, and *Declare* that it ſhould be of *no force*. If this be a Reaſonable Interpretation of an *Act* of Parliament, and agreeable to the Rule which he afterwards lays down, that of ſuch the [4] *Law Says nothing diſhonourable ought to be ſuppoſed*, I muſt ſubmit. But if it be ſuch a *Senſe* as is utterly both inconſiſtent with the very *Petition* on which it is ſaid to be founded, and contrary to what appears to have been their Own Intentions; ſo that, upon this Suppoſition, both the *Allegation* is *falſe*, and the *Sanction* of the ſeveral Members of this *Statute Contradictory* to its ſelf; we muſt then conclude this to be a wrong account of the *meaning* of this *Act*, and Repugnant to the *Intention* of thoſe who made it.

[4] Ibid. p. 49.

To

To ſhew this the more clearly, I muſt Obſerve, that by vertue of the latter part both of the Clergies *Petition*, and the *Parliaments Recital* of it, and *Enacting* upon it, the OLD CANONS were Ordered to be *Reviewed*: And upon that *Review*, ſuch of them as ſhould be *Approved* by the *King*, and the *Thirty Two Commiſſioners*, were to *Continue* in *Force*; ſuch as ſhould be *Diſapproved*, were to be *from thenceforth Abrogated* and *Annulled*. If therefore a *preſent Suſpenſion* were made of ALL theſe *Canons*, it muſt have been ſuch as was Conſiſtent with this Deſign; that is, an *Abrogation* of *All* of Them, *pro tempore*, as Dr. *A.* himſelf expreſſes it; till theſe *Commiſſioners* ſhould have done their Work, and the *King* have *Confirm'd it*; and ſo a *legal Declaration* have been made, of what *Canons* ſhould *from thenceforth* have been *allow'd* of, and what not.

Now ſuch an *Abrogation*, or *Suſpenſion*, is literally Excluded by the *Proviſo* of which Dr. *A.* ſpeaks: Which took care to indemnify the *Biſhops* and their *Officials*, in the Uſe of ALL THESE CANONS (as far as ever they could *lawfully* have been *Uſed*) till ſuch time as theſe *Commiſſioners* ſhould have done their Work. And by Conſequence, the *Same* thing, according to Dr. *A.* muſt in the *Same Act* have been both *Eſtabliſhed*, and *Annulled*; if in One part they *Enacted* that ALL the *old Canons* ſhould be *Abrogated* till the *Commiſſion* was *Executed*; and yet at the ſame time *Enacted*, in Another part of it, that Thoſe ſame *Canons* ſhould *All be Uſed*, till this were done: Which I am ſure muſt be either a *flat Contradiction*, if *both* theſe Clauſes were *Authorized* by vertue of that *Act*; or if both were not, then ſince the *whole Act* was paſs'd at Once by the King, I ſhall leave it to Dr. *A.* to give Us his *Opinion* in *Law*, which we are to adhere to; Whether to the firſt *Repealing Clauſe*, by which *All* the *Old Canons*, as He ſays, were *immediately Aboliſhed*; or to the laſt *Enabling Proviſo*, whereby We are very ſure, they were *All Allow'd* for the preſent to be *Uſed* as they had been before.

But what need was there of ſuch a *Proviſo*, ſuppoſing that the *old Canons* had not been before *Annulled?* The Houſe of *Commons* knew not of any need that there was of it, and therefore They paſs'd the *Act* without it. But the *Biſhops*, it ſeems, were willing, in thoſe difficult times, to be ſecured in the *Exerciſe* of their *Authority*: They thought ſuch an expreſs Warrant for the *Uſe* of theſe *Canons* could do Them no harm; but might be of Advantage to avoid diſputes; to juſtify their Proceedings; and to Guard both themſelves, and their Officers, from any future Hazards. Therefore they Got that *Proviſo* added by the *Lords* to the *Bill*; and the *Commons*, who never dreamt of Abrogating *pro tempore* All the Old *Canons*, readily Agreed to it, and ſo it became a part of the *Act*.

Will Dr. *A.* now in Return to this Queſtion permit me to Ask him, upon his Own Suppoſition, the very ſame; What *need there was of ſuch a Proviſo?* If the *Parliament* deſign'd that the *old Canons* ſhould *ſtill* be Uſed till a *Reformation* of them was *Made*, and *Publiſhed* by the King's Authority; the Ready way had been to have ſtruck out thoſe Words *Attempt*, *Alledge*, &c. by which (He ſuppoſes) They had *Annulled* them; and not to have deſtroy'd One Branch of their Own *Act*, by the *Addition* of a *Contrary Proviſo* in another part of it. If They did not intend to have them *Continued*, but to be *preſently Abrogated*, then the *Proviſo* was not only needleſs, but Contrary to their Own *Intention*; and ſo either way was not fit to have been put at all into the *Bill*.

But Dr. *A.* has a farther reaſon than this to juſtify his *Opinion*: For *2dly*. He tells us it appears by the 37 *H.* 8. *c.* 17. that [1] "ALL the *Decrees*, *Ordinances*, "and *Conſtitutions* of the WHOLE CANON LAW, were by a *Statute* made in "the 25*th* of the King's moſt *Noble Reign*, *utterly aboliſh'd*, *fruſtrate*, *and of none* "*Effect*. But this was not done by any *Other Act* of this *Parliament*, nor by any "*Other Clauſe* of *this Act*, except that of which we are now Speaking; and therefore it muſt be done by that: And ſo that *Clauſe* muſt be underſtood of *old Canons before Made*, not of ſuch as ſhould *hereafter* be *Enacted*. Sect. 32. [1] Addit. p. 23.

The anſwer to this will be very eaſy, as ſoon as the matter of fact is truly ſtated. The Deſign of that *Statute* to which Dr. *A.* Refers, was to enable *Doctors* of *Law*, *being Married Men*, to *Exerciſe Eccleſiaſtical Juriſdiction*. It Recites, "how that tho' the King was, and ever had been, by the WORD of "GOD, *Supreme Head* in *Earth* of the *Church of England*, and had full *Power* and

"Au-

" Authority to *Correct*, *Puniſh*, and *Repreſs*, all *manner of Hereſies*, *Errors*, *Vices*, &c. Springing and Growing within the ſame, and to *Exerciſe* all *manner of Juriſdictions*, *commonly* called *Eccleſiaſtical Juriſdiction*; yet the Biſhop of *Rome*, and his *Adherents*, minding, as much as in them lay, to *aboliſh* this Power *given* by God to *Princes*, had made in their *Councils divers Ordinances*, and *Conſtitutions*, *that no Lay or Married Man ſhould*, *or might Exerciſe any Juriſdiction Eccleſiaſtical*; which they there affirm to be *directly Repugnant* to the *King's Supremacy*, and to his *Prerogative Royal*, his Grace being a LAYMAN. *And albeit the* SAID *Decrees*, *Ordinances*, *and Conſtitutions*, *by a Statute made in the* 25th *Year of your Moſt Noble Reign* (they are the Words of the *Act*, Referr'd to by Dr. *A.*) *be utterly aboliſhed*, *fruſtrate*, *and of none Effect*; yet as well for the *inſtruction* of *ignorant Perſons*, and for the *better ſetting forth* of the *King's Prerogative Royal*, and *Supremacy*, They deſire it may be particularly *Enacted*, that *Lay Perſons ſo qualified as the Act preſcribes*, *may Lawfully Execute and Exerciſe all manner of Juriſdiction*, *commonly called Eccleſiaſtical Juriſdiction*.

This is the true ſtate of the Caſe; and from thence it appears, that this Recital does not aſſert, or even ſuppoſe (as Dr. *A.* pretends that it do's) that the WHOLE CANON LAW was *Aboliſhed* by an *Act of Parliament* made in the 25th of *H.* 8. It ſpeaks only of one *ſort of Conſtitutions*; ſuch as concern'd the *Prohibition* of *Married* Perſons, from *exerciſing* of any *Juriſdiction Eccleſiaſtical*. Now of Thoſe *Conſtitutions* it Affirms, That they were *directly Repugnant* to the *King's Supremacy*, and *Prerogative Royal*, his *Grace* being a *Layman*; and ſo in the Conſequence thereof, were alſo contrary to the *Word* of *God*. Which being ſo, I ſhall not need to tell Dr. *A.* that all ſuch *Decrees*, *Ordinances*, and *Conſtitutions* as theſe, were intended to be utterly *Aboliſhed*, by that very *Clauſe* of the 25th of *H.* 8. which Ordered the *Review* of thoſe *Antient Canons*: It being the expreſs Coudition of the *Clergies Petition* to that purpoſe, and ſo Recited by the *Parliament* in their *Act*; *that ſuch Conſtitutions* and *Canons* as were *prejudicial* to the King's *Prerogative Royal*, and *Repugnant to the Laws* and *Statutes of the Realm*, *ſhould be Abolite and made of no Value*; *and thoſe only be Allowed to ſtand in their full Strength and Power*, *which ſhould be approved to ſtand with the Laws of God*, *and to be Conſonant to the Laws of this Realm*. And by another *Act* [1] of the ſame *Parliament*, to which I rather think that *Statute* refers; it was expreſly Enacted concerning the ſame *Canons*; " *That no* Speaking, Doing, Communication, *or* Holding, *againſt any* Laws *called* Spiritual Laws, *made by Authority of the See of* Rome, *which be* Repugnant *or Contrariant to the* Laws *and* Statutes *of this* Realm, *or the* King's Prerogative Royal, *ſhould be deemed* Hereſie; *Nor ſhould any One be* Impeached, Vexed, *or* Troubled, *upon ſuch an account*.

[1] 25 Hen. viii. c 14. Compare the Preamble of the ſame *Act*.

There is yet a Third Conſideration, from whence [2] Dr. *A.* pretends to ſhew, if not the *ſenſe* of the *Act*, yet at leaſt the Opinion which the *King's Attorneys* and *Councils* have had of it; and which, ſhould it be true, would at moſt ſerve only to be placed among his Other *Negative Authorities*, the Force of which we are hereafter to Examine. In the *Licenſe* granted by *King James* the Iſt, *Anno* 1603, and ſo in all the Other *Licenſes* granted by our *Other Princes* ever ſince, to the *Convocations* to *make Canons*, in which this part of the *Act* is *Recited*; *All* thoſe *Words* which he pretends to have a reſpect to *Canons already made*, are *Omitted*; and therefore They do not belong to *New-Canons* yet to be made; at leaſt, in the Opinion of thoſe who drew thoſe *Commiſſions*, they were not thought ſo to do. This is his laſt Argument, and of the leaſt force of any we have yet conſidered. For not to pretend to Conjecture in a Caſe where, when all is done, neither Dr. *A.* nor I, can do any thing more than Conjecture: How do's it follow, that becauſe the *King's Attorneys* took only the *moſt material Words* for their purpoſe, and Omitted the Reſt, therefore they thought the *Reſt* did not at all belong to this Matter?

Sect. 33.
[2] Addit. p. 25.

The Firſt Commiſſion to which he refers, that of *Anno* 1603, was drawn, as he himſelf ſuppoſes, by my Lord *Coke*; who was then *Attorny General*. The Words of the Statute, under debate, were Omitted by Him. But did He therefore think that they had *no Relation to New-Canons hereafter to be made*? His Report of his Own, and the Other Judges Opinions, at a Committee of Parliament, ſome Years after, ſhews the contrary; and Dr. A. with all his turns, cannot get off the Force of it.

The *laſt Commiſſion* under his late Majeſty, was that of 1689. The Words diſputed were there again Omitted, as they had uſually been: Yet that worthy

thy Perſon who was then *Attorney General*, lived not only to Read Dr. *A*'s Interpretation of this *Statute*, but freely to declare his Opinion againſt it.

In ſuch *Commiſſions* as theſe, it is enough that the moſt material Words are expreſs'd, which include all the Reſt; eſpecially where Thoſe, which are Omitted, are ſo well Known, and ſo well Underſtood, as they are in the preſent Caſe. In 1586: the Clergy of *York* petitioned the *Queen* to *Licenſe*, and *Authorize* them to *Deviſe*, *Make*, and *Ordain* ſuch *Orders*, *Decrees*, or *Conſtitutions Provincial* and *Synodal*, as they ſhould think expedient, for the better Levying and Payment of the *Benevolence* which they had agreed to give to her Majeſty. The Queen Conſented, and gave them thereupon her *Licenſe* and *Authority* to *Decree*, *Ordain*, and *Conſtitute any manner of Decrees*, *Orders*, *and Conſtitutions Synodal*. &c. Can it be imagined, that ſhe did not thereby effectually Grant them the Power of *Deviſing*, as well as *Decreeing*; but intended to intimate, that ſhe had no *Right* to *Licenſe* them for the *One*, but *only* for the *Other*?

But what if, after all, theſe *Words* have not been ſo utterly Omitted as Dr. *A.* would have it thought; but have been at leaſt ſo far mention'd in *All* thoſe *Commiſſions*, as to ſhew that they were look'd upon by Thoſe who drew them, to have all that Relation I am now affirming to this Matter? Dr. *A.* Cenſures me for Referring in my *Appendix* to the Extract I had before Given of the *Act* of *Parliament*, for the Recital of it in the *Commiſſion* of 1640. He makes it a Capital Crime, and finds out (as what will not an Uncharitable Spirit find out) a great deal of diſhoneſt Cunning in it. I was miſtaken in ſaying, that the *Act* of *Parliament* was *Recited Verbatim* in the *Commiſſion*; I confeſs it: I wrote in haſt, and perceived not the *Omiſſion* of thoſe four words in the *Enacting part*, till Dr. *A.* took Care to inform the World, and my ſelf among the Reſt, of it. But has not Dr. *A.* ſhewn a little of that Slight himſelf, with which he has thought fit to charge me, in the management of this very Argument? Let the Reader Judge. "In the Entrance of that Inſtrument (the "*Licenſe* of 1603. ſays He) *All* of the *Submiſſion Act* that *Relates any Ways* to "the *Clergies Power* of *Making Canons* is *Recited* at *large*; and in that Recital, "(which deſerves Obſervation) theſe Words *Attempt*, *Alledge*, *Claim*, *Put in Ure*, "are DESIGNEDLY OMITTED, as being known to belong to OLD CANONS ONLY, "and to lay no Reſtraint therefore on the *Clergies Power* of MAKING NEW "ONES. For thus that Inſtrument Runs, *Whereas in and by one Act of Parli-*"*ament*, &c. It was Enacted among Other things that they nor any of them "from thenceforth, ſhould *Enact*, *Promulge*, or *Execute* any *ſuch Canons*, *Con-*"*ſtitutions*, or *Ordinances Provincial*, &c. And again, *p.* 26. having Cenſured "Dr. *W.* for Referring to the *Act*, as Recited *Verbatim* in the *Commiſſion*, he "adds, tho' the moſt material *Words* (of it) and ſuch as would be moſt Con-"cluſive upon the Clergies *Convocation Acts* and *Debates*, if they really be-"long'd to 'em, are, as I have ſhewn, DESIGNEDLY OMITTED in that Recital. "Many of theſe *Licenſes* I have ſeen upon Record; and found Them tho' dif-"ferent from One another in ſeveral Reſpects, yet in this of the *Omiſſion* of "the *Words*, *Attempt*, *Alledge*, &c. always the ſame without the leaſt Vari-"ation.

Sect. 34.

I may now Appeal to any unprejudiced *Reader*, whether Dr. *A.* did not deſign by this Diſcourſe to work this Belief in him, that thoſe *Words*, *Attempt*, *Alledge*, *Claim*, and *Put in Ure*, had never at all been put into any *Licenſe* ſince the 1*ſt* of King *James* the I*ſt*: But that all that part of this *Act*, had been intirely Omitted in theſe *Commiſſions*, as not belonging to the *Making* of *New Canons*, but only to the *Execution* of the Old Ones? And yet let me now, in my turn, ask of Dr. *A.* Whether he ever ſaw any One *Licenſe* in all this time, in which theſe Words were not Recited as a *part* of that *Statute*? Or by conſequence, whether what was the *Caſual* Effect of haſte in me, may not juſtly be ſuſpected to have been an *Unwarrantable Concealment* in Him.

The truth then of the Caſe is this: The *Statute*, of which we are diſcourſing, twice Repeats theſe controverted Words; in its *Recital* of the *Clergies Submiſſion*, and in its *Sanction* thereupon. In the former of theſe they have been conſtantly tranſcribed into every one of theſe *Commiſſions*: There it has been ſhewn, what the *Convocations* had in *Verbo Sacerdotii* promiſed as to this matter, *viz.* "That they would never from thenceforth Preſume to *Attempt*, *Alledge*, "*Claim*, or *Put in Ure*, or *Enact*, *Promulge*, or *Execute any* NEW *Canons*, *Conſti-*

"*tutions*,

" *tutions*, &c. unleſs the King's moſt *Royal Aſſent* and *Licenſe* might to them " be had to *Make*, *Promulge*, and *Execute* the ſame.

Then it has been declared how it was thereupon " Enacted, ACCORDING to " the *ſaid Submiſſion* and *Petition* of the ſaid Clergy AMONGST OTHER THINGS " that They, nor any of Them, from thenceforth ſhould *Enact*, *Promulge*, or " *Execute* any SUCH *Canons*, *Conſtitutions*, &c. unleſs the Clergy might have " the King's moſt *Royal Aſſent* and *Licenſe* to *Make*, *Promulge*, and *Execute* " SUCH *Canons*, &c. What can be more evident, that that if Thoſe who drew theſe *Commiſſions* had DESIGNEDLY OMITTED theſe Words in the *Latter Clauſe* of the *Act*, as not pertinent to their Purpoſe, They ought alſo, for the ſame Reaſon, to have *Omitted* them in the *former*. Whereas not only Reciting them there, where they were the moſt evidently Applied to the Subject of MAKING NEW CANONS, but adding moreover, that the *Parliament* had thereupon Enacted ACCORDING *to that* SUBMISSION; and to ſhew that they did not here again Repeat the whole of what was *Enacted*, expreſly inſerting that Cautionary Clauſe AMONGST OTHER THINGS; they have, I think, effectually Guarded themſelves againſt all miſtake in this Matter: And more plainly ſhewn by their *Poſitive Application* of thoſe *Words* to *this* purpoſe in One part of the *Act*, that they did account them to belong to this *Subject*, than they can juſtly be ſuppoſed to have inſinuated by their *Omiſſion* of them (with ſuch a Qualification as I have now obſerved) in the *Other part*, that they did not think them to *Relate* to the *Making* of *New*, but meerly to the *Execution* of Old *Canons*.

Sect. 35. However, ſince Dr. *A.* has thought fit to put the Iſſue of this matter upon the Authority of theſe *Commiſſions*, let me deſire him to give ſome ſatisfactory Anſwer to theſe Two Things; which naturally ariſe to be obſerved from them.

1*ſt*. Whether in theſe *Licenſes* the King do's not, by vertue of his *Prerogative Royal*, and *Supreme Authority* in *Cauſes Eccleſiaſtical*, (which by this, and the other *Acts* Referr'd to, 1 *Eliz. c.* 1. was RESTORED to the *Imperial* CROWN of *this Realm*;) Give and Grant *full*, *free*, and LAWFUL *Liberty*, LICENSE, *Power* and *Authority* to the *Convocation*, to theſe ſeveral diſtinct Ends, and Purpoſes; to CONFER, TREAT, DEBATE, CONSIDER, CONSULT, and AGREE upon ſuch *Canons*, &c. as were to be made by them?

And, 2*dly*, Whether the neceſſity of a *Licenſe*, or *Commiſſion* to do This, be not founded upon the *Authority* of the *Statute*, which in theſe *Commiſſions* is always firſt *Recited*; and then the Commiſſion immediately follows thereupon in theſe *Words*, or Others to this Effect, " *Know ye that we for divers urgent* " *and weighty Cauſes, have Given and Granted, and by* Theſe *Preſents do give and* " *grant, full and free, and lawful Liberty, Licenſe*, &c. The plain Conſtruction of which can be no Other than this; that whereas by vertue of this *Act*, the Clergy, without the *King's Licenſe*, could not, by their *own Authority*; or in Conſequence of their bare *Writ* of *Summons*; have *Legally Propoſed*, *Conferr'd*, *Treated*, *Debated*, &c. the King, by his *Commiſſion*, Authorizes them to do it. But eſpecially, ſeeing at the End of this very Permiſſion, theſe Expreſs Terms are added to the ſame purpoſe; The SAID STATUTE, *or any other Statute*, *Act of Parliament*, *Proclamation*, *Proviſion*, *or Reſtraint*, &c. *to the Contrary*, *notwithſtanding*.

Sect. 36. I have now conſider'd All thoſe Arguments which Dr. *A.* has offer'd to prove, that the Words *Attempt*, *Alledge*, *Claim*, *and Put in Ure*, (in deſpight of the Uſe made of them in the *form* of *Submiſſion*, ſent by the *King* to the *Convocation*, and from thence tranſcribed into this *Act*; and of the *Recital* of it in the *Preamble* to this very *Statute*, upon which the *Sanction* we have now been conſidering was made) ought to be applied to *One ſort* of *Canons*, and the following Words, *Enact*, *Promulge*, and *Execute*, to Another: Tho' they All *run in* the *ſame Sentence*, without ſo much as a *Point* between them to *divide* the *Senſe*; and in a Paragraph which wholly, and abſolutely, refers only to *New Canons*, *hereafter to be made by the Clergy* in their *Convocations*. As for 'Dr. Addit. p. 28. 33. *A*'s Explication of the Word *Attempt*, there is very little force in it. The whole amounts to no more than this; that in whatſoever Caſe that Word is uſed, it ſtill carries the ſame general Signification along with it; and denotes an *Endeavour* to do ſomewhat; and that for the moſt part ſuch a thing, as ought not

not to be *done*; nor therefore to be *Endeavour'd*, or *Set about*, any more than than to *Finiſhed* and *Performed*.

But in the ſenſe of the Word [1] *Make*, which is much more material, as it is uſed in this Place, I muſt beg leave to differ from his Notion: Which being both in the *Form* of *Submiſſion* drawn up by the *King's Order*; in the *recital* of this *Statute* thereupon; and laſtly, in its *Sanction* founded upon that *Recital*, Oppoſed to all thoſe Other Words, *Attempt*, *Alledge*, *Claim*, *Put in Ure*, *Enact*; muſt be underſtood in ſuch a Latitude, as to anſwer to All of them; and take in the whole proceſs of what is requiſite to the *Paſſing* of a *Canon* from its *firſt Propoſal* to its *laſt Eſtabliſhment*: All which as it comes within the ſenſe of *Making a Canon*, ſo was it evidently intended to be underſtood by it upon this Occaſion. The Words of the *Submiſſion* run thus; That they (the Clergy) will never from henceforth preſume to *Attempt*, *Alledge*, *Claim*, *or Put in Ure*, *or Enact*, *Promulge*, *or Execute any New-Canons*, &c. unleſs the King's moſt *Royal Aſſent*, and *Licenſe* may to them be had, to *Make*, *Promulge*, and *Execute* the ſame. To *Make*, i. e. to *Do* All, from firſt to laſt, which is needful to the *Paſſing* of ſuch *Canons*; the Particulars of which had been before ſet down: May *Attempt* it, may *Alledge*, *Claim*, *Put in Ure*, their Power of doing it; and thereupon may finally *Enact* it: From all, and every part of which, they had promiſed to abſtain, unleſs they ſhould have the King's *Licenſe* to *Make Canons*; that is, to do All that without which a Canon cannot be *Made*; and which therefore a *Licenſe* to *Make Canons* muſt be underſtood to *Grant* to them. [1] Ibid. p. 36.

Sect. 37.

And now, there is but one thing more remaining, to clear up all the Doubts which Dr. *A.* has thrown in the way of the plain and literal Expoſition of the Words this Act. And that is to Enquire whether the Account which he has given of of the *Enacting* part of *this* Act, can be reconciled with the *Recital* of the *Clergies Submiſſion*, according to which, the *Statute* profeſſes to *Enact*. It is a juſt doubt of his [2] Own raiſing; Let us ſee how he comes off with it. He Anſwers: [2] Ibid. p. 47.

"1*ſt*, That thoſe Words, *According to the Submiſſion*, do not neceſſarily im-
"ply that *Clauſe* to have been *Enacted*, according to the *ſtrict Literal Tenour*,
"but only according to the *Main Drift* and *Subſtance* of the *Submiſſion* before re-
"cited. This is a pretty bold Comment, and yet being Allow'd of, will ſignify nothing to his purpoſe. For indeed, in proceeding to *Suſpend* or *Abrogate all the old Canons*, as he tells us by that Clauſe of their *Act*, which we are now conſidering, the *Parliament* did intend to do; They did not only not *Enact* according to the *ſtrict literal Tenor of their Submiſſion*, but *contrary* to the *Deſign* both of *That*, and of their *Petition* too: Which was not to *Suſpend* All the *Diſcipline* and *Juriſdiction* of the *Church*, and to put an End to all *Eccleſiaſtical Proceedings*, by a *preſent Repeal* of *all the Old Canons*, before any *New ones* could be *Made*, or *Settled* in their Stead: No; They were ſo far from that, that when the Bill came up from the *Houſe of Commons* without the *Proviſo* which we now ſee at the end of it, they would not ſo much as leave that matter in *Suſpenſe*; but by the Addition of that Delaration with reſpect to theſe *Canons*, took Care for the Continuance of them in their full force, till ſuch time as a Review ſhould be made of them. All that was demanded of the *Clergy* by the *King*; or that they Conſented to; or indeed, that the *Parliament Enacted*; was, that the *Canons already made* might be examined by Thirty Two Perſons, and that ſuch of them as they ſhould judge, to be contrary to the *Word* of *God*, to the *Laws* of the *Realm*, and the *King's Prerogative*, *Royal*, ſhould From Thenceforth be *Annull'd*: And that the reſt ſhould not only continue ſtill force, as they were before, but be yet farther *Ratified* and Confirmed; and be hereafter Exerciſed, not only by vertue of that *Eccleſiaſtical Sanction* which they had before, but of that *Civil Authority* which they ſhould now have added to it.

This firſt Suppoſition therefore of Dr. *A.* fails in its very *Foundation*, tho' we ſhould allow of the Odd Conſtruction which he puts upon thoſe very plain Words of the *Act*, where it profeſſes to *Enact* *According to the ſaid Submiſſion and Petition of the ſaid Clergy*. Nor will his Other Obſervation ſignify any more; which

2*dly*, [3] Suppoſes, that in the *form* of *Submiſſion* ſent by the King to the *Convocation*, and agreed to by the *Lower Houſe*, thoſe Words, *Attempt*, &c. did not relate to *New Canons*, but to *Canons* in *General*; and that the [3] Ibid. p. 49.

Biſhops and *Prelates*, when they ſtruck out the three firſt of them "*Attempt*, "*Alledge*, and *Claim*, added the word *New*, which was not only not *inſerted*, "but was not *intended*, before. That the Parliament when they made the "Recital *Confounded* the *two Forms* together; took *all* the *Verbs* out of the One, "*Attempt*, *Alledge*, *Claim*, *Put in Ure*, *Enact*, *Promulge*, *and Execute*; and added the Word *New*, out of the *Other*; but without any *Intention* of *applying* it indifferently to *all* of *Them*; but only to employ the Three latter *Verbs* to the Subject of *New Canons*, and to leave the reſt to belong to the *Old Ones*. This he ſeems to allow to have been a little Unaccurate; but for that he tells us, that the *Parliament* thought there was the leſs need of *Exactneſs* in the *Recital*, becauſe that in the *Body* of the *Statute* they had taken care ſo *clearly* to *diſtinguiſh* theſe *Verbs*, and their *Relation*, as to leave no *Room* for a *Miſtake* in the *Application* of them.

What a Company of *Suppoſitions* are here put together, not one of which has yet been, or ever can be proved to be true; and the greater part of which I have before ſhewn to be certainly falſe? In the *form* of *Submiſſion* ſent by the *King* to the *Convocation*, and Agreed to by the *Lower Houſe*, the whole Set of *Verbs* plainly refers to *New Canons*. Let Dr. *A.* try what poſſible Conſtruction can otherwiſe be made of it: They promiſe, *in Verbo Sacerdotii*, that they would never from thenceforth preſume to *Attempt*, *Alledge*, *Claim*, or *Put in Ure*, or *Enact*, *Promulge*, or *Execute*, *any Canons*, *unleſs* the King by his *Royal Aſſent* ſhould *Licenſe* them to MAKE, *Promulge*, and *Execute* the ſame. What *Canons* did they promiſe not to Attempt, &c. but ſuch as the King was to *Licenſe* them to MAKE? And what *Canons* could thoſe be but *New Canons*, not yet *Enacted*, but hereafter to be made by them?

Again, The *Parliament* Confounded not the *two forms* together: They went upon that which the King had preſcribed, and they followed it ſo ſtrictly, as to have Omitted even the Word *New* in the *firſt Draught* of their *Bill*; till, upon debate, they thought fit, for avoiding of all diſpute concerning the *Canons* of which they ſpeak, to Add it; and then it was interlined in another hand, as ſome few other Words in like manner were.

Now this ſhews, *Thirdly*, That the *Parliament* were not ſo Negligent or Un-accurate in this *Recital*, as Dr. *A*, would have us believe that they were; but on the contrary, took a very particular Care about it, as that upon which they were to *Enact*; and ACCORDING whereunto, as themſelves profeſs, their following *Sanction* was to be underſtood.

In ſhort; In the *Recital*, *All* theſe *Verbs* immediately follow One another, without any the Leaſt *point* to *diſtinguiſh* One part of them from the Remainder. They are all expreſly determin'd, both by the *Senſe*, and *Words* of it, to *New Canons*. The *Sanction* is framed upon this *Recital*, as the *Act* it ſelf affirms: And in that too no *Point* of *Diſtinction* is found; Nothing to Seperate one part of the *Sentence* from the *Other*. And therefore I muſt ſtill take the Liberty to Conclude, till Dr. *A.* can give me ſome beter Reaſons to the contrary, that they do All belong to the ſame Subject; and that *New Canons*, *hereafter to be made*, is the *Sole*, *Common Subject*, of them *All*.

Sect. 38. The Concluſion of this firſt Argument is this: * That from the plain Conſtruction of the *form* of *Submiſſion* upon which this *Statute* was framed; * from the *Recital* of that *Submiſſion* in the *Act* its ſelf; * from the juſt, and regular *Method* of the *Sanction* which follows thereupon in *both* its *Parts*, with reſpect both to the *Canons* and *Conſtitutions hereafter to be made*, and to thoſe which *had been before made*, but were by order of this *Act* to be *Reviewed*; and laſtly, from the Evident *Punctuation* of the *Record* it ſelf; it appears, that the *Clergy* in *Convocation* are tied up from *Attempting*, as well as from *Enacting* of any *New Canons*, unleſs they have the *King's Licenſe* to *Make* Them; which by the Purport of the *Act*, refers to the *One*, as well as to the *Other*, and gives them Authority to *Do Both*. That therefore without incurring the Penalty of this *Statute*, they may no more *Treat*, *Debate* of, or *Draw* up, than they may *Enact* any ſuch *Canons* or *Conſtitutions*, without it: Which was the *Firſt Argument* I propoſed in proof of what I had before Aſſerted, and do ſtill continue to affirm to be the *Law* in this Particular.

But that I may not ſeem to ſtand ſingular in this Opinion: or to have advanced any thing in reſtraint of the Proceedings of our *Convocations* which had not

not been commonly Received by our moſt Eminent *Writers*, of all Kinds, before; (tho' I take the Caſe to be ſo very clear, as not to need any farther Proof yet) I will proceed

2dly, To ſhew; What has been the Senſe of our *Reformed Clergy* and Others, both *Common Lawyers*, and *Civilians*, as to this Matter.

This is another of thoſe Topics, by which Dr. *A.* pretends to Confirm the *Interpretation* he has Given of the *Statute* 25 *H.* 8: And I am ſo much the more concern'd to proceed with him upon this Ground, in that he pretends thereby to expoſe me to the Cenſure of his *Reader* for an Aſſertion, in which nevertheleſs, both He and I, are Agreed; namely, "[1] That the *Interpretation* of "that Act given by the Author of the *Letter* to a *Convocation Man*, was ne- "ver *allow'd* of, nor, for ought I know, ſo much as heard of, till that *Gen-* "*tleman* firſt enlightned the World with it. For this[2] Dr. A. accuſes Me of *Raſhneſs* and *Vanity*: He "pretends that the *Authorities* by him produced, do "ſufficiently Expoſe it; and as fully prove the *Truth* and *Juſtneſs* of the *other* "*Expoſition*. But, indeed, for his Own Sake as well as Mine, I hope he is miſtaken: For moſt certainly after all, he is as far from approving of that *Author*'s Account of the Act, as I am; and has as fully declared his *Senſe* againſt it.

[1] Authority, &c. p. 289.

[2] Addit. p. 46.

The Opinion of that Writer in the Caſe before us was This: That beſides the *Writ* of *Summons*, by *Authority* whereof the *Convocation* is *Aſſembled*, there needs only *One Licenſe* from the *King* to *Enable* the Clergy to *Enact*, *Promulge* and *Execute* any *Canons* or *Conſtitutions*; and that is the *Patent* by which they are *Confirmed* after they have *paſs'd* the *Convocation*. Let us take it in his Own Words: [3] "To what purpoſe is ſuch a *Licenſe* before hand to *make Canons*, "ſince the *King's Aſſent* muſt be had to 'em *Afterwards*, e're they can be *Pro-* "*mulged?* Do's the *Act* ſay there ſhall be a DOUBLE *Licenſe* from the *King*? "That he ſhall *Aſſent* Once to the *preparing and framing Canons*, Another time "to the *promulging* 'em? Do's it mean any more than barely this, that before "a *Canon* can be *Enacted*, *Promulged*, or *Executed*, the *King's Concurrence* muſt "be had? And is not that HAD, unleſs it be given *before-hand* and *after-* "*wards* too? A *Leave*, in general, to *Make Canons*, is *given* them by their "very *Writ* of *Summons*: And a *Leave*, in particular, to *Make* this or that "*Canon*, is *given* 'em, *when the King Aſſents to this or that Particular Canon*: And "what *Other Leave*, *beſides theſe*, can there be Imagined or Deſired? The Author goes on farther at this rate, till at laſt he has utterly defined away All *Enacting Power* from the *Clergy*, on whoſe ſide he was engaged, and put it wholly in the King's Hand. "For to *Enact*, he ſays, is to give the *Authoritative Fiat* "to a *Law*, by which it becomes *Obligatory*. But the *Convocations* neither do, "nor can be conſtrued to pretend by any thing of theirs, that goes before the "*King's Aſſent*, to *Make* a *Canon*, which ſhall be a *Law* of the *Realm*, and *bind-* "*ing*: And therefore All they do, before they offer a *Canon* to the King, in "order to his Aſſent, Riſes not up *to Enacting*, and therefore they want no "Licenſe for it.

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[3] Letter to a Convocation-Man, p. 56, 57, 58.

And now, let me freely appeal to Dr. *A.* himſelf: Do's he Approve of this *Conſtruction?* Do's he take this to be agreeable to the *Senſe* of the *Act?* Or has he ſhewn it by any *Authorities* he has produced; or can he ſhew it by any *Others*, to have ever been deliver'd as the true *Meaning* of that *Statute*, till this *Writer* firſt *enlightned the World with it?* No; he allows, he inſiſts upon the *Neceſſity* of a *Licenſe*, to *Enact before*, as well as upon a *Patent* of *Confirmation*, for Authority to *Promulge*, and *Execute*, *after*. He is ſo nice, as to doubt, whether the *Clergy* may ſafely *Conclude* upon the *Form* of a *Canon* without it; leaſt even that ſhould be *Conſtrued* Enacting: And therefore reſolves, that either they ought not to do it, or at leaſt, not without a *Proteſtation* to ſave them harmleſs in it. But where then is my *Raſhneſs*, or *Vanity*, in denying That, which he himſelf rejects as Falſe and Erroneous? Or with what Juſtice can he ſay, that his *Teſtimonies* prove this *Charge* upon me, for *diſowning* a *Senſe* of this *Act*, which he is as far from Receiving as I am?

The Truth is, that Author had carried his Point, not only to an Unpreſi- dented, but even to an Abſurd Exceſs. Dr. *A.* has very much corrected the Extravagance of it; and brought it a great deal nearer, both to the Deſign of the *Act*, and to the *Practiſe* of our *Convocations*. He agrees, that, without the *King's* Licenſe, the *Clergy* may not *Enact*; but Affirms that they may *Confer*, and

Sect. 40.

Debate, in *Order* to their ENACTING. This (tho' more Reasonable than what had been before advanced) I have deny'd, and must still beg leave to doubt of, for the Reasons before alledged. With which of these two, the *Opinions* of our *Divines*, and *Lawyers*, do the best agree, was the *second* thing proposed, and comes now to be particularly consider'd.

For the better Determination whereof, we must first make a Distinction of the *Time since* the *Passing* of this Act, into two several Periods: The One from the 25*th H.* 8. to the End of Queen *Elizabeth*, for about Seventy Years; the Other, the Age which has follow'd since; from the First of King *James* the *Ist*, to our own Days. In the former of these, if I take Dr. *A.* aright, he Affirms both the *Opinions* of our *Learned Men*, and the *Practise* of our *Convocations*, to have run generally on his side; but in the latter, to have come off, no less generally, to Ours. Some few *Authorities*, indeed, he alledges, within this time also, to make good the *Interpretation* which he has given of this *Statute*; but as they are but few in Number, so are they no less inconsiderable in their Weight too; as I shall shew, when I come to the particular Examination of them.

Sect. 41. But whether Dr. *A.* will allow of thus much or no, the Evidence of the thing its self is too great to be withstood; and it is the first thing therefore which I shall lay down, in proof of what I have Asserted; That the *General Consent* of our *Church of England Divines*, *Common-Lawyers*, and *Civilians*, for the last hundred Years, has been, that the *Clergy* in *Convocation* can no more Legally *Confer* or *Treat*, in Order to the *Enacting* of any *Provincial Canons*, or *Constitutions*, without a *License* from the *Crown* to warrant them in their Proceedings; than they can *Conclude* upon, and *Enact* them without it.

I shall hereafter Enquire, when I come to consider the *Practice* of our *Convocations* in this Particular, whether, in *Fact*, they have ever adventured to *Treat* in order to the *making* of *Canons*, till they were first Empower'd by *Royal Authority* so to do. At present, I am only to consider the *Opinions* of our most *Learned Writers* of all sorts; and I shall do it in the Order of the several times in which they Wrote.

Sect. 42. Whether I should here produce the *Letters Patents* of *King James* the *1st*, by which he *Confirm'd* the *Canons* of 1603, as an Evidence of his Own private Opinion, or Reserve it to the History of that *Convocation*, I cannot tell. This is plain, that he there Recites that the "Bishops and Clergy had not only Re-"ceived his *License* to *Confer*, *Treat*, *Debate*, *Consider*, *Consult*, *and Agree of such* "*Canons*, &c. *as they should think necessary*; *but had by Vertue of the said Authority* "*thereby Granted to them*; *Treated*, *Concluded*, *and Agreed upon certain Canons*, "&c. *to the End and Purpose by him Limited and Prescribed unto them.*

[1] Rights, &c. p. 390. Against this Authority, [1] Dr. *A.* Excepts, that the King did not thus *License* them in consequence of the *Statute* of the 25*th* of *H.* 8*th*, but by *his Prerogative Royal*, and *Supreme Authority* in *Causes Ecclesiastical:* And therefore this is no Evidence, that That *Statute* intended to lay any such Restraint upon their Debates, as we are now speaking of. Should I allow of this Arguing, which yet is very weak, I do not see what Dr. *A*'s Cause would gain by it. For whether it be by vertue of this *Statute*, or of his own *Prerogative Royal*; if the King has a *Right* to *License* the *Clergy* to *Treat* as well as to *Enact*, it will still come to the same End; that without such a *License* from the *King*, they have not any *Authority* of their own to do the One, any more than Dr. *A.* himself allows they have to do the Other.

[2] Ibid. But indeed, [2] Dr. *A.* proceeds upon a meer Fallacy in this Exception: He tells us, "*that in these Letters Patents there is a plain difference made between the* "*King's Prerogative Royal and Supreme Authority in Causes Ecclesiastical*; *and the* "*Particular Powers lodged in him by the* 25*th H.* viii. *That in vertue of the first of* "*These, he is said to have Granted the Clergy full, free, and lawful Liberty*, &c. *to* "*Confer*, *Treat*, *Debate*, &c. *upon Canons*; *but to have Given his Royal Assent to* "*those Canons according to the form of a Certain Statute or Act of Parliament made* "*in that behalf in the* 25*th Year of the Reign of K. H.* viii. And from thence would inferr, that the *Latter* only was done by *Authority of that Statute*, and not the *Former*. Well, let us suppose this to be as he pretends: But will he then tell us by what *Authority* the King *Licensed* them to *Conclude* and *Agree* upon *Canons?* Whether he did that too by his *Prerogative Royal only*, or in *Vertue* of this *Statute?* Seeing 'tis plain that he *Authorized* them upon the same Grounds to *Con-*

fer,

ſet, *Treat, Conclude, and Agree*; and expreſſes all after the ſame manner, and in the ſame Sentence.

If therefore he Licenſed them to *Treat*, by his *Prerogative Royal* and *Supreme Authority in Cauſes Eccleſiaſtical*, as diſtinct from this *Statute*, and not as *Confirmed* and *Reſtored* to the *Crown* by it, ſo he did to *Enact* too; and then we muſt enlarge the Concluſion, and infer, that the Prince has no Right by this *Act* to *Commiſſion* them for the *One*, any more than for the *Other*. But if this be what Dr. *A.* himſelf will not preſume to ſay; if he allows that by vertue of this *Statute*, the King has a Right to Grant them a *Licenſe* to *Enact*, and that by the *Authority thereof*, as well as by his *Royal Supremacy*, King *James* the *Iſt* did *Commiſſion* this very *Convocation* ſo to do; then he will give me leave to Conclude, that he did alſo *Commiſſion* it, by the *ſame Right*, to *Treat* and *Debate* too: Unleſs he can ſhew as nicely here, as he has done in the *Act* of K. *Henry* 8, where we are to divide the Sentence; ſo as to accommodate the *King's Prerogative* to ſome of the *Verbs*, and the *Statute* to the *Reſt*.

The Truth of this Matter is this: The King had before, according to the Purport of that *Act* 25 *H.* 8, and by *his Supreme Authority* in *Cauſes Eccleſiaſtical*, Reſtored, and Affirmed by it; Granted the *Convocation* a *Licenſe* "*to Treat, Debate, Conſult*, and *Agree, upon Canons.* In Conſequence thereof, the "*Convocation* having *drawn up* a *Book* of *Canons*, now Offer'd and Preſented the "ſame to the King; humbly deſiring him to give his *Royal Aſſent* to them, ac"cording to the Form of a certain *Statute*, or *Act of Parliament*, made in that "behalf, in the 25*th* of *H.* 8: And alſo (which Dr. *A.* thought fit to conceal) "by his *Prerogative Royal*, and *Supreme Authority* in *Cauſes Eccleſiaſtical*, to "*Ratifie* and *Confirm* the ſame. This was all that farther remain'd to be done; and therefore it was here only needful to take notice of that *Statute* of K. *H.* 8. The *Commiſſion* to *Make* theſe *Canons*, had before been granted; and there (where one it was either proper, or needful) the *Statute* which required ſuch a *Commiſſion*, in order to that *End*, was not only *Mentioned*, but *Recited*, as we have before ſeen.

Having thus recounted the *Clergies Requeſt*, the *Patent* proceeds to ſet forth the *King's Confirmation* of what had been Done by them: "How that having diligently Read and Conſider'd their *Canons*, *&c.* He had given, and by theſe "Preſents did give, his *Royal Aſſent*, *according to the Form of the ſaid Statute, or* "*Act of Parliament aforeſaid*, to All and Every the ſaid *Canons*, &c. But is this all? No; He only ſays, that he did give his *Royal Aſſent*, *according to the Form of the ſaid Statute*; but for his own *Right* and *Authority* to do this, he ſtill Referrs to his PREROGATIVE ROYAL, which Dr. *A.* would have us believe was not made uſe of in this Particular. For thus it immediately follows; "*And* "*furthermore, we do not only by our* SAID PREROGATIVE ROYAL, *and* SUPREME "AUTHORITY *in* CAUSES ECCLESIASTICAL, *Ratifie, Confirm, and Eſtabliſh, by theſe* "*our Letters Patents, the ſaid Canons*, &c. but *Do likewiſe Propound, Publiſh*, and "*ſtraightly Enjoin*, and *Command*, by our ſaid *Authority*, and by theſe our *Let*"*ters Patents*, the ſame to be *diligently Obſerved and Executed*, &c.

So that now then it appears, that the *King's Prerogative*, and the *Statute* of the 25*th* of *H.* 8. are ſo far from ſtanding in any Oppoſition to one another, that they Do indeed Both co-operate to the ſame End. The *Statute* ties up the *Clergy*, that without the *King's Authority*, they ſhall neither *Attempt*, *Enact*, *Promulge*, nor *Execute* any *Canons*, &c. under the Penalty therein expreſs'd. And the King, by his *Prerogative Royal, and Supreme Authority in Cauſes Eccleſiaſtical*, gives the *Clergy* that *Licenſe* which the *Act* requires, to indemnifie them in their Proceedings: And thereby *Authorizes* them to *Treat*, *Debate*, *Conclude*, and *Make Canons* firſt; and then to *Publiſh* and *Execute* them when made. The *Clergy* are by the *Statute* tied up not to Do any thing in this Matter, without the *Royal Licenſe*; but the *Prince* is not *empower'd* by the *Statute*, to give his Licenſe to them, but grants it by *vertue* of his *own Prerogative Royal, and Supreme Authority in Cauſes Eccleſiaſtical*; According *to the* Form *of the* Said Statute.

From this Authority of the King himſelf, I proceed to that of his *Attorney-General*; who, probably, drew up theſe *Commiſſions*, and whoſe Opinion therefore (as alſo that of his whole *Council*) might from thence alone have been ſufficiently inferr'd. But I ſhall add a more expreſs Teſtimony of it in this Caſe; Sect. 43.

Caſe; and becauſe Dr. A. has complain'd of my dividing it into ſeveral Parts, (as indeed I did, not out of any ſuch Deſign as he ſuggeſts, but meerly to accommodate it to the Method of my Argument) I will now ſet it down intire, as the *Reporter* has deliver'd it to us. [1] His Words are theſe: "It was re-
"ſolved by the two *Chief Juſtices*, and divers *other Juſtices*, at a *Committee*
"before the Lords in Parliament, divers Points concerning the Authority of
"a Convocation:

"1. That a Convocation cannot *Aſſemble* at their *Convocation*, without the
"*Aſſent* of the *King*.

"2. That *after* their *Aſſembly*, They cannot *Confer* to *Conſtitute* any *Ca-*
"*nons*, without *Licenſe del' Roy*.

"3. When They, upon *Conference*, *Conclude* any *Canons*, yet they cannot
"*Execute* Any of their *Canons* without *Royal Aſſent*.

"4. They cannot *Execute* any *after Royal Aſſent*, but with theſe Four Li-
"mitations;

"1. That they be not againſt the *Prerogative of the King*.

"2. Nor againſt the *Common-Law*.

"3. Nor againſt any *Statute-Law*.

"4. Nor againſt any *Cuſtom of the Realm*.

"And all this (adds the Reporter) appears by the *Statute*, 25 *H.* 8. *c.* 19.
"And this was but an *Affirmance* of what was before the *ſaid Statute*.

[1] Coke 12 Report, p. 72.

I ſhall not need to obſerve, that, in this Opinion, the *Judges* exactly purſue the *Method*, and take in the whole *Senſe* of that *Statute*, as far as it relates to the Matter of *Canons yet to be made*. The *Words* of that Act, which we are now diſcourſing of, *viz.* are, that the *Clergy* ſhall not *preſume to Attempt*, &c. they, more briefly, but withal more clearly, Expound by theſe very appoſite Terms, CONFER to CONSTITUTE: And that by the *Conference* of which they ſpake, they meant ſuch a *Debate* as is deſign'd in *Order* to the *Conſtituting* of *Canons*, tho' it ſhould not perhaps End in it; but be either let fall, upon the *Debate*, within; or be prevented by *Authority*, or a *Prorogation*, from without; appears by the next Branch; *When They*, *upon Conference*, *Conclude*, &c. Which ſufficiently implies, that they might ſometimes *Confer* without *Concluding*; and yet, if that *Conferring* were in order to *Conſtitute*, it would ſtill come within the *Conference*, for which they had before agreed the *Licenſe del' Roy* to be neceſſary.

[1] Rights, &c. p. 410, 411. Addit. p. 70, 71.

Againſt this Authority, Dr. A. makes two Exceptions; *1ſt*, [2] That the Report was not publiſh'd till after my Lord *Coke*'s Death, and therefore may be ſuſpected not to be Exact: And, *2dly*, that taking it as it is, it makes nothing againſt him. To the former of theſe I ſhall not need to reply. Poſthumous Pieces, tho' left imperfect by their Authors, and for that Reaſon oftentimes not fit to be *Publiſh'd*, may yet be faithfully Publiſh'd, as they are left; and ſo I conceive this was. Had Dr. A. ever heard but the leaſt Intimation to the contrary, we do not ſo little know his Spirit, as to doubt but that he would have fill'd our Ears on both ſides with it. But for the Latter, it is indeed very ſtrange, and puzzles me to think what he would have had the *Judges* ſay, to have deliver'd themſelves more *fully* than they did upon this Occaſion. "*The Clergy*, ſay they, *cannot Confer to Conſtitute any Canons*, *without Licenſe del' Roy*: That is, ſays Dr. A. They cannot SO *Confer* AS *to Conſtitute*. But why then was *Conferring* at all mention'd? Why did not their Lordſhips plainly lay it down, without any more ado, that *after their Aſſembly*, *they cannot Conſtitute any Canons?* This would have been Clear and Intelligible; but then they ſhould have done the ſame too in the next Branch; *Having Concluded*, or rather having *Conſtituted*, any *Canons*; yet they cannot Execute Any of their *Canons*, without *Royal Aſſent*. Whereas now, by repeating the *Conference* again, as a *material Circumſtance*, and that with ſuch a Term of *Diſtinction*, as plainly implies that ſometimes their Conferring might end there, and not come to any ſuch *Concluſion*; *When*, *upon Conference*, *They Conclude any Canons*; They evidently ſhew the *Conference*, of which they before ſpake, to be *Conferring*, in Order to *Conclude*; and that ſuch, for which, whether they did thereupon *Conclude*, or no, yet the *King's Licenſe*, by the Statute 25 *H.* 8. *c.* 19. was requiſite.

But againſt this, Dr. A. objects: That if we take it thus, the moſt material Point is omitted by Them, namely, the *Need* of a *Licenſe* to *Conſtitute?* Does he

he, in good earneſt, believe this? Did thoſe Venerable Perſons declare a *Licenſe* to be needful to *Authorize* the *Clergy* to *Confer* to *Conſtitute*, and yet not *declare* thereby, that they could not *Conſtitute* without *One?* But there is no fence againſt ſome Mens Conſtructions. [1] King *Charles* the Iſt's *Judges* ſpake Equivocally, when they gave their Opinion, that the *Convocation* being *call'd* by the *King's Writ*, was *to ſit on* 'till it were *diſſolv'd* by the *King's Writ*, tho' the *Parliament* was *diſſolv'd*. They had no mind to be underſtood, and therefore they drew up their Senſe in ſuch Terms as were not to be unriddled. King *James*'s Judges are, for ought I can perceive, in the ſame Caſe: They either did pronounce on Dr. *A*'s ſide, or he is reſolv'd to make them do it, whether they will or no. In the mean time, their Words, I think, are very clear and full, and deliver to us this plain Senſe, that by the Statute, 25 of K. *Hen.* 8. *c.* 19. the *Clergy* in *Convocation* cannot *Confer*, in order to the *Conſtitution* of any *Canons*, without the *King's Licenſe*; Whether, upon that *Conference*, they *Do Agree* and *Conclude*; Or whether they only *Conferr*, but upon *Conference* do *not Agree*, nor come *to any Concluſion*.

[1] Rights, &c. p. 67.

To this Opinion of the *Judges*, my Lord *Coke* ſubjoins his own Aſſent, in his Report of it. And in a *MS* Treatiſe of the *Power of the Church to make Canons*, where he argues upon this Clauſe of the *preſent Act*, he all along applies it entirely to *New Canons hereafter to be made*, and not to ſuch as were *before in uſe*. At the beginning of his Diſcourſe, he thus divides the *Statute*, as he ſays, into its proper Parts. "Firſt, in the *Preamble*, the Clergy acknowledge the *King's* "*Power* and *Supremacy*, in *Cauſes Eccleſiaſtical*; and that their Medling afore- "time, was but Preſumption and Uſurpation. Secondly, It contain'd their "Promiſe, *in Verbo Sacerdotii*, that *they will never from thenceforth preſume to* "Attempt, Alledge, Claim, *or* Put in ure, *or* Enact, Promulge, *or* Execute, "*any* New-Canons, *in* Convocation, *unleſs the King's moſt Royal Aſſent and Au-* "*thority be given them in that behalf.* Thirdly, They complain of the Grievous "*Burthen* that the *Subjects* then endured by the *Canons then in uſe*, which were "not only ever *Onerous* to his *Highneſs* and his *Subjects*, but much prejudicial to "the *King's Prerogative Royal*, and *Repugnant to the Laws and Statutes of this Realm.* "The Fourth part thereof, is, Their moſt humble *Suit*, that the ſaid *Conſtitu-* "*tions* and *Canons* be committed to the *Examination* of his *Highneſs*, and of "*Thirty two Perſons* to be by him Appointed. Thus my Lord *Coke* divided this *Statute:* In his Second Branch, he applies the whole firſt Clauſe, under Conſideration, to *New Canons*; In his Two laſt, the Other to the Review which they deſired might be made of the *Old Ones*. And in the Proſecution of his Argument, to ſhew, that the Clergy, by this *Statute*, had no *Power* given them to *make Laws* in their *Convocation*, the Ground on which he builds is this; that there were no ſuch Words of *Ordination*, and *Statute*, to *Authorize* their *New Conſtitutions*, as in the *other Clauſe* there were to *eſtabliſh* ſuch of the *Old Ones*, as the *King*, and the *Thirty two Perſons* appointed by him, ſhould approve of; and therefore no *New Power* was granted to the *Convocation* in that behalf. His Words are theſe: "The *Clergy* having no Lawful *Power* to *make Laws* in their "*Convocation*, for the *Outward Government of the Church*, before that *Statute*, it "followeth that theſe Words in the ſaid *Act*, viz. *That they ſhall never from* "*thenceforth preſume to* Attempt, Alledge, Claim, *or* Put in ure, *or* Enact, Promulge, *or* Execute, *any* New-Canons *and* Conſtitutions, unleſs the King's moſt Royal Aſſent and Authority be given them in that behalf, (for ſo he abridges and delivers the Senſe, even of the *Enacting Clauſe* of that *Statute*) being an Exception out of the ſaid Clauſe of Reſtraint, can give them no *Power* to *make Laws Eccleſiaſtical*, without Addition of Words of *Ordination* and *Statute*, *viz.* That ſuch *Canons* and *Conſtitutions*, ſo *to be made*, ſhall be from thenceforth *Kept*, *Obſerved*, and *Executed*, for *Laws Eccleſiaſtical* of this *Kingdom*.

Sect. 44.

Such was my Lord *Coke*'s Argument upon this *Statute*. It is not my Buſineſs to examine of what Strength it is: This is clear, that, with relation to the *preſent Act*, he abſolutely took all that *firſt Clauſe* to relate to *Canons* hereafter to be made in *Convocation*; and did not *divide* the *Verbs*, as Dr. *A.* now do's, ſo as to allot the Four *firſt* to *One* ſort of *Canons*, the Three laſt to another; but applied the whole to One and the ſame kind, *viz.* to *New Canons*; which therefore he muſt have accounted the *Clergy*, by this *Statute*, to have been no leſs prohibited to *Attempt*, than to *Enact*.

I might

I might, on the Church ſide, add to theſe *Authorities*, that of an Eminent Prelate, Biſhop *Bilſon*; who about the ſame time that the *Judges* delivered their *Opinions* in this Caſe, publiſhed the *Latin Edition* of his *Perpetual Government of Chriſt's Church*: But this being only a *Tranſlation* of what he had ſeveral Years before ſet forth, in the Reign of Queen *Elizabeth*, I ſhall chuſe rather to conſider his Account of this Matter there, than needleſsly anticipate it here.

Such was the Senſe of ſome of our Greateſt Men, under King *James* the Iſt: That the ſame continued to be their Opinion under his Son and Succeſſor, King *Charles* the *Iſt*, we have two ſuch Evident Authorities to Prove, as may alone ſuffice for that Whole Reign. In his *Declaration* before the Book of *Articles*, ſet forth by Him, *Anno* 1628. He Promiſes, "out of his Princely Care, that "the Church-Men may do the Work which is proper for them; the *Biſhops* "and *Clergy*, from time to time, in *Convocation*, upon their humble Deſire, "ſhoud have LICENSE *under his Broad Seal, to* DELIBERATE of, and to Do, all "ſuch things, as ſhould concern the ſetled Continuance of the *Doctrine*, and "*Diſcipline*, of the *Church* of *England*.

This *Declaration*, the King himſelf tell us, he publiſhed *with the Advice of ſo many of his* Biſhops, *as might conveniently be brought together*. [1] Dr. *Heylin* goes farther: He informs us, that Archbiſhop *Laud* advis'd, and procured the publiſhing of it; and therefore, we may be ſure, had the Principal hand in the drawing of it. About twelve Years after, the King made good, what he had now promiſed: He Licenſed the Convocation to *Treat of, as well as to Make, Canons*; and *Confirm'd* them juſt as his Father before had done: And by both theſe publick *Acts*, in two ſuch diſtant Parts of his Reign, has ſufficently ſhewn, that he accounted the *Royal Licenſe* to be no leſs needful to empower the *Convocation* to *Deliberate*, than to *Enact*; and that they could not legally do either without his *Licenſe*.

[1] Life of A. B. *Laud*, p. 178, 181.

But here again, Dr. *A.* is at his old trade: *To Confer to Conſtitute*, in the *Judges* Opinion, *was So to Confer* As to *Conſtitute*. And now to *Deliberate of*, and to *Do*, for *Both* which the King *promiſed* his *Licenſe* to the Clergy, muſt, he tells us, be taken *Conjunctly*; *ſo to Deliberate as alſo to Do*. [2] For "*Deliberating* (ſays "he) is not to be *ſeparated* from *Doing*; nor a *Leave* ſuppoſed requiſite for the *One*, but as it is to End in the *Other*. And for this, as far as I can ſee, we muſt be content to take his Word. If ſuch *Gloſſes* as theſe can deceive, let them deceive: I neither hope, nor deſire, to convince thoſe, whom ſuch kind of *Expoſitions* can perſwade.

[2] Rights, &c. p. 417.

Sect. 46. In the Teſtimonies before alledg'd, we have the Sence of the *King's Council*, of Archbiſhop *Laud*, and of ſeveral other of the *Biſhops* delivered to us; as well as his own *Royal Judgment*, in this Caſe. I ſhall to them add the Opinions of a few *Particular*, but very Eminent, *Authors*, and ſo have done with this Reign. Among theſe, as none has ſpoken more expreſsly than our Reverend Dr. *Heylin*, ſo ſhall I, in the firſt place, begin with him. In his Hiſtorical Account of the *Convocation*, to which the King granted the *Commiſſion* before mentioned, He tells us, [3] "that the Prolocutor being admitted, his Grace produced "a *Commiſſion* under the *Great Seal*, by which they were *Enabled* (according "to the ſaid *Statute* of King *Henry* the viiith) to *Propoſe*, *Treat*, *Conſult*, and "*Agree*, &c. He had before ſpoken of that *Statute*, in a ſhort Diſcourſe preparatory to the Opening of this *Convocation*: In which, having ſhewn the Conformity between the *Parliament* and *Convocation*, in ſeveral Particulars, he cloſes it up with theſe remarkable Words to our preſent purpoſe; [4] "In this, and "this alone, they differ as to *Matter* of *Form*, that the *Peers* and *People* aſſembled "in *Parliament* may *Treat*, *Debate*, and *Conclude* of any thing, which is to be tendered to the King for his *Royal Aſſent*, without any *other Power* than the *firſt* "*Writ*, by vertue whereof they are Aſſembled; but the *Biſhops* and *Clergy* are *Reſtrained* in their *Convocation*, by the *Statute* of the 25*th* of *Henry* the 8*th*, from "*Treating*, *Debating*, *Forming*, and *Concluding* of, any *Canons* or *Conſtitutions*, &c. "*till* they are *Licenſed* thereunto by the *King's Commiſſion*.

[3] *Heylin's* Life of A. B. *Laud*, p. 397.

[4] Ibid. p. 395.

This I think may be a ſufficient Teſtimony of Dr. *Heylins* Judgment in this matter: A Perſon than whom none was more high for the *Legal Rights* of the *Church*, or had more particularly Applied himſelf to the Study of theſe Matters. It is not impoſſible but that by the help of the ſame figure, by which he Conjoyn'd *Deliberating* and *Doing* in the *King's Declarations*, and thereby Evaded

ded the Force of that dangerous Promiſe which the *King* made to the *Clergy*, of Granting them a *Licenſe* in *Convocation* for the *One* as well as the *Other*, Dr. *A.* may tell us, that Dr. *Heylin*'s Words, are to be underſtood after the ſame manner. That when he ſays the *Clergy* are Reſtrain'd by the *Statute* 25 *H.* 8. from *Treating*, *Debating*, *Forming*, and *Concluding* of any *Canons*, without the *King's Commiſſion*, He meant only from *ſuch* a *Treating*, *Debating*, and *Forming*, as was to End in *Concluding*; and muſt not be *ſeparated* from it. To prevent this it may not be amiſs to add this one Evidence farther of his Opinion, from a Leter written by him to a *Perſon* of *Honour* in behalf of the *Convoeation*, which it was feared would not have been Call'd with the *Parliament* upon King *Charles* the IId's return: [1] " I know 'tis conceiv'd by ſome, that the Di- " ſtruſt which his Majeſty hath in ſome of the *Clergy*, and the diffidence which " the *Clergy* have of one another, is looked upon as the Principal Cauſe of the " *Innovation*: For I muſt needs behold it as an *Innovation*, that any *Parliament* " ſhould be Called, and not a *Meeting* of the *Clergy* at the ſame time with " it. To obviate this he ſhews, that the King had no reaſon to be afraid of their coming together: " For ſince, ſays he, the *Clergy* in their *Convocations* " are in *No Authority* to PROPOUND, TREAT, or CONCLUDE ANY THING until " they are *impowered* by the KING's COMMISSION, the *King* may tie them up " for what time he pleaſes, and give them nothing but the opportunity of en- " tertaining One another with the News of the Day.

[1] Mr. *Vernon's* Life of Dr. *Heylin.*

Sect. 47. After ſo full an account of the Senſe which this learned Advocate of the *Epiſcopal Church* of *England* had of the *Reſtraint* of the *Clergy* founded upon his *Statute*; I may perhaps be Excuſed, if I Offer that of Another, who tho' he has ſtood under a more doubtful Character, yet wanted not a more than ordinary Knowledge in theſe Matters; and therefore may be warrantably Ap- peal'd to, as no incompetent Witneſs in this Caſe. The Perſon I mean, is our Church Hiſtorian, Mr. *Fuller*, who thus delivers his Judgment; and is not at all Cenſur'd by his ſevere Examiner for it. [2] " Since this Year (1532) from Archbiſhop *Cranmer* to Archbiſhop *Laud*, All Convocations are born *Tongue-tied*, till the King did cut the String thereof with his *Letters Patents*, Allowing them leave to DEBATE on MATTERS OF RELIGION. And again, ſpeaking of the *Laſt Convocation* of King *Edward* the VI*th*; He tells us, [3] that the *Clergy* had no *Commiſſion* from the *King* to meddle with *Church Buſineſs*: And every *Convocation* in its ſelf is born *Deaf* and *Dumb*, ſo that it can neither hear *Complaints* in *Religion*, nor *Speak* in *Redreſs thereof*, till firſt *Ephata*, *be thou Open'd*, be pronounc'd unto it, by *Commiſſion* from *Royal Authority*.

[2] Church Hiſt. Book v. p. (191)

[3] Ib. Book. vii. p. 420.

Sect. 48. To make Dr. *A.* ſome Amends for this Opinion, which I have ſome cauſe to apprehend will a little move his Indignation; let me to this ſuſpected Au- thor, add the ſenſe of another, a ſuffering *Presbyter* when he wrote it, but a pious and learn'd *Biſhop* of our Church when he *Publiſh'd* it; the famous [4] *San- derſon*: Who in a very few, but very ſignificant terms, thus decides the Caſe with his uſual Judgment, and Perſpicuity; that the Biſhops and Clergy, " can- not either *Meet* in *Convocation*, without (the Kings) *Writ*; or *Treat* with- out his *Commiſſion*; or ESTABLISH without his *Royal Aſſent*. An Authority the more to be valued, not only for the *Judgment* of the *Writer*, tho' that were very great; but for that Integrity which was always ſo eminent in his De- terminations: And that it utterly Excludes all Colour of that Cavil, with which Dr. *A.* in vain endeavours to defend himſelf; as if no *Treating* were forbidden, but ſuch as was accompanied with *Enacting*, and to be taken together in Conjuncti- on with it.

[4] Def. of Epiſcopacy. p. 33.

Sect. 49. I ſhall cloſe up theſe Evidences with the Opinion of that Great, and Eminent Civilian, [5] Dr. *Zouch*, who to the very ſame purpoſe thus delivers the Senſe of this *Act*, and of the *King's Authority* as ſettled by it; " *Quod Synodus Nationalis, vel Provincialis, Convocari non debeat abſque Regis Reſcripto, nec in iis quicquam* Tractari *vel* Determinari *niſi eo Aſſentiente; nec quicquam Vim legis obtineat Priuſquam Regalis Aſſenſus adhibitus fuerit.* [6] Dr. *A.* has endeavour'd, in Anſwer to this, to perſwade us, that Dr. *Zouch* Relied implicitly upon *Coſens* Ta- bles, and therefore his Authority ought to Go for nothing, or at leaſt, for no new *Authority*. From whom Dr. *Zouch* took the Words of his *Propoſitions*, nei- ther Dr. *A.* nor I can tell: The Act of the 25*th H.* 8. is the only thing to

[5] Deſcr. Juris Eccle. par. 1. Sect. 2.

[6] Rights, &c. p. 410.

which he refers for the Truth of them.* If he Copied Dr. *Cosens* his Expressions, yet that will not prove but that he did freely use his *own Judgment* in *weighing* of them, before he subscribed to them: And the force of his Authority will be never the less considerable, because upon a due Examination, He found Dr. *Cosens* to have been in the *Right*, and therefore follow'd him in the *same Opinion*, upon the *Authority* of the same *Statute*.

Sect. 50. And now I may, I think, be allow'd to affirm, that for the last Age, the Prevailing Opinion of our *Princes*, our *Counsellors*, our *Judges*, our *Lawyers*, and even of our *Convocations* and *Clergy*, has been, that a *License* is Necessary to empower the *Bishops* and *Clergy* in *Convocation*, to DEBATE as well as to *Conclude*; and that this *Act* do's require the *Royal Assent* both to the One and to the Other. But what shall we say to the LXX Years before? How went the *Opinions* then? And by what *Authority* did they *Conser*, from the Latter End of *King Henry* the VIIIth's Reign, to the Beginning of *King James* the Ist's? Will Dr. *A.* bear with me, if I adventure to Answer, that both the *Opinions* and *Practise* of those Times was, as far as I can judge, the very same that they have been since; and do equally bespeak the *Words* of this *Statute*, to have been understood in the same Sense from the beginning, that they Generally are at this Day.

Indeed, not long after the beginning of *Queen Elizabeth*'s Reign, a *Puritanical Party* arose, who were *Enemies* to the *Constitution* of our *Church*, and to the *Ecclesiastical Discipline*, and muster'd up all the Objections they could invent, to weaken its Authority, and expose the *Practice* of its *Courts* to *Censure* and *Contempt*. Among other Methods which they made use of to this purpose, One of the chief was this; to argue from this *Statute* (upon the very same Ground which Dr. *A.* now proceeds upon) That without the Kings *express License*, the Bishops and *Clergy* could not *Attempt*, *Allege*, *Claim*, or Put in Ure, any *Canons* or *Constitutions*; which therefore, since they did not pretend to have for every *Cause* which they heard and determin'd by the *Ecclesiastical Law*, they Concluded their Proceedings to be contrary to the purport of this *Statute*; and that the *Judges*, and Others who were concern'd in them, were under the Penalty of it for such their Presumption.

[1] Considerations ad informand. Anim. Episc Wigorn. pag. 28.

But Others went yet farther; they laid their Scheme thus: [1] That by the words, ANY OTHER CANONS in that Act, *All Canons, of what sort or degree soever, whether Domestical, or foreign Canons, before that time made, were forbidden to be Attempted, Alledg'd, Claim'd,* or *Put in Ure; and by that means were at once, concerning their Practice and Execution with us, Annulled and made Void.* That therefore, *so many of them as at that time were not, or since that time have not been, Reviv'd and Re-authorized, ought not to be Attempted, Alledged, Claim'd, or Put in Ure,* at this Day. But by the *Proviso* in that *Statute*, such only of our *Own Provincial Canons were allow'd, as were not contrariant or repugnant to the Laws and Customs of the Realm, nor to the King's Prerogative Royal*: The whole *Body* therefore of the *Popish Canon Law*, which was not made by the *Clergy* of this *Realm*, is hereby *utterly Abolished*, and may not *Lawfully be Used*; and of our Own, All such *Rules* and *Maxims* as either were not made in some *Provincial Domestic Synod*; or being *made there*, are not Agreeable to the *Laws* of the *Realm*, are likewise hereby Cut off. And how far these *two Allegations*, (both founded upon Dr. *A*'s Sense of that *Statute*) would go to put an End to all the Proceedings of those *Courts*; I shall submit it to Those who are concern'd in them, to consider. In the mean time this is evident, that the design of all these Notions was the same; *viz.* To destroy the *Ecclesiastical Jurisdiction* of the *Bishops*, and their *Courts* and *Officers*: And that the Ground they went upon, was the very same for which Dr. *A.* now so much Contends; *viz.* that by the *Canons* which the *Clergy* are forbidden to *Attempt*, we are to understand such *Old Canons* as had before been *Made*, not such *New Ones* as should hereafter be *Enacted*, in any following *Synods* or *Convocations*.

Sect. 51. [2] Apology for the Courts Eccles. part 1. chap. 1.

In Answer to this *Suggestion*, Our Learn'd [2] Dr. *Cosens* undertook to defend those *Courts*, in which he was himself One of the *Chiefest Judges*; and the Ground of his *Defence* was built upon that Sense of the *Statute* which I have before offer'd. He asserts it, as a matter out of all doubt, that the design of the first Paragraph of it, was to Regulate the Clergy in *Making* of *New Canons*, not to *Abrogate* and *Annul* such *Old ones*, as had *before* been made. "The chiefest

" chiefeſt colour (ſays he) and pretence for this Opinion (the Opinion of " the Puritans and Dr. *A.*) is taken out of the New Reviv'd *Statute*, made in " King *Henry* the VIII*th*'s time, of *Submiſſion of the Clergy*. But the Words " thereof do plainly diſcover the Weakneſs of ſuch Collection. For it is not " Enacted *ſimply*, that they ſhall not *Put in Ure*, &c. *Any Conſtitutions*, &c. " *but according to their aboveſaid Submiſſion and Petition*; which was, That they " would not *Enact*, *or Put in Ure*, any NEW CANONS, &c. *in their Convocation*, " *without the King's* Royal *Aſſent and Authority in that Behalf*. Otherwiſe there were " a flat Contrariety in the ſelf ſame *Act*, by Reaſon of the laſt *Proviſo* there- " of; where CANONS *already made*, ſo they have the Qualities thereby limit- " ed, are appointed to be Us'd: For it is there ſaid, *ſhall be now ſtill Us'd and* " *Executed, as they were before the making of that Act.*

I have the rather given this ſhort Account of this Matter, that it may thereby be ſeen who they were, who, (as far as I can learn,) *firſt* ſet on foot the *Senſe* of this *Statute*, which Our pretended *Church Advocate* now Advances, and for what *End* they did it. As for Dr. *Coſens* his Opinion in this particular, we have already ſeen to what he ſuppos'd that part of the *Act* to belong. That it related to *New Canons hereafter* to be *Enacted*, not to thoſe which were *before made*. The *meaning* of the *Words* of it we have in another of his Pieces, to this Effect; [1] " that a *Provincial Synod* cannot be Called without the *King's Writ*; and that being *Call'd*, nothing can be either *Treated* of, or *Determined* in it, *niſi Conſentiente & Aſſentiente Principe*. So that by *Attempting*, &c. therefore he underſtood *Treating*; the ſame which the *Judges* afterwards expreſs'd by *Conferring to Conſtitute*, in their Expoſition of it.

[1] Coſens Tables.

To evade this *Authority*, [2] Dr. *A.* firſt quarrels with the *Book* from whence it is taken: He tells us, it is a *Poſthumous Piece*, publiſhed after the *Death* of its *Author*, and therefore as he (without any Ground) ſuppoſes, *Corrupted* in this Place. To ſet it right, if not to the *Author*'s Senſe yet to be ſure to his *Own*; He thinks that the word *Treated*, ſhould be *Wholly Struck* out, and then all will be well. But as this is but precariouſly ſuppos'd, without any manner of Reaſon offer'd to ſupport ſuch a Conjecture; ſo the Aſſurance we have, that Dr. *Coſens* did hold all that Paragraph of the Act, on which his *Propoſitions* are built, to belong to *New Canons*, is a ſufficient, indeed a convincing *Proof*, that he wrote it juſt as we now have it; and intended by the word *Treating*, to expreſs the *ſenſe* of what the *Law* meant by the ſeveral Terms of *Attempting*, *Alleging*, *Claiming*, and *Putting in Ure*.

[2] Rights &c. p. 409, 410.

From this great and Learn'd *Civilian*, Let us proceed in the Next Place, to the Opinion of a no leſs eminent *Common Lawyer*, and *Antiquary*, [2] Mr. *Lambard*, in his *Treatiſe* of *Courts*, to the ſame purpoſe: Where ſpeaking of the *Convocation*, with reference to this ſame *Statute*, he thus briefly delivers the Sum of the Clauſe before us: That it is *Always Summoned* by the *King's Writ*; and can *Do Nothing* without the *Royal Aſſent*, *firſt had and Obtain'd*.

Sect. 52.
[2] Archeion page 10.

This I think, comes fully up to what we are now Affirming; and yet the next Evidence, of as Worthy and Learned [3] a *Divine*, afterwards a *Biſhop* of our *Church*; will be ſtill more full and expreſs: Who in his Book of the *Perpetual Government of Chriſt's Church* thus propoſes the Objection of ſome of the *Puritans*, of whom I was before ſpeaking, againſt Us. *The fault*, ſay they, *We find* " *is, that Archbiſhops have Suppreſſed the liberty of Synods, and reſerved all things to* " *their Own Juriſdiction.* To this he thus replies: " *Who I pray you, prohibiteth* " *the Uſe, or Abridgeth the* Power, *of Synods, to* Make Rules, *and* Determine cauſes " Eccleſiaſtical; *the* Metropolitan, *or the* Prince? *Take good heed, leſt by eager,* " *and often Calling for the Indiction and Deciſion of Synods, at the Metropolitan's Hands,* " without the Prince's leave, *You Erect a new form of Synods, not to Adviſe and* " *Guide the Magiſtrate*, when they be thereto Requir'd, *but to ſtraighten or foreſtall* " *the Princes Power.*

Sect. 53.
[3] Bilſon perpet. Government &c. p 382. Chapt. xvi

" *True it is with us, no* Synods *may* Aſſemble *without the Princes* Warrant, *as* " *well to* Meet, *as to* CONSULT, *of any Matters touching the State of this Realm.* " *Otherwiſe they have no Power* of themſelves *to make* Decrees, &c. Which Senſe himſelf thus clearly, delivers in his own *Latin Tranſlation* of this ſame *Book*, [4] " *Verum quidem eſt nullas apud nos* Synodos, *ſine* Principis præcepto, " *Convenire, aut Deliberare poſſe, de quibuſcunque Rebus ad Publicam Utilitatem* " *hujus Regni, aut Cleri Statum pertinentibus.* Words as full and plain as can

[4] Edit. Anno 1571. p. 459.

well be put together, and which as positively speak both the *Authority* of the *Prince*, *and the* Legal *Inability of the* Clergy *in the Case under Debate*

Sect. 54. After so clear and formal a Declaration of this Matter, by three Persons of so great Eminency in three several Faculties and Professions; I know not what I could more add, unless it were the sense of a whole *Convocation*; against which because Dr. A. has made some Exceptions, tho' of no great Moment, which will come in their Order of time to be Examined, I shall but just mention it here, and so leave the more full Consideration of it to that place. The *Bishops* and *Clergy* of *York* having Agreed to a *Benevolence* to the *Queen*, in the *Convocation* of 1586. the Payment whereof they desir'd to enforce by their *Own Ecclesiastical Authority*; first accounted their *Grant* to her *Majesty*; and then, in the next place, requested her not only to Accept the same, "but also by her *Letters Patents* under her *Great Seal*, to *Assent* thereun-
" to; and to *License* and *Authorize* them, in that their *Convocation*, to *Devise*,
" *Make*, and *Ordain*, such *Orders*, *Decrees*, or *Constitutions Provincial*, and *Synodal*,
" as they should think Expedient, for the more speedy and sure Levying and
" Payment of the said Benevolence.

Such need did that *Convocation* think its self to have of the *Queen's License* to *Devise*, as well as to *Make and Ordain*, in their *Assembly*: And that this had been both the *Opinion*, and *Practice* of preceding *Convocations*, will in the Prosecution of their *History* more fully Appear. In the mean time, having hitherto shewn what *Authority* we have, of all kinds, for the Necessity of a *Royal License* to *Attempt*, as well as to *Enact*; to *Treat* and *Debate* of, no less than to *Make Canons*; Let us stop a while, and Consider whether Dr. A. has Offer'd as Good, and Full, and plain Opinions, to prove, that they may without any License, *Deliberate upon*, *Frame*, and *Agree* to such *Canons*, notwithstanding this Act; provided they do but in this last Instance, proceed with a *Salvo* for the *King's Authority* to be *had* before they shall be look'd upon as *fully Enacted* by them.

Sect. 55. And first, I must observe, that the Greatest part of Dr. A's *Authorities* which he alleges in Confirmation of his Opinion, are meerly *Negative*. They neither expresly Apply those Words of the *Statute*, 25 *H.* 8. *c.* 19. *Attempt*, *Allege*, *Claim*, or *Put in Ure*, to *old Canons*, (as Dr. A. does) nor deny them to belong to *New Ones*. They neither *Affirm* that the *Clergy* in *Convocation* may *Deliberate* upon *New Canons*, in order to the *Enacting* of them, without a *License* first Granted to them so to *Do*, nor do they otherwise Intimate that they had any design to Determine any thing on the One side, or the Other, in this Controversy. But what then do's Dr. A. produce them for? Why he shews that some Persons, where they transiently speak of this Act, have only taken notice of the *Clergys* being deprived thereby of the *Power* of MAKING CANONS, but say nothing of their being Restrained by it, from *Debating*, or *Treating*, concerning them.

Now such Negative Authorities can be at the most but a *Presumptive Evidence* in this Case, supposing them to be full and Particular; but if instead of being such, it shall appear that they are General, and Imperfect, and Loose in their Accounts of this *Statute*; That in taking notice of it, they design'd only to mention what was the *Main Thing* that was done by it, without Entring on an exact Declararion of All the Circumstances which accompanied the Doing of it; it will then follow, that they are not so much as *Presumptive Proofs* on his side: Nor can serve for any thing, but to shew the weakness of a Cause, for which no *better*, or *plainer Testimonies*, could be produced. To come therefore to Particulars.

Sect. 56. The *Ant. Brit.* [1] he says, give this Account of the Act; that the *Clergy in*
[1] Rights &c. pag. 89. Addit. p. 51. *Convocation promised the King, that they would not Make any Ecclesiastical Laws in time coming, nisi & Synodus*, &c. *unless both the Synod were Assembled by the King's Authority; and the Constitutions Published* therein, were *Confirm'd* by the same *Authority*. Will Dr. A. himself say, that this was *all* that the *Clergy promised* to the King? Then, for ought I can perceive, the *Clergy* may not only *Deliberate*, but may *Conclude* upon *Canons* without any *License*; nay may *Publish*, and *Promulge* them too in their *Synod*. All they are to do is to see, that before they send them abroad as *Synodical Constitutions*, they Obtain the *King's Patent* of *Confirmation* (for of that only this *Authority* speaks) but as for any Other *License*, which yet Dr. A. himself, insists upon no less than I do, there is no need of it.

The

The other Paſſage which he produces from the ſame *Hiſtory*, is yet more ſhort: It takes notice only how the "*Authority* and *Power* of the *Synod* was leſ- "ſen'd, or rather, intirely broken and overthrown, after that the *Clergy* had "*promiſed*, that they would therein *Decree nothing* without the *King's Authority*. And Dr. *A.* may as well from thence infer, that having *Decreed* with the *King's Permiſſion*, they needed no *Licenſe* to *Promulge* and *Execute* any *Canon* by vertue of this Act, becauſe that neither of theſe do's that *Author* take any Notice; as that they did not need it to *Treat*, and *Confer*, becauſe no mention is made of that. The End of ſuch *Debating* as we are now ſpeaking of, is *Enacting*, or *Concluding* upon *Canons*. Where there is, confeſſedly, no Power to *do* the *One*, it is but a Folly to *ſet upon* the Other. For what ſignifies it for a Venerable Body of Men to enter upon long *Debates*; to *Conſult*, and *Treat* about the *Matter* and *Draught* of a *Canon*, when they know they muſt ſtop there, and can ſtir no farther without a *Royal Licenſe*. They may provoke the Prince; may raiſe Diviſions in the Church, and diſcontents among the People; In a word, They may do Miſchief to themſelves, to Religion, and to the Civil Peace, by ſuch *Debates*. But as to all the End at which ſuch *Debates* either *Do*, or I am ſure, *ſhould Aim*, it is Vain and Fruitleſs for Men to *Deliberate* of what they neither *Can*, nor *Dare* to Go through with. And therefore it is enough for an *Hiſtorian* who regards the Dignity of that Body, to ſay, that they cannot now, without the *King's Leave*, *Make any Canons*, without troubling himſelf to deſcend to every other Circumſtance of their Confinement; Or to take a particular Notice, that they may not without ſuch a *Licenſe*, *Treat* or *Confer* in thoſe Matters, in which they are confeſſed to have no *Authority* to *Eſtabliſh*, or *Decree*.

My [1] Lord *Herbert* in his Hiſtory of King *Henry* the VIII*th*, gives a very ſhort Abſtract of the ſeveral *Acts* which were paſs'd in the ſame Parliament with this of which we are now diſcourſing. The *Submiſſion* of the Clergy he thus recites, *that they will not from henceforth Make, or Alledge, any New Conſtitutions without his Highneſs's Aſſent and Licenſe.* Do's this take in the full Subſtance of it, as it lies in that Act? Dr. *A.* will not pretend that it does. And yet defective as this Recital is, One thing it does which Dr. *A.* did not care to Obſerve; that is, it takes two of the *Verbs* made uſe of in that *Act*, and *Applies* them *Both* to *New Canons*; tho' one of them belongs to that *Set* which he contends to Relate only to the *Old Ones*. So little does that Paſſage make for his Advantage! But his Lordſhip goes on, and thus Abridges the *Parliament Sanction* upon their Submiſſion; that in the *Convocations, nothing ſhall be Promulged, or Executed, without his Highneſs's Licenſe.* What ſays Dr. *A.* to this? Is this all that that Statute Requires? Then 'tis for *Promulging* and *Executing only*, that the *King's Licenſe* is required by vertue of it: And ſo the *Clergy* may ſtill not only *Attempt*, but *Enact* too, whatſoever *Conſtitutions* they Pleaſe, without it.

[1] Sect. 57. Herb. Hiſt. p. 399. Rights, &c. p. 89, 94. Addit. p. 40.

In the other Paſſage, my [2] Lord *Herbert* refers not to this *Act*, but to the *Submiſſion* of the *Clergy* ſome Years before. By what miſtake his *Lordſhip* Applied the Promiſe there mentioned to that *Submiſſion*, I cannot tell. It is enough that he ſpeaks only of what the *Clergy Promiſed*, not of what the *Parliament Enacted:* And I need not tell Dr. *A.* that the Words *Attempt*, &c. were not in *their Submiſſion*, tho' they were put into the *King's Form*; and from thence taken into this *Act*. However, here again, all that the Hiſtorian ſays is, that they *promis'd* for the future to *Make no Conſtitution*, nor *Execute* any without the *King's Leave:* He mentions not *Attempting*, &c. in one part of that *Clauſe*; nor does he any more take any more notice of *Promulging* in the Other. The reaſon of which is eaſie to account for; becauſe *Making*, and *Executing* did, in effect, comprehend Them All; and therefore in a Place where, as an Hiſtorian, he had no need to be more particular, He thought it enough to mention thoſe only.

[2] Ibid p. 349.

Raſtal, and *Poulton*, are two Other Authorities alledg'd by [3] Dr. *A.* to juſtify his Interpretation of this *Statute*. Had they Read upon it; had they otherwiſe given a full Account of it; their Learning and Profeſſion would have made their Opinion the more Conſiderable. But to Appeal to *Abridgments* for the Senſe of a particular *Clauſe*, or *Word* in a *Statute*, is a ſingular Method; and ſuch as will be likely to give but a little Satisfaction to thoſe, who deſire to know the full Meaning and Comprehenſion of it. However, let us hear what

[3] Sect. 58. Addit &c. p. 40.

what they ſay: *Poulton* in his Abridgment, puts this Title before the *Act*, "That the *Clergy* in their *Convocations* ſhall *Enact* no *Conſtitutions* without the "*King's Aſſent*. He ſays only *Enact*, therefore he ſuppos'd they might have *Treated* without it. By the ſame *Logic* I add, therefore having *Enacted*, they may alſo without the King's *Aſſent*, *Promulge* and *Execute*; nay, and for ought apppears by Dr. *A*'s Quotation, may *Aſſemble too in Convocation without his Writ*.

But he proceeds: "*Raſtall* in his Repertory at the End of the *Statutes*, makes "this to be the purport of it; *That the Clergy in their Convocations ſhall Enact* "*nothing, unleſs they have the Kings*, (He ſhould *have* added *Royal*) *Aſſent and* "*Licenſe*. I anſwer as before: If this be not only the *purport*, but the *full Purport* of it, then there is no need of any *Writ* for the *Convocation* to *Meet* by; nor of any *Letters Patents* of *Confirmation* for *Canons* when *Made*, in order to the *Legal Promulgation* and *Execution* of them. If it be not the *full Purport* of that *Act*; if what *Raſtal* expreſſes be ſo far from being ſo, that Dr. *A.* himſelf muſt Own all this to be wanting, to Compleat the *Purport* of it, he may pleaſe to tell Us why an *Abridgment* in which ſo many material things are Omitted, may not have paſs'd over *Attempting*, as well as *Promulging* and *Executing* of *Canons*; nay and even the *King's Writ of Summons*, to *Call* them to *Convocation*.

Sect. 59.
[1] Rights, &c. p. 94. Addit. p. 40.

[1] Mr. *Fox* in like manner, gives a Summary account of this Act: He mentions only *Enacting* and *Executing*, of *Canons*; and ſays, that the *Clergy had promiſed in Verbo Sacerdotii, not to do this without the King's Royal Aſſent*. He takes no Notice either of *Attempting* on the one Hand, or of *Promulging* on the Other; but refers to the *Statute* for a more full account of it.

[2] Rights, &c. p. 94. Addit. p. 40.

Biſhop [2] *Godwyn* is ſtill more looſe and imperfect: He ſays, that in this *Parliament* an Act was made for *Abrogating* the *Authority* of the *Synod* or *Convocation*, in *Making of Eccleſiaſtical Canons*, *niſi quatenus Rex eos Ratos habuiſſet*, unleſs the King *gave* his *Royal Aſſent* to them. If by *Making* of *Canons* Dr. A. will ſtrictly underſtand, the Sole Act of *Paſſing, or Enacting* of them; then here is no reſerve for the *King's Aſſent* to their *Promulging*, or *Executing* of *Canons*, &c. any more than for their *Debating* about them. But if to avoid this Omiſſion, he will take it in a large Senſe, ſo as to Comprehend the *whole Proceſs* of the *Convocation* in this matter, from firſt to laſt; then to *Make Canons*, in this Signification, will import as well their *previous Treating* about them, before they paſs'd, as their *Publiſhing* and *Executing* of them afterwards. In the former Senſe, the Hiſtorians account is notoriouſly ſhort of the *Purport* of the *Act*; in the latter, it refers as well to what he *pretends* is *Omitted*, as to what he muſt acknowledge ought to have been mention'd by him.

[3] Rights, &c. p 94, 95.

Mr. [3] *Maſons* Authority I take, at all Adventures, as I find it reported by Dr. *A.* and upon the Credit of that, beg leave to ask him what it ſignifies to his Purpoſe? He ſays, that "it is *Enacted* by *Authority* of *Parliament*, that "the *Convocation ſhall* be *Aſſembled always* by *Vertue* of the *King's Writ?* I agree with him, and make no manner of Queſtion of it. He adds, "That their *Ca*"*nons ſhall not be put in Execution, unleſs they be approv'd of by the Royal Aſſent*: I am perfectly of the ſame Mind; and deſire Dr. A. to ſay, whether I ever made any doubt of it.

Sect. 60.
[4] Rights, &c. p. 97. Addit. p. 45.

To proceed therefore to ſomewhat that may be more Pertinent; [4] "the Au"thority of the *Convocation* its ſelf, which ſet out the *Inſtitution of a Chriſtian* "*Man*, a few Years after they had *Submitted*. In the Dedication of that Book, "the Prelates addreſs the King after this Manner: Without your Majeſties "*Power*, and *Licenſe*, we Acknowledge and Confeſs, that we have none Autho"rity, either to *Aſſemble* together for any *Pretence or Purpoſe*; or to *Publiſh* any "thing that might by Us be *Agreed* on, or *Compil'd*? What would Dr. *A.* infer from hence? The King had by a ſpecial Commiſſion cauſed the *Archbiſhops*, *Biſhops*, and *other Prelates* out of *both Provinces*, to meet together at *Lambeth*; and Required them "*upon the diligent Search and Peruſing of Holy Scripture, to ſet* "*forth a plain and ſincere Doctrine concerning the whole Sum of all thoſe Things which* "*Appertain to the Profeſſion of a Chriſtian Man*. They Met, and drew it up accordingly; in a Book entituled by them, *The Inſtitution of a Chriſtian Man*: And having ſo done, they Dedicated it to the King, by whom they had been *Call'd together*, and *Commiſſioned* for this Purpoſe. "*We do Offer it*, ſay They, *here*"*with unto your Excellent Majeſty*, moſt *humbly beſeeching the ſame to permit and* "*ſuffer it, in caſe it ſhall be ſo thought meet to your moſt Excellent Wiſdom, to be*

"*Printed*;

" *Printed*; *and ſo with your ſupreme Power ſet forth, and commanded to be by us,*
" *and all other your Subjects of the Clergy of this your moſt Noble* Realm, *as well Re-*
" *ligious as Other, taught to your Highneſs's People: Without the which Power and*
" *Licenſe of your Majeſty, we Knowledge and Confeſs, that we have none Authority ei-*
" *ther to* Aſſemble *our ſelves together for any* Pretence *or* Purpoſe, *or to* Publiſh *any*
" *thing that might be by* us Agreed *on, and* Compiled.

This was the Occaſion of the Declaration here mentioned, and the Ground on which it was made. The King deſign'd to have a *Book* of *Doctrine* compiled, and ſet forth by *Authority*. He thereupon Aſſembled his *Biſhops* and *Prelates* by his *Commiſſion*; and by the ſame *Commiſſion*, *Required*, (and in that *Authorized* Them,) upon the diligent Search of Holy Scripture, to Compile ſuch a *Treatiſe*. They *Met*, *Debated*, and *Drew* up the *Book*, which they were *commanded* to *Compile*; and then deſired the King that it might be *Printed*, *Set forth*, and *Taught* by his *Command*, to All his *People*. They took not the leaſt ſtep without his *Aſſent*; but from their *firſt Meeting*, to their final *Concluding*, had his Aſſent and *Authority*, to juſtify them in what they did.

And to ſhew that this was no more than was *Neceſſary* for them, they firſt profeſs, that they could not have *thus Met* together for *this End*, without *his Licenſe: Without the Power and* Licenſe *of your Majeſty, We Knowledge and* Confeſs, *we have none Authority to Aſſemble our ſelves together for any Pretence or Purpoſe:* And *2dly*, They add, that having *Met*, and *Compiled* ſuch a *Treatiſe* by his Majeſty's Command, They could not yet by their Own Power, *Publiſh* or *Set it forth*: *Or to publiſh any thing that might be by us Agreed on and* Compiled.

But what is there in all this to prove, that the *Convocation* may *Debate* and *Treat* of *Canons* and *Conſtitutions*, tho' not *Enact them*, without the *King's Licenſe?* Was this *Meeting*, in the firſt place, a *Convocation*; ſuch as that *Act* ſpeaks of? No, but a Select Committee appointed by a *particular Commiſſion*, and for a *particular End*. Were here any *Canons* or *Conſtitutions Provincial* or *Synodal*, *Debated* upon, or *Made* by them? Not ſo neither: But a *Book* of *Doctrine* was Compiled out of the *Holy Scriptures*, at the *King's Command*. Do they in their *Dedication*, ſpeak of *Canons* or *Conſtitutions*, ſuch as the *Act* refers to? No, They do not; but of a Theological Treatiſe *Agreed on*, and *Compiled by* them. Or, to Allow for all this; Do they ſay, laſtly, that they had *Power* to have *Agreed* upon, and *Compiled* ſuch a *Book* as that, without the *Kings Commiſſion?* Dr. *A.* himſelf dares not ſay it; but he thinks they IMPLY as much. I confeſs, I cannot ſee where any ſuch thing is *Implied*. But be it ſo; Will Dr. *A.* ſtand by ſuch an *Implication*? Will he Affirm that the *Convocation*, without the Kings *Licenſe*, have *Authority* to *Agree upon*, and *to Compile* any ſuch *Determination* or *Doctrine?* If ſo, he will go much farther than I thought his Principles would have led him; which, as I underſtood him, left the *Convocation* a *liberty* of *Debating* only, but not of *Agreeing* and *Compiling*, without the King's *Licenſe*; or (at leaſt which comes to the ſame thing) without a *Proteſtation* made, to Guard them againſt the *Penalty* of this Act, for the want of it?

In ſhort, that which the *Biſhops* and *Prelates* here *acknowledge* and *confeſs*, is this, that without the *King's Licenſe*, they had no *Authority* to *Aſſemble*, for any *Pretence* or *Purpoſe*; nor being Aſſembled (as here they were by the *King's Power*) and having by vertue thereof Agreed to, and Compiled ſuch a *Treatiſe*, had they yet any *Authority*, without the like *Licenſe*, to *Publiſh* what they had *Compiled*. It was the *King's Licenſe* alone that could Authorize them to have *Aſſembled* together, to *Agree*, and *Compile*; and it was the *ſame Licenſe* alone, that could alſo warrant them legally to *Publiſh* what, being ſo Aſſembled, they had *Agreed* upon, and *Compiled*.

This was their plain Meaning, and all it proves, I conceive, is this; that if the King grants a *Commiſſion* to any Number of *Biſhops*, or *Prelates*, to *meet* together for any *Particular End* or *Affair*; they may, without any farther *Licenſe*, *Treat* and *Debate* of the *Affair* for which the *King Aſſembles* them, and come to *proper Concluſions* upon it. A Truth that no body, I believe, makes any Doubt of; but the pertinence of which to Dr. *A*'s preſent purpoſe, I am yet to underſtand. For that this meeting was a *Convocation*, or *Acted* as ſuch, was [1] Dr. *A*'s Error when he firſt wrote, as it had been Dr. *W*'s before. He afterwards ſaw this to be [2] a plain Miſtake; but yet to make it look like a Proof to his purpoſe, was willing to diſſemble it; as by comparing his cautious Note in the

[1] Rights &c. p. 97. 176.

[2] Addit. &c. page 45. 53.

the *Margin* of his *Corrections*, with what he afterwards obſerves concerning this very Book; it manifeſtly appears.

Sect. 61. Hitherto I will adventure to ſay, Dr. *A.* has not alledged any one Teſtimony that do's in any Meaſure come up to the purpoſe for which he produces them. All he pretends to is, that the *Writers* whom he quotes do not *expreſsly take notice* of the *Clergies* being *Reſtrain'd* from *Conferring* to *Conſtitute*, as well as from *Enacting* of *Canons*; tho' neither do any of them *Deny*, but that they are ſo *Reſtrained*. The Paſſages give only a ſummary Account of this *Act*; and that (as moſt ſuch general Accounts are, and I have particularly ſhewn theſe to be) a very ſhort, and imperfect one.

But there are ſome Other of his *Authorities* which not only labour under this Defect, but fall under another *Exception*; namely, that they are taken from ſuch Authors who were *Enemies* to our *Church*, and may therefore juſtly be ſuſpected to have miſinterpreted this *Statute* out of *ill Will* to it; as Dr. *Coſens* complains ſome did in his time, and we know, Others continued to Do in the next Reign alſo. He tells us that,

[1] Addit. p. 40, 41. [1] The Miniſters of *Devon* and *Cornwal* allow, that the *Clergy Aſſembled by the King's Writ, and his moſt Royal Aſſent, and Authority, given, may Enact and Put in ure, Canons*, &c. *Provincial*. They are much in the Right; but would have ſpoken more to his Purpoſe had they ſaid, that the ſame *Clergy, without his moſt Royal Aſſent, and Authority given*, might have *Treated* and *Conferr'd* about the like *Canons*, tho' not have *Enacted* and *Put them in ure*.

[2] Ibid. The [2] *London Miniſters* alledge, "that ſince the *Submiſſion* of the *Clergy* of this *Kingdom*, the *Convocation is bound by the Statute* 25 *H.* 8. *c.* 19. *from Decreeing or Executing ought repugnant to the Cuſtoms, Laws, or Statutes of the Realm.* This again is a moſt certain *Truth*; but what the conſequence of it is to the Purpoſe in hand, let him tell us that can.

[3] Ibid. [3] Mr. *Huntly*, expounding this *Statute*, as far as concerns the Buſineſs of *New* "*Canons*, ſays, that it *Submits the whole Clergy to the ſupreme Juriſdiction of the* "*Crown, in theſe four Particulars*; 1. That they cannot make any *Canons* in their "ſeveral *Juriſdictions*, but only when they meet in a *Provincial Synod*. 2. That "they muſt not *meet* in a *Provincial Synod*, until they be firſt *Call'd* thither by the "*King's Writ*. 3. That when the *Clergy* are ſo *Met*, being ſo *Call'd*, and Have "*Made* CANONS, they cannot *Execute* or *Put them in ure*, nay they cannot *Pro*"*mulge*, or *Publiſh* any one of theſe *Canons*, until they are *Confirm'd* by his *Maje*"*ſties Letters Patents*. 4. That ſo far they may go, farther they cannot. If Dr. A. pleaſes to ſay what he infers from any, or all theſe Aſſertions; I ſhall very readily conſider it: For my part, I know not how to Apply them to his Advantage.

But it may be, it is Mr. *Huntley's* Account of the *Old Canons* that falls in ſo nearly with his Expoſition: "Which are either *Canons made beyond Sea*; and "of theſe, he ſays, that none of the *Clergy*, in their ſeveral Juriſdictions, can "*Execute*, or *Put in ure*, any ſuch *foreign Canons*, until thoſe *foreign Canons* are "firſt *Receiv'd* here for *Laws* of this *Land*, by the *King's Sufferance*, and *the Sub*"*jects free Conſent, and Cuſtom*; Or *Canons in this Land formerly made: And of* "Thoſe, *this Act* Abrogates *all ſuch as are contrary to the ſupreme Juriſdiction of* "*the Crown*, &c. *and* Approves *and* Eſtabliſhes *all the reſt, until they be otherwiſe* "*order'd* by *the* 32 *Perſons there mentioned.* From what part of the *Act* Mr *Huntly* infers the *firſt* of theſe *Aſſertions*, (which yet I take, in the main, to be very true) I cannot well determine. The other is plainly enough delivered in it. But neither in both, or either of theſe, can I ſee any thing that proves what Dr. *A.* affirms, and is, the Point in Doubt between us; that theſe Words, *Attempt*, &c. belong to *Canons Already Made*: And that the *Clergy* therefore, are Reſtrain'd only from *Enacting*, not from Conferring, *&c.* to *Make Canons*.

[4] Addit. &c. p. 42. The *Treatiſe* [4] of *Oaths* very rightly obſerves, that no *Conſtitution* or *Ordinance* ſhould be *Made*, or *Put in Execution*, without the *King's Authority*: But ſtill neither does that ſay, that *Conſtitutions* and *Ordinances* may be *Debated upon*, and *Drawn into Form*, and every thing done beſides *Enacting*, that is requiſite to the *Making* of them, whether the King gives the *Clergy* a *Licenſe*, or not, to Do it.

[5] Ibid. p. 43. [5] Mr. *Beals* Papers either afforded nothing to Dr. *A*'s Purpoſe, more than theſe *Tracts* had done, or if they did, he has had the ill Fortune to overlook it.

"Without

"Without the *Prince's Writ*, *the* Archbiſhop *cannot* Aſſemble *any* Convocation *or* "*Synod*, *nor Put in Ure any* Canon *therein agreed without her Highneſs's Sign Manual.* What follows; why therefore they may *Attempt*, *Allege*, and *Claim*, without it? Nay, but I muſt add more (ſeeing that too is omitted, as well as all the Reſt) therefore, they may *Enact*, and *Promulge*, without any *Licenſe* to Authorize them ſo to Do.

Again, "by the *Statutes* of *England*, no Biſhop ought—to *Publiſh* any *Decree* or "*Canon*, without the *King's* ſpecial *Licenſe* and *Aſſent*. The Conſequence again is clear, and lies exactly before.

Again: "In the Articles of 1584, 'tis ſaid in the Title, *Eſtabliſh'd by the* Clergy; which Mr. *Beal* thought implied, that the *full Strength therof was derived from* "*the* Convocation, not *from the* Queen; *who, as they there ſay, did but* Allow *and* "*Confirm* them. This he marvel'd much at, and thought to be a great Preſumption: Let him draw the Concluſion from it that can.

Anno 27 *Eliz.* It was complain'd to the Parliament, "that the Clergy did "*Make*, *Promulge*, and *Execute*, *Articles* and *Injunctions*, without her *Majeſty's* "*Writ*, and Royal *Aſſent*, contrary to this *Act*. Do's any body doubt but that if the *Fact* was true, the Complaint was very juſt. But Dr. *A*'s Inference is this; That they complain'd only of their *Making*, *Promulging*, and *Executing*, and did not add their *Attempting*, *Treating*, *Conferring*. The Reaſon is ſo very plain, that I wonder Dr. *A.* did not, or rather would be thought not to have ſeen it. They *Made Canons*; this was alledged: And this ſufficiently *prov'd*, as well as *implied*, that they had *Attempted them.* They *Made* them, 'tis the Word of the *Act*, which Anſwers to *All the Verbs* under Diſpute; to *Attempting*, as well as *Enacting*: And therefore, by the *Tenor* of that *Law*, no leſs than in the obvious Reaſon of the thing its ſelf, it includes all the reſt. They *Made*, *Promulged*, and *Executed Articles*, without her *Majeſty's Aſſent*: This was ſo great an *Offence*, ſo much beyond *Attempting*, *&c.* that Dr. *A.* may as well inferr, that a ſimple *Aſſault* or *Battery*, is not prohibited by our *Law*, becauſe it is not laid in an *Indictment* for *Murder*; as that *Treating* about *Articles* or *Canons*, is not *forbidden*, becauſe it was not mention'd in a Complaint, where the *Clergy* were charg'd with *Making*, *Promulging*, and *Executing of Them*, without any *Licenſe* firſt had to warrant them in that behalf.

In a word, Concerning the *Statute* 25 *H.* 8. *c.* 19. Dr. *A.* tells us, Mr. *Beale* "Obſerved, that the King has Authority; 1. To *Summon Synods*, and *Convoca-* "*tions*, by his Writ. 2. By *his Royal Aſſent*, to *Approve* their *Conſtitutions* be- "fore they be *divulged*. 3. With this Proviſo, that *nothing be done Contrariant* "*or Repugnant to the Law of the Realm.* Here again he would have it obſerv'd, that Mr. *Beale* ſays nothing of the *Unlawfulneſs* of *Conferring* without a *Licenſe*. 'Tis Allow'd; but withal it muſt be *farther Obſerv'd*, that neither do's he ſay Any thing of *Enacting*, any more than of *Debating*: And therefore, by the ſame Reaſon, that from this Omiſſion he inferrs the *One* may be done *without the Royal Authority*; he will give me leave to conclude, that ſo may the *Other* too. Sect. 62.

If Dr. *A.* be not yet ſenſible, of how little Force ſuch kind of Inferences as theſe are, I will endeavour, by a parallel Inſtance or two more clearly to convince him of it. Biſhop [1] *Sanderſon*, in a Treatiſe which he wrote on purpoſe to ſhew that *Epiſcopacy* was not Prejudicial to *Regal Power*, gives this Account of the *Statute* of 25 *H.* 8. *c.* 19. "That by that *Statute*, upon the *Sub-* "*miſſion* and *Petition*, of the *Clergy*, it was Enacted, that no *Canons*, or *Con-* "*ſtitutions*, ſhould be MADE by the *Clergy* in their *Convocation*, without the "King's *Licenſe* firſt had in that behalf, and his *Royal Aſſent After*. This he delivers as the *Senſe* of that *Act*: And from thence I thus argue, by Dr. *A*'s Rule, that had this *Reverend Prelate* thought the Clergy were tied up not only from *Enacting*, but from *Treating* too, without the *King's Authority*, he would certainly have mention'd it; becauſe this would yet more have ſhewn the *Dependance* of the *Epiſcopal Juriſdiction*, upon the *Royal Supremacy*; which was the thing he was there concern'd to prove, and for the ſake of which, he alledg'd the Sanction of that *Statute*. And yet, in another part of that very Treatiſe before referr'd to, he declared the King's *Licenſe* to be neceſſary for the One, as well as for the Other; for that the Clergy cannot either [2] MEET *without his Writ*, or TREAT *without his Commiſſion*, or ESTABLISH *without his Royal Aſſent.*

[1] *Sanderſon's* Epiſcopacy, &c. p. 121.

[2] Ibid. p. 33.

How expreſly Dr. *Helin* aſſerted the Neceſſity of a *Licenſe*, to enable the *Convocation* to *Treat* and *Debate*, I have before ſhewn: And yet, in his *Juſtification* of our *Reformation*, where he avowedly delivers the Senſe of this *Act*, he do's it after the very ſame manner that thoſe *Authors* do, whoſe Opinions Dr. A. Alledges on his behalf. [1] " It's true, ſays he, the *Clergy*, in their *Convocation*, " can *do* nothing now, but as their *Doings* are Confirm'd by the *King's* Autho- " *rity*: And, I conceive, it ſtands with Reaſon, as well as Point of State, that " it ſhould be ſo. For ſince the *two Houſes* of *Parliament*, tho' Called by the " *King's Writ*, can *Conclude* nothing, which may bind either King, or Subject, " in their Civil Rights, until it be made good by the *Royal Aſſent*: So neither " is it fit, nor ſafe, that the *Clergy* ſhould be able, by their *Conſtitutions* and *Sy-* " *nodical* Acts, to *Conclude* both Prince and People, in Spiritual Matters, until " the Stamp of *Royal Authority* be imprinted upon Them. " It is true, the " *Clergy* of this *Realm* can neither *Meet* in *Convocation*, nor Conclude any thing " therein, nor *put in Execution* any thing which they have *Concluded*, but as " they are Enabled by the *King's Authority*. So that, according to this Ac- count, (may Dr. *A*, if he pleaſes, argue) All that Dr. *Heylin* thought the *Clergy* needed the King's Authority in, was, A *Writ* to *Meet*; a *Licenſe* to *Conclude*; and a *Commiſſion* to *Execute*. But as for any Other *Licenſe* to *Debate*, or *Treat*, he knew no Occaſion for it: If he had, he would never have omitted the Men- tion of it in a Place where he was expreſsly ſhewing what *Incapacities* the *Clergy* were brought under by that *Statute*, and the *Submiſſion* on which it was founded.

[1] *Heylin's* Tracts, fol. pag. 41. §. 6.

To confirm this Conſtruction, as to Dr. *Heylin's* Opinion in this Caſe, yet more: Let us conſider how he reports the very *Form* of *Submiſſion*, which was ſent by the King to the Clergy. [2] " That no *Conſtitution*, or *Ordinance*, ſhall be " hereafter by the Clergy, *Enacted*, *Promulged*, or *Put in Execution*, unleſs the " King's Highneſs do Approve the ſame by his *High Authority* and *Royal Aſſent*. I conclude therefore, that the King never Required the Clergy to promiſe, in *Verbo Sacerdotii*, not to *Attempt*, *Allege*, *Claim*, *or Put in Ure*, *any ſuch Conſtitutions*, *or Ordinances*; for, if he had, Dr. *Heylin*, who ſaw the *Acts* of this *Convocation*, and in Them the *Form* of that *Submiſſion*, which *Fox* the *Almoner* brought to it from the King, would undoubtedly have mention'd *that*, as well as the *reſt*. Yet Dr. *A.* knows how wrong an Inference this would be; and that All thoſe *Words* were moſt certainly in the *King's Paper*, tho' Dr. *Heylin* omitted them (as *Hiſtorians* are but too apt to do) in his *Abridgment* of it.

[2] Againſt *Fuller*, par. 2. pag. 65.

In ſhort; The ſame Dr. *Heylin* thus relates the *Hiſtory* of the *Convocation* 1 *Jac.* 1. [3] " That by the great Induſtry, and indefatigable Pains of Archbiſhop " *Bancroft*, a Body of *Canons* was Collected, to the Number of 141, out " of the *Articles*, *Injunctions*, and *Synodical Acts*, during the *Reigns* of Q. *Eliz.* " and K. *Edw.* the *vith*. Which being methodically *Digeſted*, *Approv'd* of in " *Convocation*, and *Ratified* by his *Majeſties Letters Patents*, in the due *Form* of " *Law*, were ſtoutly *put in Execution* by the ſaid Dr. *Bancroft*, tranſlated to the " See of *Canterbury*, in *December*, 1604. Here we have a full Account of the Proceedings of that Famous *Convocation*, as far as this Statute is concern'd in them. The *Convocation* was *Aſſembled* by the *King's Authority*; but that being done, we hear of no *Royal Licenſe* for *Collecting*, *Digeſting*, and *Approving*, of theſe *Canons*. Afterwards, indeed, when the *Convocation* had made them, they were *Ratified in due Form of Law by his Letters Patents*: But Dr. *Heylin* knew well enough, that the *Convocation* had Power ſufficient of Themſelves, without any Other *Licenſe* than that of their *firſt Writ*, to *Collect*, *Digeſt*, and *Approve*, of ſuch *Canons* and *Conſtitutions*; and therefore he mentioned no *Letters Patents* for this, but only for the *Ratifying* of them; which was indeed the Whole of what they wanted them for.

[3] Hiſt. of Presbyt. lib. xi. pag. 371.

Will Dr. *A.* allow of this Arguing in this Caſe? Will he permit me, in deſpight of the *King's Licenſe*, which himſelf has ſeen, and which Dr. *Heylin* had ſeen too, when he wrote this, by the meer dint of Conſequence, to *Argue* a plain *Matter of Fact* out of Doors? If not, let him ſhew in what his Alle- gations differ from Theſe; and why that ſhould be a good Argument in his Caſe, that is none at all in this.

Sect. 63. But there are ſtill two Authorities remaining, which muſt not be forgot- ten: Mr. *Bagſhaw's*, in his Argument againſt the *Canons* of 1640; And King *Charles*

Charles the First's, in his *Proclamation* against the *Assembly* of *Divines*, *Anno* 1644. "The former, [1] he says, in that famous Argument, being to produce the "Words of this *Statute*, by which the *Clergy* have *Power* to *Make Constitutions*, "says they are, That they shall not *Enact*, *Promulge*, or *Execute*, any *Constitu-*"*tions*, &c. unless they may have the King's most *Royal Assent* to *Make*, *Pro-*"*mulge*, and *Execute*, *the same*. But as to *Attempting*, *Alleging*, *Claiming*, or "*Putting in Ure*, he never dream'd that these were in the *Act* apply'd, or "were Applicable to this Purpose; and therefore do's not mention them. And therefore he concludes, "*that to the Making of Canons, there must be the King's* "*Royal Assent*.

[1] Addit. p. 27

To shew how little we can depend on this Inference of Dr. *A.* which is still the same that All his Others were, a meer Presumption, without any Certainty, and therefore without any Force; I must observe, that Mr. *Bagshaw*'s Business, in that Argument, was to shew the *Illegality* (that was what he undertook) of the *Canons Made in that Convocation*. His Second Topick, to prove this, was thus propos'd by him, [2] "*That they were not well Created by any of the King's* "*Writs, or Commissions, to Enable them to* MAKE *Canons*. The Question he thus "states, *Whether they had Lawful Authority to Make them, by force of the Statute* 25 *H.* 8. *c.* 19. His Business was not nicely to state what the *Clergy* might, or might not do, without a *Royal License*, by *vertue* of that *Statute*, in the Business of *Making Canons*; much less of *Attempting to Make them*: But to argue, whether such certain *Canons*, ALREADY MADE, (and therefore past *Attempting*) had been *Made* by such *Authority* as the *Act* requires?

[2] Mr. Bagshaw of the Canons, pag. 1.

And he thus begins his Argument with a downright *Fallacy*, not to say any thing harder of it. "*The Words of the Statute*, says he, *by which the Clergy* "*have Power to* MAKE *Canons*, (he should have said, by which the *Clergy* are *Re-*"*strain'd* in their *Power*, which before they had, both by *Right* and *Custom*, to *Make Canons*; for that indeed was the Truth of the Case: But to wave this as foreign to my present Purpose) "*are penn'd in the Negative: That they shall not* "*Enact, Promulge, or Execute, any Canons, or Constitutions*, &c. *unless the same* "*Clergy may have the King's most Royal Assent to Make, Promulge, and Execute,* "*such Canons*, &c. *By which it plainly appears, that the Clergy have no Power to* "MAKE *Canons, but in their Convocation; and that to the* MAKING *of these Canons,* "*there must be the King's Royal Assent. Whether this were so, or no, comes now to* "*be Examined.*

Thus Mr. *Bagshaw*: And the Result of what he says, is plainly this: He argued about *Canons already Made*. He was to shew, that the *Clergy* had not had a *Legal Commission for the Making of them*. He had therefore no Concern with the *Debates* of the *Convocation*, previous to their *Enacting*. He own'd they had two *Commissions* from the *King*, before they *Made* them, and his *Letters Patents* of *Confirmation* after. But he pretended, that the *first Commission determined with the Parliament*; and if it had subsisted longer, was yet revoked by the *second*: Which being made out of *Parliament*, he deny'd, that it was such a *License* as that *Statute* required; or sufficient to Empower the *Clergy* to Continue to *Sit* as a *Convocation*, much less to *Make Canons*, in such their Assembly.

What therefore Mr. *Bagshaw* thought of the *Convocations Power*, to *Treat* without a *License*, or of the *Words* which relate thereunto, this Argument informs us not. He consider'd only of what was required to the *Making*, *Promulging*, and *Executing of Canons*, &c. That was his Province; and therefore to that only he applied both his Recital of the *Statute* 25 *H.* 8. and his *Arguments* upon it.

As for the [3] *Proclamation* of King *Charles* I. "He tells us, it forbade the *As-*"*sembly* of *Divines* to *Meet* upon these, and these Accounts only; because, by "the *Laws* of the *Kingdom*, no *Synod*, or *Convocation* of the Clergy ought to be "Call'd, *&c.* but by the *Authority* of the *King's Writ*. Had it stopp'd there, this alone would have been sufficient to shew the Illegality of their *Assembling*, by vertue of any other *Authority*: Nor was there any need of the King's Proceeding any farther. However, he adds, "That no *Constitution*, or *Ordinance*, "*Provincial*, or *Synodal*, may be *Made*, *Enacted*, *Promulged*, or *Executed*, un-"less with the *King's Royal Assent*, and *License*, first obtain'd. In the first branch, he shews their *Meeting* to be *Illegal*; in the second, that their *Acting* (should they proceed to *Make* any *Orders* or *Constitutions*) would be so too.

Sect. 64.

[3] Rights, &c. p. 97.

His Concern was not to determine all the Niceties of that *Act*, conſider'd with reſpect to a *Legal Convocation*. He inſiſted upon the two main things, that were proper to be taken notice of in ſuch a *Proclamation*; That they could not *Aſſemble* without his *Writ*; nor *Make*, *Enact*, *Promulge*, or *Execute*, any *Conſtitution*, without his *Aſſent*. For the reſt, what that *Prince*'s Opinion, concerning the *Convocations Power* to *Conferr* without a *Licenſe*, was, I have before ſufficiently ſhewn, both from his *Declaration* ſet before the 39 *Articles*; and from his *Licenſe* and *Patents of Confirmation*, granted to the *Convocation* of 1640, about three Years before. So that this therefore may be another Proof of the Weakneſs of theſe kind of Authorities; and ſhew how little they can be depended upon, in a Matter of ſuch Moment as this. The *King* here took no notice of the *Clergies* being prohibited to *Confer* and *Debate*, without his *Licenſe*: Therefore, ſays Dr. A. he thought that they might *Treat*, and *Confer*, without it. But in his Other Inſtruments, he expreſly granted the *Convocation* a *Licenſe* to *Conferr*, and *Debate*; and Aſſerted his *Royal Prerogative* to *Licenſe* them in this Matter: And therefore we are ſure Dr. A's Inference from this *Proclamation*, muſt be fallacious; and that, notwithſtanding the Omiſſion of that Branch of his *Sovereignty* here, yet he did account the *Clergy* to be Reſtrain'd from *Deliberating* upon, as well as from *Concluding* of *Canons*, without his *Royal Licenſe* to *Authorize* them ſo to Do.

Sect. 65. We are now come to an End of thoſe Paſſages, by which Dr. *A.* pretends to *Confirm* his *Expoſition* of this *Statute*. There are yet two Suggeſtions againſt this Reſtraint, which I ſuppoſe was laid upon the Clergy by it, which tho' of no great Moment, may yet be Proper to be juſt taken notice of, before I conclude this Point: The One is, that in the [1] *Reformatio Legum Eccleſiaſticarum*, there is not, as far as he can find, any One Expreſſion that implies the "Compoſers of it to have thought, that the Clergies *Synodical Debates* lay "under any *Reſtraint* from the *Crown*; which (ſays he) *is a very ſtrong Preſumption* "*that they did not think the Clergy to lie under any*. Now to make this any *Preſumption at all*, and much more a very ſtrong *Preſumption* in this Caſe, we muſt ſuppoſe, that the *King's Power* over the *Acts of Convocation*, by vertue of this *Statute*, is ſomewhere or other *Declared* in that *Book*. It being otherwiſe unconceivable, how the Omiſſion of this One Particular Circumſtance of the Clergies Reſtraint, by vertue of that *Act*, ſhould be a very *ſtrong Preſumption againſt* it; ſuppoſing that in that *Book* there is neither any mention made at all of this *Act*, or of the *Incapacities* which the *Clergy* were laid under by it. And yet this is the very Truth: That *Collection* ſpeaks not one Word of the *Convocation*; or of what the *Clergy* may, or may not Do, there. It provides only for the *Occaſional Aſſembling* of *Provincial Councils* for the *Common Affairs* of the *Province*; and determines of what *Perſons* they ſhould *Conſiſt*, and by what *Authority* they ſhould be *Called*. But as for the *Convocations*, of which we are now diſcourſing, there is not a Word about them: And Dr. *A.* may as well ſay, that the *Clergy* may *Enact*, *Promulge*, and *Execute* what ever *Canons* they Pleaſe, without any *Licenſe* or *Commiſſion* to empower them ſo to Do; and tell us, the *Silence* of that *Book* is a very *ſtrong Preſumption* of the Truth of ſuch an *Aſſertion*; as inferr from thence, that it is any *Preſumption* at all of their *Power* to *Confer* without it.

[1] Rights, &c. p. 98.

Nor is the Silence of [2] Archbiſhop *Parker*'s *Directory*, of any greater moment in this Particular: Which ſhews only the *Form* of *Opening* the *Convocation*; but meddles not with any part of the *King's Authority*, by this *Act*, to *Licenſe* the *Clergy* to *Confer*, *Enact*, *Promulge*, or *Execute*. It proceeds no farther than to the *Choice* of a *Prolocutor*, and ſo concludes. But in thoſe *Convocations*, which have had the *King's Commiſſion* to *Treat*, &c. the earlieſt Notice that has been taken of it, has not been till after the *Prolocutor* was *Choſen*, *Preſented*, and *Confirmed*; and therefore, in ſuch a *Formulary* as Ends with that, we ought not to expect any account of it.

[2] Rights, &c. p. 376.

Sect. 66. To Conclude therefore this *ſecond Point*: That the *Clergy* in *Convocation* have no Power to *Treat*, *Confer*, *Conſult*, or *Debate*, in order to the *Making* of any *Provincial Canons*, or *Conſtitutions*; Our *Princes*; Our *Judges*; Our *Council* learned in the *Laws*; Our *Civilians*; Our *Divines*; have plainly and fully declared. Thoſe of Q. *Elizabeth*'s Reign, ſpeak after the very ſame manner that their Succeſſors have ſince done: That the whole *firſt Clauſe* of the 25*th H.* viii be-

longs

longs to *New Canons*, hereafter to be made; ſo Dr. *Coſens*. That the *Convocation* can *Do nothing* without the *Royal Aſſent firſt had and obtain'd*; ſo Mr. *Lambard*. That it cannot *Conſult* without the the Prince's Warrant; ſo Biſhop *Bilſon*. Whereas, on the other ſide, Dr. *A.* has not produced any one *Church of England Writer* (I might add, nor *Puritan* neither) that *Expreſsly Applies* thoſe Words of the *Act*, upon which the *Diſpute* depends, to OLD *Canons*, or denies them to belong to NEW *Ones*: Or otherwiſe affirms that the *Clergy* in *Convocation* may *Treat*, *Conſult*, and *Debate*, about *Provincial Canons*, and *Conſtitutions*, in order to the *Making of them*, by their *Own Authority*, without any *Licenſe* or *Aſſent* from the *Prince* ſo to Do. He has only amaſſed a Heap of *Witneſſes*, who ſpeaking either of this *Act*, or of the *Reſtraint* lay'd upon the *Clergy* by it, do not expreſsly take Notice of this, as neither do they of ſeveral other *Inabilities*, under which yet we both agree they do lie, by vertue of that *Statute*; and from thence infers (but how *Weakly*, how *Precariouſly*, nay, how *Falſly*, I have abundantly ſhewn) that they were not aware that any ſuch *Incapacity* was thereby laid upon them. Which being thus evinced, I proceed in the

(3*d*) and Laſt place, to Enquire how our *Convocations* have proceded ſince the Paſſing of this *Act*; and whether it do's appear that the *Clergy* have ever, in *fact*, *Treated*, *Conferr'd*, and *Debated*, upon any *Canons* or *Conſtitutions Provincial*, or *Synodals*, in order to the *Enacting* of them, without being firſt *Authorized* by the *Prince* ſo to Do?

And this is again another Proof which Dr. A. himſelf allows to be of great Force in this Caſe; but [1] he denys it to have been *always on that ſide of the Queſtion* which I am now defending; and taxes me, with his accuſtom'd Severity, for affirming of it. He accuſes me for carrying the *Conceſſion* of the *firſt Writer* in this *Diſpute* farther than he thinks his Words will bear; and thus Concludes with Relation to us both: [2] "Indeed, ſhould that Author have allow'd the "Stream either of *Practice*, or *Opinion*, to have been ALWAYS contrary to "his *Senſe* of the Act, he had been, as Dr. *W.* now is, under a groſs miſtake; "for *it is Certain* that both *General Opinion* and *Practice* were on his ſide for many Years after the Act paſs'd. But why then, if this be true, has Dr. A. left *his ſide*, to advance a middle Opinion, between *His* and *Mine*? The *Author* of that *Letter* held, that the *Clergy had no need of any previous Licenſe* to *Enact*: That *One* only was requir'd by the *Statute* of the 25 *H.* 8. *c.* 19. And that was the *Confirmatory Patent* by which the *Conſtitutions*, before made by the *Convocation*, were allow'd to be *Promulg'd*, and *Executed*. Now this Dr. A. utterly Rejects: He inſiſts upon the *Neceſſity* of a *Licenſe* to *Enact*, tho' not to *Treat*; and in ſo doing, is Guilty (by his own Account) of that very thing for which he ſo ſeverely Cenſures me: Whilſt he alſo gives up that *Right* which yet, at the ſame time, He confeſſes the *General Opinion* and *Practice* for ſo many Years after that Act had been Paſs'd, went for.

[1] Rights &c. p. 362.

[2] Ibid. p. 362.

To correct therefore Dr. A's Expreſſions, and reduce them to his own Meaning, His Aſſertion I conceive ſhould be this; that the *General Opinion* and *Practice* for many Years after that Act *paſs'd*, were on that *Side* of the *Queſtion* which he has now taken: And ſo it will agree with what follows; [3] "That upon a ſtrict enquiry into the Matter, He finds no Inſtance of a COMMISSION to "TREAT that is not Threeſcore and ten Years younger than the *Statute* its ſelf. "That the ſeveral *Convocations* in the twelve laſt Years of *Henry* the VIII*th*; "Thoſe of *Edward* the VI*th*; of Queen *Mary*; and Queen *Elizabeth*; All, for "ought he can find, TREATED without any ſuch *Commiſſion* or *Licenſe* in *Writing*. "[4] 'Tis true, he ſays, the *Regiſters* of moſt *Convocations*, Summon'd ſince this "*Statute*, were loſt in the Fire of *London*: However, large *Extracts* out of ſe-"veral of them are preſerved, and compleat *Tranſcripts* of ſome: And in none "of theſe is there the leſt footſtep of any *Licenſe under the Broad Seal* to be "ſeen, but very *Plain Intimations to the Contrary*.

[3] Ibid.

[4] Ibid. p. 364.

So that now then the Matter of *Fact*, according to Dr. *A.* muſt have ſtood thus, That from the time of this *Statute* to *the end of Queen* Elizabeth, it does not appear that the *Convocations* had any *Commiſſion*, or *Licenſe in Writing*, under the *Broad Seal*, to *Treat*; but that there are very *plain Intimations to the Contrary*; that is, that they had no ſuch *Licenſe*, but Treated without any.

But

Sect. 68. But ſtill there is a difficulty or two remaining to be Clear'd, before we can proceed to Examine the particular *Matters* of *Fact* in this Caſe. For when Dr. A. tells us he can find no *Footſteps* of any *Commiſſion*, or *Licenſe*; I conceive we are to underſtand him according to the Nature of his *Own Hypotheſis*, and to his expreſs State of this Point, *p.* 363. of a *Commiſſion* to *Treat*: And that therefore, by ACTING *without any ſuch* COMMISSION, He means, that the *Convocation Acted* without any ſuch *Licenſe* as that of 1603; whereby the Clergy were empower'd to *Confer*, and *Treat*, as well as to *Enact*. For otherwiſe, if he means that they Acted without any *Commiſſion at all*, either to *Treat*, or to *Enact*, He out-runs his Own Hypotheſis; and proves more than he pretends to, or will venture to Affirm the *Convocation* may do without a *Licenſe*, ſince the paſſing of that Statute.

I ſhall therefore take it for Granted, that Dr. A. does not deſign hereby to lay aſide the need of *Commiſſions*, or *Licenſes* to *Enact* (the neceſſity of which, by vertue of this *Statute*, he both Owns, and Contends for) but meerly of *Licenſes* to *Treat*; the only Ones which, if I miſtake not, he is againſt. But his next *Limitation* will be more difficult: For even of theſe *Licenſes* he ſpeaks as *Commiſſions*, or *Licenſes in Writing*, and under the *Broad Seal*. Now 'tis certain the *Act* of King *Henry* the VIII*th* determines nothing in this particular. It do's not ſay, that the Clergy ſhall not *preſume to Attempt*, &c. any *New-Canons*, &c. unleſs they ſhall firſt have obtain'd the *King's* *Licenſe* in *Writing*,* *under the great Seal of* England, to *Make*, *Promulge*, or *Execute the ſame*. It ſpeaks only of the *King's* *Licenſe* and *Authority* to be firſt had: But after what manner the King ſhould *ſend* his *Licenſe*, or *Give* his *Aſſent* to them, in this Caſe, it preſcribes not; nor pretends to *Limit* the *Prerogative* at all in that particular.

* Which the ſame *Act* expreſly requires for the Confirmation of ſuch Canons as ſhould be Approved by the 32 Perſons; and would therefore have done here, if here it had been neceſſary.

And accordingly, in ſtating of the matter in debate, I have purpoſely avoided this, as a Circumſtance in which I had nothing to do to Determine any thing One way or Another. The Act of Parliament requires the *King's Aſſent* and *Licenſe* to *Attempt*, as well as to *Enact Canons*; and in purſuance of that *Act*, I do affirm his *Aſſent* and *Licenſe* to be neceſſary to indemnify the *Convocation* in the *One*, as well as in the *Other*. But that this *Aſſent* ſhould be teſtified by a *Licenſe* in *Writing*, *under the Broad Seal*, the *Act* ſays not; nor ſhall I therefore contend, that ſuch a *Licenſe* is otherwiſe neceſſary, than as it ſeems to be moſt ſafe, and has for theſe laſt hundred Years, at leaſt, been confeſſedly granted after that manner. Whether it was always ſo Convey'd to the *Convocation* in *Writing*, under the *Great Seal*, is another *Queſtion*; in which I ſhall leave it to Dr. *A.* to think and reſolve as he Pleaſes.

Whereas therefore Dr. *A.* ſpeaking of Queen *Mary*'s Licenſe to *Cardinal Pool* to hold his *Legantine Synod*, which ſtill remains upon Record in the *Regiſter* of his See, makes this Uſe of it, in the Preſent Caſe; [1] "that if any other *Li-*
"*cenſe* of *this Nature* had, from the time of thoſe *Legantine Synods* down to that
"of King *James* the I*ſt*, been granted, it would alſo either in the *Rolls*, or *Re-*
"*giſters*, be found; But none ſuch appearing there, we have all the Reaſon
"in the world to Conclude that none iſſued: The moſt that can be inferr'd from hence, ſuppoſing the Fact to be true, is, that theſe *Licenſes*, at the beginning, were not wont to be Granted, as now They are, *in Writing*, *under the Great Seal*; But it does not at all argue that the *Clergy* had not the *King's Aſſent* and *Licenſe* convey'd to them ſome other Way, according to the Purport of this Act.

[1] Rights &c. p. 375.

To convince even Dr. *A.* himſelf of the Weakneſs of his Arguing in this particular, let me only change the Point under Conſideration, from a *Licenſe to Treat*, into a *Licenſe* to *Enact Canons*; and then ask him this Queſtion: Has he met with any ſuch *Licenſe* upon *Record*, during the time of which he here ſpeaks? If he has, and if in thoſe *Licenſes* there is no mention made of *Conferring*, *Conſulting*, and *Debating*, but only of *Enacting Canons*; that I confeſs would be to his Purpoſe, and weigh more with me than all he has yet alledged. But if he has not Met with any ſuch *Licenſe*; (as from his Silence, in this particular, we may venture to conclude that he has not) then let him conſider what the Conſequence, upon his own way of Arguing, muſt be. I will give it him in his own Words: [2] "The Obſervation naturally ariſing from hence is, That if any
"*Licenſe* of this *Nature* (relating to the *Acting* of our *Convocations*, and to the
"*Clergy's Making* of *Provintial Canons* there) had, from the time of theſe *Le-*
"*gantine*

[2] Ibid.

"gantine *Synods* down to that of King *James* the Ist, been Granted, it would "also either in the *Rolls*, or *Regiſters*, be found: But none ſuch (as I can hear "of) appearing there, we have all the Reaſon in the World to Conclude that None iſſued.

And now what ſays Dr. *A.* to this Argument? Will he adventure, by the meer Strength of ſuch an Inference, to Affirm, that the Clergy, during the time of Queen *Elizabeth*, *Enacted Canons* in *Convocation* with any *Commiſſion*, or *any Other* *Licenſe* whatſoever, from that *Princeſs* ſo to Do? If not, let him give me the ſame Liberty that himſelf takes; and allow me to conclude, that tho no ſuch *Licenſe* in *Writing* ſhould appear either upon the *Rolls* or *Regiſters*, yet the *Convocations* may have had a *Licenſe to Treat*; as well as he muſt Grant that, notwithſtanding the ſame Defect both in the *Rolls* and *Regiſters*, yet they certainly had the *Queen's Licenſe* to *Enact*, *Promulge*, and *Execute*.

The true State, therefore, of the Matter in Debate betwixt Dr. *A.* and Me, in the preſent Caſe, is this: Whether, in *Fact*, the Clergy did ever *preſume* to *Attempt*, any more than to *Enact*, any *Canons* or *Conſtitutions*, in their *Convocations*, without the *King's Licenſe* and *Authority* for the *One*, as well as for the *Other*? And to determine this; We muſt, firſt of all, lay aſide All ſuch *Convocations*, as, being Aſſembled, did not *Confer* upon nor *Conſtitute* any *ſuch Canons*, as no *Preſidents* either One way or Other in this Caſe. For whatever *Buſineſs* beſides they Did, if they neither *Attempted*, nor *Enacted*, any *Canons* or *Conſtitutions Provincial*, or *Synodal*, it is All without the Compaſs of this *Statute*; and is ſuch for which no ſpecial *Licenſe* or *Commiſſion* is required by it. Sect. 69.

2*dly*, If the *Convocation* ſhould at any time be found to have *Conferr'd* even about ſome *Canonical Matters*; Yet, if it were not in *Order* to *Conſtitute Canons*, but only to Agree whether they ſhould proceed *to Make any Canons*, firſt, and then to Addreſs, or Petition the Prince for *Licenſe* (according to this Act) to *Deliberate* upon, and *Enact them*; this again, as it it would not be to *Attempt* to *Make Canons*, ſo neither would it prove any thing of a *Right* in the Clergy to do All that is *Previous* to the *Enacting* of them, without being empower'd by any *Royal Authority* in ſuch their *Attempt*.

3*dly*, If the *Convocation* ſhould not only have *Attempted*, but have *actually Made*, ſuch *Canons* as the *Statute* ſpeaks of; and it ſhould not appear from any accounts, which are now remaining, that the *Clergy* had a *Licenſe* from the *Prince* to *Confer* or *Treat* about them; Yet ſtill this will be no Proof, that they did *Confer* without Any, unleſs it can be ſhown that they had a *Royal Licenſe*, or *Commiſſion*, to *Enact* ſuch *Canons*, at the ſame time that they had none at all, or that it does not appear that they had Any, to *Attempt*, or *Debate* upon them.

4*thly*, Seeing in all ſuch *Commiſſions* of *Licenſe* as Remain to us, there is evermore Granted, in the ſame Inſtrument, a Power to the Clergy to *Confer*, *Conſult*, *Treat*, and *Debate*, as well as to *Enact*, and *Conſtitute*, in their *Convocation*; if at any time either the *Minutes* which remain to Us of thoſe *Convocations* whoſe *Acts* are now loſt; or Our *Hiſtories*, which were written by Thoſe who had ſeen their *Acts*, ſhall inform Us, that the Clergy were *Directed* or *Empower'd*, or otherwiſe *Licenſed* by the *Prince*, to *make Canons*, &c. We ought to Conclude, that they were Commiſſion'd not only to *Enact* them, but alſo to *Debate* upon them; unleſs there be ſome particular Remark which expreſly takes notice that they were Empower'd thereby to *Enact* only, but not to *Attempt*, and *Confer* alſo.

But eſpecially, 5*thly*, If we ſhall ſometimes find that the *Convocations* did go to Work by a *Previous Royal Authority*, to *Debate*, as well as to *Conclude*, tho' at other times there ſhould be no Mention made of any ſuch *Licenſe*, yet this will warrant us to *Conclude* (unleſs the Contrary do Appear) that they did proceed *Always* by the like *Authority*; becauſe, by *Law*, they were Always Oblig'd to do ſo.

Theſe I take to be the General *Rules* by which we muſt proceed in judging on which ſide the *Matter* of *Fact*, in this Caſe, lies; and upon theſe, I ſhall now go on to the particular Examination of it. But before I do this, One Remark there is which I ought not to omit, becauſe it is not only in its ſelf very true, but is made by Dr. A. himſelf; and will, I think, go as great way towards the *Deciding* of the *Point* in Debate betwixt us. Sect. 70.

At

[1] Rights &c. p. 367.

[2] Antiqu. Brit. p. 331.

[3] Fox. Vol. i. p. 503, 504.

At the Opening of the Convocation of 1537, ([1] so Dr. A. calls it) *Cromwell* the King's *Vicar General* declared the Cause of their Meeting in a Speech, which the [2] *Ant. Brit.* thus briefly sum up; *Regis esse Voluntatem, &c.* "That "it was the King's Pleasure to reduce the *Rites* and *Ceremonies* of the *Church*, "to the Rule of the *Holy Scriptures*, and to Abolish all such things out of "it, as were not supported by the Authority of God's Word. But [3] Mr. *Fox* gives us the very Words that he delivered, and they begin thus: "*Right Re-* "*verend Fathers in Christ, The King's Majesty giveth you high thanks that ye have* "*so diligently, without any Excuse, Assembled hither according to his Commandment.* "*And ye be not Ignorant that ye be called together to determine certain Contro-* "*versies, which at this time be mov'd concerning the Christian Religion and Faith,* "*not only in this Realm, but also in all Nations thorow the World. For the King stu-* "*dieth Day and Night to set a quietness in the Church; and he cannot rest until all* "*such Controversies be fully Debated and Ended, thro' the Determination of you, and* "*his whole Parliament. -- And he desireth You, for Christ's Sake, that all Ma-* "*lice, Obstinacy and Carnal Respect set apart, ye will Friendly and Lovingly dispute* "*among your selves of the Controversies moved in the Church, and that ye will Con-* "*clude all things by the Word of God. --- Ye know well enough that ye be bound to* "*shew this Service to Christ, and to his Church; and yet notwithstanding, his Majesty* "*will give you high Thanks, if ye will set and Conclude a Godly and Perfect Unitie:* "*Whereunto this is the only Way and Means, if ye will determine all things by the* "*Scripture, as God commandeth You in* Deuteronomie, *which thing His Majestie ex-* "*horteth and desireth you to Do.*

Thus did *Cromwel*, in the King's Name, and by the King's Command, Open this Assembly: An Assembly of the *Archbishops* and *Bishops* of both *Provinces*, with other Select *Prelates* and *Divines*, called together purposely for this End; and effectually empower'd, both by their *Writ* of *Assembly*, and by the *Vicar General's Commission*, thus solemnly deliver'd in the King's Name to them. [4] What Dr. A. means by Observing, that these Bishops and Prelates had not any *Commission*, I cannot well imagine. A *Commission* in *Writing*, under the *Great Seal of England*, they had not; nor did they need any such *License*. But the King's *Assent*, and *Authority* to *Dispute* and *Conclude*, they evidently had; and that is all that I insist upon. They neither *Met* without his *Command*, nor *Attempted* any thing without his Order, and Direction. The other Reflection of Dr. A. is more just, and is that which I am now particularly to take notice of: [5] That "the Practice "then, and long afterwards, was only for the *President* to declare to them by "Word of Mouth, the *King's Pleasure*; for what *Ends* he had *Called them to-* "*gether*, and *what Business* He *would have them* proceed upon. And this *Verbal* "*Intimation*, was all the *previous Leave* that was either *Askt*, or *Given*, in that, "or several other succeeding Reigns. This He confirms by some other Authorities, and then Concludes again: "I have laid these Instances together, "that we may see clearly what the Custom then was; and how a *Message* "from the *King*, by the *President*, supplied the place of a *Commission* under "the *Broad Seal*, which was afterwards practis'd. Dr. A. repeats this Remark several Times over: And from it, I conceive, I may have his Consent to Conclude, that tho' in the Reigns of King *Henry* the VIII*th*, and his Successors, King *Edward* the VI*th*, and Queen *Elizabeth*, there was no *Commission in Writing*, under the *Broad Seal*, sent to our *Convocations* to Empower them to *Treat*, yet it was the Custom even then for the King to send them *Messages* by the *President*, *who declared to them by Word of Mouth* the King's Pleasure; for what *Ends* he had Called them together, and what *Business* he would have them proceed upon: Which *Message*, so deliver'd, supplied the Place of a *Commission* under the *Broad Seal*, which was afterwards practis'd.

[4] Rights &c. p. 368.

[5] Ibid.

Now this, I have before said, Answers my Purpose to the full as well as any *Written Commission* could do: Whose Business is not to determine what *kind* of *License* the Clergy ought to have, to warrant them to *Treat*, and *Confer*, about *Canons* and *Constitutions*; but whether, by the 25*th* of *H.* 8. *c.* 19. they do not need *some License or Other* for *Both*. And even here, in these *Reigns*, will Dr. A. please to tell us; Had they a *Verbal Authority* to *Treat*, and after that, a *formal License in Writing*, under the *Broad Seal*, to *Enact?* Or did they, by the *Vertue* of the *same Declaration of the King's Pleasure to them*, Do both? In the Assembly of 1537, before mentioned, they not only *Disputed*, but *Concluded* too.

too. They drew up a *Book of Doctrine*, and preſented it to the *King* as their *Senſe* and *Judgment*, in the ſeveral Points which were therein Conſidered and Expounded. Had they any Other Authority for their *final Concluſion* upon theſe *Doctrines*, than they had for their previous *Debating* concerning Them? If not, then ſeeing Dr. *A.* allows the *King's Licenſe*, and *Authority*, to be requiſite for the *latter*; he will give me leave to conclude, that what was thought an *Effectual Licenſe*, according to this *Statute*, for *That*, muſt needs have been accounted as effectual a *Licenſe* for the *Other* alſo. The *manner* of *Authorizing* the *Convocations* may in time have been changed; but the *Senſe* of the *Act* was always held to be the ſame; *viz.* That the *Clergy* in *Convocation* needed the *King's* *Licenſe* to *Confer*, as well as to *Eſtabliſh*; and were to be Empower'd by him for the *One*, no leſs than for the *Other*.

Againſt this Dr.[1] *A.* has made an Exception, and it is indeed the only Exception that can reaſonably be made againſt it: That when the firſt Convocation of Queen *Elizabeth* Aſſembled, whilſt this *Statute* lay under a *Repeal*; the *Preſident* demanding of the *Clergy* of the *Lower Houſe* whether they had thought of any thing to Offer that day; They anſwer'd, That they knew not for what *Cauſe* they were *Aſſembled*, or of what *Things* they were to *Treat?* The Inference which he draws from their Anſwer is this; "That it was Cuſtomary for "the *Convocation* to be directed to the Subject of their *Debate* by the *Crown*, e"ven when the 25*th* of *H.* 8. lay under a Repeal: And ſuch *Directions* there"fore given at Other Times, when the *Statute* was in force, muſt not be ſup"poſ'd to ſpring from this *Act*, ſo much as from the *King's known Prerogative*; by which he ever propos'd, both to *Parliaments*, and *Convocations*, at "their firſt Opening, the Reaſons which He, on his part, had to Aſſemble "them. I do agree with Dr. *A.* The *King* did not *derive* his *Prerogative* of *Directing* the *Convocation* in what they ſhould *Debate* upon, from that, or any Other *Statute:* It was always the *Right* of the *Crown* ſo to Do. But yet by that *Statute* the *Clergy* were Reſtrained, tho' not from all kind of *Debates*, yet from all ſuch as were held in *Order* to *make* *Canons*, *without* the *King's Direction*; and therefore, tho' the King's *Prerogative* be not deriv'd from thence, yet the *Clergy's Reſtraint* is. And that *Reſtraint* I do affirm to reach as well to their *Conferring* to *Conſtitute*, as to their *Conſtituting* of *Canons*; ſo that without the *Princes* *Licenſe* and *Authority* (which he by his *Own Prerogative*, not by *Vertue* of that *Statute*, has the *Power* to *Grant*) they may no more *Treat* of, than they may *Conclude* upon, any ſuch kind of *Conſtitutions*.

[1] Rights, &c. p. 375, 376.

Here therefore it is, that Dr. A. and I ſeem ſtill to differ, as to the proceedings of theſe firſt Reigns. He allows that the King both by his Own *Prerogative*, and by the Authority of *Cuſtom*, has, and ever had, a *Right* to *Declare* to the *Convocation*, wherefore he called them; and what *Buſineſs* he would have them go upon? He affirms that ſuch *Directions*, ſo given to them in the *King's Name*, were to all Intents and Purpoſes a *ſufficient Warrant* for them to proceed upon the Buſineſs which the King comman ed them to do. I will not diſpute that *Point* with him: This only I would Ask; Could the *Clergy* without ſuch a *Meſſage* and *Direction*, after the paſſing of this Act, have *Conferr'd* to *Conſtitute* any *Canons*, or *not?* If not, then it muſt be granted that by vertue of that Act they were Reſtrain'd from *Debating*, as well as from *Acting*; which is what I am Contending for? If they could; then Dr. A. muſt ſhew, That the Clergy heretofore did, in *Fact*, *Confer* concerning *Canons* and *Conſtitutions*, not only without any *Commiſſion* in *Writing* under the *Broad Seal*; but without ſo much as any *Meſſage* ſent them by the *King*, or any *Direction* from the *Preſident* in his *Name*, ſo to Do. This, I ſay, he muſt ſhew, or he muſt Confeſs the *Practice*, even of our *antient Convocations*, to have run on that ſide of the Queſtion which I am pleading for; and to prove the *Neceſſity* of the *King's Royal Aſſent* to warrant them to *Attempt*, no leſs than to *Enact*, any ſuch *Canons* and *Conſtitutions*. Let us ſee how he proceeds, upon this *true State* of the *Matter*, to make good his *Aſſertion* againſt Me.

He takes the Riſe of his[2] Enquiries from the "*Convocation which* SAT *upon* "*a Prorogation Nov. the* 5*th*, 1532. before which the *Submiſſion* of the *Clergy* was made to the *King*, but not yet *Enacted*. In a *Diary* of that Meeting, he ſays,

[2] Rights, &c. p. 364. Sect 71.

he finds no hint of a *Commiſſion*, and therefore Concludes that they had none.

Dr. A. is certainly a very fortunate Man, to have a *Diary* of a *Convocation* that met but once in all; and then did no manner of Buſineſs, but was prorogued to the 5*th* of *February* following; as thoſe very *Minutes*, whereof he ſpeaks, would have told him had he thought fit to Attend to them. Indeed upon its Reſumption in *February* after, it ſate till the 8*th* of *April*. In this time ſome Eccleſiaſtical Affairs were mention'd: Firſt, Mr. *Latimer's* Preaching contrary to his Promiſe in the Eleventh Seſſion; but nothing was done upon it. Then the *Opinions* of the *Univerſities*, in the Buſineſs of the *Divorce*, were openly read in the ſame *Seſſion*: And a doubt was raiſed, whether they might Diſpute upon that Point, becauſe the Matter ſtill remained before the *Pope* Undecided. The next *Seſſion* the ſame *Debate* was Reſum'd; and then the *Convocation* agreed with the *Univerſities* in their *Opinions*. In the following Meetings they treated farther of the ſame *Point*; and finally drew up their *Reſolution* upon it.

[1] Rights, &c. p. 365.

Of this Dr. *A.* takes Advantage: [1] He obſerves how that the *Clergy* made a doubt in this Caſe, whether they might Lawfully Diſpute upon a Matter which at the ſame time lay before the *Pope*; "They had no Doubt it ſeems about "the *Lawfulneſs* of *Treating* without a *Royal Licenſe*. Nor had they any Reaſon to make any Doubt of it. For, beſides that they were directed by the expreſs *Command* of the *King*, to *diſcuſs* the *Queſtion* relating to this Matter; Who ever thought that to diſpute a Point of Conſcience, from the Principles of *Divinity*, and *Canon Law*, and that only in Order to the Delivery of their Opinions concerning it; was, or could be conſtrued, to *make Canons*? [2] The Univerſities of *Oxford* and *Cambridge* did the very ſame, and that by the ſame *Authority*: So did the foreign *Univerſities too*. Dr. *A.* therefore, could hardly have begun his *Hiſtory* more unhappily than with a *Convocation*, which did nothing but *diſpute* of, and *determine* two *Queſtions*, as far as concern'd their *Own Judgment*, and did that too by the *King's Authority*; as an [3] *Author* of good Credit, who had ſeen the *Original Inſtrument* of the whole Proceſs, expreſly aſſures us.

[2] Stat. 25 H. 8. c. 22.

[3] Ant. Harm. p. 193.

But to go on with this Affair: The *Convocation* having Diſputed and Concluded of theſe *Queſtions*, were content barely to ſet down in their Own *Acts*, what their Opinion as to each of them was; till upon the 5*th* of *April*, They, at the King's *Command*, made a *Publick Inſtrument* of their Proceeding: Which, at laſt amounted to this only; 1*ſt*, That, in their Opinion, to *Marry* a *Brother's Wife*, being firſt known by him, is *prohibited* by the *Law* of *God*, and beyond the Power of the *Pope* to Diſpenſe withal. And, 2*dly*, That this was ſufficiently prov'd to be the Caſe in the *Marriage* of the *King* and the *Princeſs Catherine*, by the Evidences which had been laid before them to that purpoſe. For this I need offer no Proof to [4] Dr. *A.* who has himſelf not only ſeen, but publiſhed the *Inſtrument*, which by the King's expreſs Command was made about it.

[4] Addit. &c. Append n. 3. p. 1.

Sect. 72. 1533.

In the *Convocation* the next Year, another *Queſtion* was propos'd by the Archbiſhop to be diſcuſſed by the *Prelates* and *Clergy* there Aſſembled; concerning the *Authority* and *Juriſdiction* of the *Pope* in this *Realm* of *England*. The Convocation agreed in the *Negative*; that the *Biſhop of Rome has no more, or greater, Power in this Realm, than any other foreign Biſhop*. The *Archbiſhop* approv'd of their *Opinion*, and profeſs'd himſelf to be of the ſame Judgment; and order'd a *publick Inſtrument* to be made of it. And all this, as [5] Dr. *A.* obſerves, without any *Licenſe* to Qualify them for ſuch a *Debate*; of which ſome notice would have been taken, if by the *Statute*, then newly paſs'd, ſuch a *Licenſe* had been held neceſſary. To ſay nothing of a ſmall Miſtake of [5] Dr. *A.* in Point of Chronology, as to the *Paſſing* of the *Act* of *Submiſſion*, which was upon *Monday* the 30*th*, not upon *Sunday* the 29*th* of *March*: He Affirms, that the *Convocation Debated* upon this *Queſtion* without *Licenſe*. Will he pleaſe to tell us what *Licenſe* they had to *Conclude*, and *Determine*, upon it? They had None to *Debate*, (ſo he infers) becauſe None is taken *Notice* of. I add, that by the ſame Reaſon, they had None to *Conclude*, becauſe neither is there Any taken notice of for that, any more than for the Other. But the Truth is, there was no need of a *Licenſe* for Either. They only diſcuſs'd a *Theological Point*, and ſo gave their Judgments upon it. [6] *Retulerunt, Affirmarunt, atque ita ſe ſentire*

[5] Addit. &c. p. 100, 101, 102.

[6] Ibid. p. 102.

ſentire expreſſe Declararunt, are the Words: And the *Archbiſhop* himſelf did no more, *ſe idem ſentire Affirmabat.* Which can in no reaſonable Conſtruction be interpreted to *Attempt*, or *Enact*, a *Provincial Canon or Conſtitution*; the only thing which, by that *Law*, they were forbidden to do.

But why does Dr. *A.* diſſemble his own Knowledge, of the *King's Authority* for the doing even of this. In the *Inſtrument* of Our *Convocation* it was not, indeed, expreſly mention'd, and therefore of that he gives us a Copy at large. But in the *Inſtrument* of the *Convocation* of *York*, which he had ſeen in *Archbiſhop* [1] *Lee's* Regiſter, and I doubt not had *Copied* from thence, the King's Order is expreſly Recorded; tho' he thought not fit either to Publiſh their Inſtrument, or to give the leaſt hint of it. The Queſtion was propoſed to the *Clergy, juxta Regiæ Majeſtatis Mandatum.* The Clergy were *Rogati & Requiſiti*, to Declare their *Opinions* upon it: And all this the Archbiſhop, *Regiæ Celſitudini tenore præſentium* intimated and ſignified. If this does not ſufficiently beſpeak the *Authority* on which the *Convocation Debated*, as well as *Concluded*; I cannot tell what could have been more plainly Recorded for the Affirmance of it.

[1] Append. ad Ann. 1534.

Should I add, that Dr. *A.* knew not only that this was done in *Convocation* by the *King's Authority*, but that the ſame was follow'd [2] by the *Univerſities*, by the *Cathedral* and *Collegiate Churches*, and by the *Religious Houſes* over all *England*, I ſhould ſay no more than what he would be forced to Own to have been the Truth. And they All did it by the *ſame Authority* of the *King*, either expreſly Demanding it of them, or letting them otherwiſe know, that it was Expected from them.

[2] Wharton Hiſt. de Epiſc. &c. Lond. p. 286, &c.

Were it needful to carry theſe Reflections any farther, I might put Dr. *A.* in mind of yet one thing more, which He himſelf was aware of; That all this was done, in both theſe *Convocations*, before the Act of *Submiſſion* was *made*, or by Conſequence, the *Clergy* under any *Reſtraint* in their *Convocational Debates.* To this He Replies, " that tho' the *Submiſſion* did not yet *bind* the *Clergy* as a *Law*, yet as a *Promiſe* it did. But he will give me leave to tell him, that he regards not what he ſays, when he thus Argues. For the *Upper Houſe* not only did not *Promiſe* not to *Attempt*, *Allege*, or *Claim*, a Power to *Treat* of *New-Canons*, but did expreſly *Remonſtrate againſt* it; and the *King* accepted the *Submiſſion* without it. So that however they were indeed reſtrain'd by their *Submiſſion* from *Enacting*, and *putting* in *Ure*, any *Canons* without the *King's Licenſe*; yet they were hitherto *free* as to their *Debates:* And neither by *Promiſe*, nor *Statute*, Reſtrain'd from *Treating* of, but only from *Making* of *Provincial Conſtitutions*, in their *Convocation.*

Rights, &c. p. 364, 365.

Dr. *A*'s next ſtep is to the *Convocation*, which began *June* the 9*th*, 1536: But before I follow him thither, he will give me leave to ſtop, and conſider how things went in the *laſt Seſſion* of the foregoing *Convocation*, Anno 1534. At their firſt Meeting upon *Wedneſday* the 18*th* of *November*; the Archbiſhop had a Conference with the whole *Convocation* concerning certain *Engliſh Books*, which he committed to ſeveral of the *Biſhops* to examine, and commanded them to Report their Opinions to him. This *Debate* was almoſt the only Buſineſs of that *Convocation*; and ſcarce a *Seſſion* paſs'd in which it was not Reſumed. But what was the reſult of this Matter? Did they thus *Confer* in Order to the *Paſſing* of any *Decree*, or *Conſtitution*, *Provincial* or *Synodal*, againſt thoſe *Books*, their *Principles*, or their *Authors?* This, indeed, might have brought their *Conference* within the *Purport* of the *Act* of *Submiſſion.* But this, therefore, they preſumed not to *Attempt*, or to Do. Their *Debates* ended in [3] a *Petition* to the King, that he would Require his Subjects to deliver up all ſuch *Books* within a certain time; that He would direct a *Tranſlation* to be made of the *Scriptures* into the *Vulgar Tongue*; and laſtly, that he would Command that none of his *Lay Subjects* ſhould *Diſpute* about the *Catholick Faith.* This was the Reſult of their *Debates*; and this confirms what I have before obſerved. The *Clergy* in *Convocation* may *Treat* about *Eccleſiaſtical Matters*: They may *Come* to fitting *Reſolutions* upon them. But they muſt neither *Treat*, nor *Reſolve*, to *Make* any *Canons*, *Conſtitutions*, or *Ordinances Provincial*, without the *King's Authority*; which is the only *Conference* or *Concluſion* forbidden to them by this *Statute.*

Sect. 73. 1534.

[3] Append. ad Ann. 1534.

To proceed now with Dr. *A.* to the *Convocation* of 1536: In which *Cromwell*, as *Vicar-General*, demanded a Place, and ſate under that Character, at the head of it. On *Friday*, [2] June the 23*d*, the *Prolocutor*, with the *Clergy* of the *Lower House*,

Sect. 74. 1536.

[2] Fuller Ch. Hiſt. v. Book p. 208, 209.

House, presented to the Archbishop a *Book*, containing Sixty seven *Opinions*, collected by them; which they Declared they *did think in their Consciences to be Erroneous; to have given Occasion of Dissention within the Realm; and to be worthy of Special Reformation.* These *Articles* they Exhibited with a Protestation, that *they neither in Word, Deed, or Otherwise, directly or indirectly, intended any thing to Speak,* ATTEMPT, *or* Do, *which any manner of wise might be displeasant to the King's Highness.* — *But that they did sincerely addict themselves to Almighty God, and his Laws, and unto their said Sovereign Lord the King, &c. and his Laws, Statutes, Provisions, and Ordinances, made here within his Grace's Realm.*

Such a *Petition*, drawn up by a *part* of the *Convocation* only, and so guarded; which pretended not to *Enact* any thing, but only to present to the *Bishops* such *Abuses* as they desired might be *Reform'd*; was, I conceive, far from coming within the *Statute* of the 25*th* of this Reign. And yet, from the very manner of their presenting of it, Dr. A. very artificially endeavours to prove somewhat to his purpose. [1] "*Had*, says he, any *General Commission* been granted "them, there had been no need of this *Protestation*, which was made to guard "them against the 25*th* and 27*th* of *Henry* the 8*th*, and has therefore, we see, "a plain reference to them. I do Agree with Dr. A. that their *Protestation* did refer to the *Act of the Clergies Submission*, and I will venture to make this use of it; that by declaring, they did not intend to ATTEMPT any more than to Do *what might be displeasant to the King's Highness*, but did sincerely addict themselves to *Him*, his *Laws*, and *Statutes*, they have given us a fair Intimation, with respect to their Proceedings in *Convocation*, that they supposed they might become Criminal by the *One*, as well as by the *Other*; and therefore equally guarded themselves by their Protestation against both. But still here was no Attempt to *Make* any *Provincial Ordinance*, or *Constitution*; nor therefore any thing that needed a *Royal License* to warrant their Debates. All that was done, was to suggest to the *Prelates* such Matters as they suppos'd might be fit to be *Reform'd*, and so leave it to them, to Consider what Method would be the most proper to take for the *Reformation* of them.

[1] Rights, &c. p. 367.

But there was another thing done in this *Convocation*, which, without the *Royal Authority*, they could not have *Attempted*, much less have *Concluded* upon, as yet the whole *Body* of the *Clergy* did, and Dr. A. therefore ought to have given some account by what *Commission* it was done. The thing I mean, is the *Book of* Articles both of *Doctrine* and *Discipline*, which was *Agreed* to in this *Convocation*, and Promulged by the *King's* Authority. Of this, all the Relation we have in the Extracts of this *Synod*, is this; that on the 11*th* of *July*, the Bishop of *Hereford* produced a certain *Book*, containing *Articles of Faith* and *Ceremonies*: Which being Read by the same *Bishop*, the Honourable *Tho. Cromwel*, the *most Reverend*, and the *Other Prelates*, the *Prolocutor* and *Clergy* of the *Lower House*, approving the said *Book*, *Subscribed* to it.

The manner of its Compilation, I conceive, was this: The *King* first caused it to be drawn up, by such Persons as he thought fit to employ about it; and then sent it by *Bishop Fox to the* CONVOCATION, there to be *Debated* upon, *Approved*, and *Subscribed*; as accordingly it was, by the *Vicar General*, the *President*, the *Prelates*, and the *Clergy* there.

That this was the Method which the King took in this Case, the several Expressions of such *Public Instruments* as relate to it, prompt me to believe. In a Letter of the Kings to the Bishops, still remaining in the *Cotton*[2] *Library*, he thus speaks of these *Articles*; "We were constrain'd to PUT OUR OWN PEN TO THE BOOK, *and to Conceive certain* Articles, which were by *All You* the *Bishops*, and *Clergy* of this *our Realm*, *in Convocation* Agreed on. This was dated *November* the 19*th Regn.* 28; about four Months after the Passing of these *Articles*. It was this, I conceive, gave Occasion to that *Passage* in the King's *Letters* of *Confirmation* prefix'd to them; [3] "that he had not only in his *Own Person*, at many "times, taken great Pains, Study, Labour, and Travail, but had also caused "his *Bishops*, and other the most discreet, and best Learned Men, of his *Cler*"*gy* of the whole *Realm*, to be Assembled in *Convocation*, for the full DEBATE"MENT and quiet *Determination* of the same. Where, after *long* and *mature* DELI"BERATION had of, and upon, the *Premises*, they finally *Concluded* and A"*greed*, &c.

[2] Cleopatra, E. 5.

[3] *Fuller's* Ch. Hist. Book V. p. 214.

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It is to the same Effect, that the King speaks in another *Letter*, which he dated the very next day *July* the 12*th*; for the *Suspension* of *Preaching* for some time; which Dr. A. not only saw, but Copied (tho' not with the Exactness he should have done) out of *Bishop Fox's Register*, and has publish'd in his *second* Appendix. [1] "Forasmuch as we being, by the Ordinance of God, *King* of this Realm, [1] Regist. "and by vertue thereof *Supreme Head* of the *Church* of the same, it apper- *Fox.* Fol 6. a. "taineth to our Duty to provide and see that *Unity*, *Concord*, and *Agreement*, "may Remain among our Subjects, Members of that Politic Body whereof we "be the *Head*, specially in *Opinion* and *Sentence* of our *Religion*. Albeit con- "sidering that upon Contention arising among our People, in Diversity of "certain *Opinions*, we have, conformably to our said Duty, for the Profit and "Setting forth of the *Truth* of *God's Word*, the Suppression of Errors, and the "Reducing of such *Controversies* to One Good and Catholick Conformity, "CAUSED *all you the Bishops, with the Clergy of our Realm*, in solemn *Convocation*, "deliberately DISPUTING and ADVISING the *same*, to AGREE to certain *Articles* "most *Catholick* conceived.

And here then we may plainly see by what *Authority* the *Convocation Debated* of, *Disputed* about, and *Advised*; and finally *Concluded* upon, and *Agreed* to, these *Articles*. The King *Caused* the *Prelates* and *Clergy* to be *Assembled* for this Purpose. Being *Assembled* by his *Writ*, He *Caused* the same *Prelates* and *Clergy deliberately Disputing and Advising*, to *Agree* to them. How he executed these Commands, whether by his *Vicar General*, or by their *President*; by a *Written License*, or by a *Verbal Direction*; I enquire not: It is enough that they *Debated* and *Advis'd*, as well *Concluded* and *Agreed*, by the *King's Authority*, and that this we are so fully, and in so many different manners, told, that there can be no Doubt of it.

To the Evidences, before given, I might add those of the [2] *Injunctions*, which Sect. 75. were set forth not long after these *Articles*; in which the *Use* of this *Book* is [2] *Fox.* Vol. ii. thus enforc'd: "Whereas certain *Articles* were lately *Devised* and *Put forth* by p. 387. "*the King's Highness's Authority*, and *Condescended* unto by the *Prelates* and *Clergy* "of this his *Realm* in *Convocation*, &c. But instead of pursuing this Matter any farther, I shall rather beg leave to take notice of such a Piece of *Misrepresentation*, which Dr. A. has thought fit to make of my self upon this Occasion, as deserves a much harder Name than I am willing to give to it. He first speaks in a very severe Strain of King HENRY the 8*th*; and then thus proceeds with Me upon it. [3] "And yet the *Acts* of this King, the most *Exorbitant* and *Oppressive* [3] Rights, &c. "*Acts* of *Power*, which he Exercis'd towards the Clergy, are produc'd by p. 148. "Dr. *W.* as GOOD and LAWFUL PRECEDENTS, which All his Successors are AL- Comp. Pref. "LOW'D, and INCITED to *follow:* PARTICULARLY that Instance of his *Correcting*, p. v. "and *Amending*, the *Determinations* of the *Clergy* in *Synod*, even upon *Doctrines* "of *Faith*, is given us without *any Intimation* that such a *Practice* exceeded "the *Bounds of Kingly Power*.

Now, not to dispute how far a *Christian Prince*, in a Corrupted State of the Church, may warrantably *Correct* the Later *Determinations* of his *Own Synods*, if he finds them to run apparently contrary to the *Catholick Doctrine* deliver'd in the *Holy Scriptures*, and establish'd by the *Authority* of more *Ancient* and Greater Councils; (which, with Dr. *A*'s Favour, our most eminent *Divines* have not doubted to affirm every such *Prince* may not only *Lawfully*, but *Commendably*, Do) The Question is, Whether, *in fact*, Dr. *W.* did produce this as a *Good and Lawful Precedent* in this Case, without any *Intimation*, that herein that Prince Exceeded the *Bounds* of his *Kingly Power*; and *Allow'd*, and *Incited*, All his *Successors* to Do likewise. And for this, I appeal to my own [4] Words, [4] Authority, upon which he grounds this Charge against me; "Whether our Kings may &c. p. 135, "not only *Confirm such*, and so *many*, of the *Canons*, &c. of their *Convocations*, 136. "as They shall judge *Expedient*, and *Refuse* and *Reject* the *Rest*; but may also, by "their *Supreme Authority* in *Ecclesiastical Matters*, *Correct* and *Amend*, Those "which they do Allow of, I SHALL NOT UNDERTAKE TO SAY. But so we are "told *Henry* the 8*th* did, and that in a Case of the *Strictest Nature*, in framing "the very *Articles of Religion*, which were afterwards *Publish'd* by his *Autho-* "*rity*, *Anno* 1536. THUS MUCH, *I believe, may warrantably be* ASSERTED, That "as the King has *Power*, without a *Convocation*, to *Make* and *Publish* such *In-* "*junctions*, as he shall think the *Necessities* of the *Church* to Require, and to

"Command

" Command the Obſervance of them; ſo may He, with the *Advice* and *Con-*
" *ſent* of his PARLIAMENT, much more, not only *Make* what *Eccleſiaſtical Laws*
" He ſhall think *fitting*, for the DISCIPLINE OF THE CHURCH, but make ſuch uſe
" of the *Convocation*, and the *Reſolutions* Agreed to in it, in Order thereunto,
" as he ſhall think fit: And (as I have ſhewn the *French Kings* heretofore to
" have done) may not only *Confirm*, or *Diſallow*, but may ſometimes even *Alter*,
" and *Correct*, what is done by them, according to his own Liking.

And here now, let Dr. *A.* ſay, Where do's Dr. *W. Approve* of King *Henry* the 8*th*'s *Correcting* the *Determinations* of that *Synod* in *Matters of Faith*, and *Allow* and *Incite* All his *Succeſſors* to follow his Example? He *ſuſpends* his *Judgment*, whether they *may Do it, or no*: He juſt mentions the Action of King *Henry* the 8*th*, without any *Mark* of *Approbation*, to *Recommend* it, much leſs to *Incite* all his *Succeſſors* to Do likewiſe. And waving any Reſolution in ſo nice a Caſe, Aſſerts nothing but what Dr. A. himſelf muſt confeſs to be true; That *Our Kings*, as well as *Other Chriſtian Princes*, may make *Laws* in *Eccleſiaſtical Matters*. That for the *better*, and more *regular*, doing of this, They may, and indeed, ordinarily, ought, to take the *Advice* and *Conſent* of their *Biſhops*, and *Convocations*. And that, having ſo done, they may, upon their *Senſe* and *Reſolutions*, frame any ſuch *Uſeful Law* as they ſhall think fit, in their *Own Words*; without being confined to the *Terms* and *Expreſſions*; or perhaps (in every Circumſtance) to the very Subſtance of their *Synod's Determination*. This was the Summ of what I Aſſerted: Let the Impartial *Reader* judge what there is fairly to be excepted againſt, in it.

Sect. 76. 1537. [1] Rights, &c. p. 367.

How that Meeting [1] which Dr. *A.* calls *the Convocation of* 1537, was ſet to work, I have before ſhewn: It Aſſembled by the King's Command, and both *Treated*, and *Concluded*, by his Authority. In it was fram'd a Book of Doctrine, Intituled, *The Inſtitution of a Chriſtian Man*. This the *Biſhops* ſubmitted to the *King's Judgment*, in a Stile which Dr. A. can hardly with Patience hear of. " We do moſt humbly ſubmit it to the moſt Excellent Wiſdom, and Exact " Judgment of your Majeſty, to be *Recognized*, *Overſeen*, and *Corrected*, if " your Grace ſhall think any Word or Sentence in it meet to be Changed, Qua- " lified, or farther Expounded. He took the Liberty which they gave him, and *Corrected* it accordingly; as by an [2] Original Letter of the *Archbiſhop* to *Cromwell*, ſtill remaining, it appears. [3] Mr. *Fox* adds more; That he not only *Corrected*, but *Enlarg'd* it too; adding, with his own hand, the *Article* of *Images*. If I might be Allow'd to conjecture in this Caſe, I ſhould think, that what the King did to this *Book*, may have given Occaſion to the Miſtake of ſome of our *Learn'd Writers*, of his *Correcting* the *Articles* publiſh'd by the *Aſſent* of the *Convocation* the *Year* before. It being plain, that the *Articles* of the *Convocation* of 1536, were firſt brought to the King's Liking before they paſs'd that *Synod*; as the *Doctrine* of this *Aſſembly* was *Corrected* by him, after they had *Agreed* to it, before it was *Printed*; and yet was Publiſh'd in their Name. And that Dr. *A.* may take me right now, whatever he did before, I do Affirm it to be no undue *Uſurpation* in any *Prince*, if a *Church* be generally *Corrupted* in its *Doctrine*, by the Advice of a few Orthodox and Sober *Biſhops*, and *Clergy-Men*, to *Correct* the apparent *Errors* of a *Provincial Synod*; and to *Maintain* or *Set forth* the *Truth* of thoſe *few*, tho' contrary to the *Senſe* and *Determinations* of a *Greater*, but *Miſtaken Aſſembly*.

[2] *MSS.* Cotton. Cleopatra. E. 5. fol. 101.
[3] Fox. Mart. 1 Edit. p. 1472.

Sect. 77. 1539.

The next *Convocations* were held, both at *London* and *York*, on the 2*d* of *May*, 1539. In theſe, thoſe *Articles* were propos'd, upon which the ſevere *Statute* ſoon after paſs'd 31 *H.* 8. *c.* 14. By what Authority the *Convocations Treated* of theſe *Articles*, that *Statute* will tell us: " The King's moſt Royal Majeſty moſt pru- " dently pondering and conſidering, that, by Occaſion of variable and ſundry " Opinions and Judgments of the ſaid *Articles*, great Diſcord and Variance hath " ariſen, as well amongſt the *Clergy* of this his *Realm*, as amongſt a great " Number of the *Vulgar People*, his loving Subjects of the ſame; and being in " a full Hope and Truſt, that a full and perfect Reſolution of the ſaid *Articles* " ſhould make a perfect Concord and Unity generally among his Loving and " Obedient Subjects, of his moſt excellent Goodneſs, not only COMMANDED " that the ſaid *Articles* ſhould DELIBERATELY and ADVISEDLY, by his ſaid *Arch-* " *biſhops*, *Biſhops*, and *Other Learned Men* of his *Clergy*, be DEBATED, AR- " GUED, and REASONED, and their Opinions therein to be UNDERSTOOD, " DECLAR'D, and KNOWN, but alſo, *&c.* With

With the *Parliament* the Year following, the *Convocation* was ſummon'd; but what it did, or whether it did any thing at all, I cannot tell. [1] The Buſineſs of *Religion*, both as to *Doctrine* and *Ceremonies*, was put into another Method, and two *Committees* were *appointed* by the *King* to *Debate* and *Conclude* of Each. In the former, were the Two *Archbiſhops*, and Six *Other Biſhops*, and Twelve of the *Clergy*: In the latter, were only Six *Biſhops*, who were to *Deliberate* of the *Rites* and *Ceremonies* of the *Church*. What theſe ſhould *Conclude upon*, and the *King* by his *Letters Patents Confirm*, [2] the *Parliament* decreed ſhould be Obey'd and Obſerv'd; Provided nothing were Done, Ordain'd, or Defin'd, contrary to the *Laws* and *Statutes* of the *Realm*. Sect. 78. 1540. [1] Journ. H. Lords, 12 April, 31 *H.* 8. [2] 32 *Hen.* viii. c. 25.

But not to inſiſt upon theſe Committees, with which our Argument is not concern'd; nor yet upon the *Convocation* of the *Archbiſhops*, *Biſhops*, and *Clergy* of *both Provinces*, deputed by the King to determine the Buſineſs of his Marriage with *Anne of Cleve*. On the 20*th* of *January*, the next Year, the two *Convocations* met, four Days after the *Parliament*. Of that of our Province, [3] Dr. A. has obſerved, with Relation to our preſent Enquiry; That the Archbiſhop, at the Opening of it, declared to the *Prelates* and *Clergy*, in the King's Name, that it was his Intention they ſhould DELIBERATE among themſelves about the *Reformation* of *Errors*, and *Make Laws* for the *Avoiding* of *Simony*, &c. He might have taken notice of ſeveral other Particulars; but in the mean time, here is enough to ſhew, that this *Convocation* DELIBERATED upon all theſe things, at the King's *Command*, and therefore to be ſure had his *Licenſe* and *Aſſent* for what it did. And in the following *Seſſions* of the *Convocation*, as often as they came to any particular *Propoſitions*, or *Concluſions*, within this General Direction, ſtill the Archbiſhop Decreed, that the *King ſhould be Conſulted about it*; ſo that nothing was here either *Done*, or *Decreed*, without his Knowledge and Conſent. 1541. [3] Rights, &c. p. 368.

In this firſt *Convocation*, it do's not appear that any thing was Eſtabliſh'd: In the next, upon the 16*th* of *February*, 1542, the *Book* of *Homilies* was deliver'd in by the *Prelates*, who had been deputed to compoſe it. This was One of the things which the Archbiſhop had directed to be done, in the *King's Name*, at the firſt *Opening* of this *Convocation*. At their next Meeting, the *Preſident* told them, that it was the *King's Pleaſure* that certain *Eccleſiaſtical Books* ſhould be *Examined*, and *Corrected*. The *Seſſion* following, the *Clergy* of the *Lower Houſe* made four *Petitions* to the Preſident and Prelates in the *Upper*. After this, ſome *Debates* were held concerning *Doctrinal Points*, purſuant to the *King's Intention* at firſt *declared* to them; but nothing, that I can obſerve, was either *Attempted*, or *Done*, but in vertue of it. Nor do I find that they had any Other *Authority* to *Conſtitute*, and *Decree*, than that upon which they *Conferr'd* and *Debated*. The King's Pleaſure, declared to them by the Archbiſhop, was what they ſeem to have gone upon: Whether it were any otherwiſe Convey'd, either to him, or them, I cannot tell. Sect. 79. 1542.

And here Dr. A. puts an End to the Proceedings of the *Convocations* during this Reign: And indeed, tho' ſome others met after this, yet either nothing at all was done in them; or, if there were, the accounts of what they did are utterly loſt to us. Let us therefore now take a ſummary Review, how we have found the Matter of *Fact* to have ſtood during the *latter Part* of this *Reign*.

In 1532, the Clergy neither *Made*, nor *Attempted*, any *Canons* or *Conſtitutions*. They *Debated* only of *two Queſtions* concerning the *King's Divorce*; and even in that they proceeded, from the Beginning to the End, by the *King's Authority*. Sect. 80.

In 1534, Another *Queſtion* was propos'd to them concerning the *Authority* of the Biſhop of *Rome*. They only deliver'd their Judgment upon it; They *Defin'd* nothing: Yet this *One* of the *Convocations* expreſly did at the *King's Command*, and we have all the Reaſon in the world to believe, that ſo did the Other alſo.

In 1535, They *Examined* ſome *Books*, and gave their *Opinions* of them: But they Examined them not with any Deſign of *Cenſuring* either the *Doctrines*, or the *Authors*; but to *Petition* the *King* for the *Suppreſſion* of them; and that the People might be, by *him*, forbidden the uſe of them.

In 1536, The *Lower Houſe* of *Convocation* Collected, and Preſented to the *Vicar-General*, the *Archbiſhop*, and *Prelates*, in the *Upper*, certain *Articles* of

Doctrines

Doctrines which they thought worthy of *Reformation*. They guarded them with a *Proteſtation*, that they did not thereby intend to *Attempt*, or *Do*, any thing diſpleaſing to the *King*, or contrary to his *Laws*. Theſe Articles were *read* in the *Upper Houſe*, and nothing more done with them. But in the ſame *Convocation*, a *Book of Articles* was *Treated* of, and *Concluded* upon; and both were expreſly done by the *King's Command* and *Authority*.

In 1537, The *Aſſembly*, which Dr. A. calls a *Convocation*, proceeded intirely by the King's *Order*, and with his *Authority*.

In 1539. The *Six Articles* were *Debated*, *Argued*, *Reaſon'd* upon, in both the *Convocations*; and their *Opinions* thereupon *Underſtood*, *Declar'd*, *and Known*. But it was by the Kings *Command*, that they *Debated*, *Argued*, *and Reaſon'd*, as well as *Agreed* and *Declar'd* their *Judgment* upon ſuch their *Deliberation*.

In 1540. Two *Committees* were Appointed, and Empowr'd by the King, to go to work on *Matters* of *Religion*. In the following Years the *Convocation* of this *Province*, Sate three Times Succeſſively, and did buſineſs every One of them. But they did it All at the *King's direction*, declared to them by the Archbiſhop; and therefore, to be ſure, muſt have had his *Aſſent* and *Licenſe* for the doing of it. The *Command* given was to *Deliberate* among themſelves about the *Reformation* of *Errors*; which accordingly they did: And ſtill, whatſoever was *Deliberated* by them, was laid before the King for his *Approbation*. This was, in *fact*, the Ground upon which theſe Convocations, both *Conferr'd* and *Agreed*: Let the *Reader* Judge, what *Concluſion* will the moſt naturally follow from it.

King EDWARD *the* VI*th*.

Sect. 81. 1547. On the 5*th* of *November* 1547. the *firſt Convocation* of King *Edward* the 6*th*, began. The *Prolocutor* being Choſen, and preſented in the *Second Seſſion*, in the *third*, Carried up the four following Petitions, in the Name of the Lower Houſe, to the Preſident, and Prelates of the Upper.

MS. D. Stilglinfleet. " Firſt that *Eccleſiaſtical Laws* may be Made and Eſtabliſh'd in this Realm by " Thirty two perſons, or ſo many as ſhall pleaſe the King's Majeſty to Name " and Appoint, acccording to the Effect of a late *Statute* made in the 35*th* Year " of the moſt Noble King, and of moſt famous Memory, King *Henry* the *Eighth*: " So that all Judges Eccleſiaſtical proceeding after thoſe Laws, may be without " danger and Peril

" Alſo: That according to the antient Cuſtom of this Realm, and the tenor " of the King's Writs, for the Summoning of the *Parliament*, which be now, " and ever have been, directed to the *Biſhops* of every Dioceſs, the *Clergy* of the " *Lower houſe* of the *Convocation* may be Adjoyn'd and Aſſociate with the *Lower* " *houſe of Parliament*: Or elſe that all ſuch Statutes and Ordinances as ſhall be " made concerning all matters of Religion, and Cauſes Eccleſiaſtical, may not " paſs without the Sight and Aſſent of the ſaid Clergy.

" Alſo: That whereas by the Commandment of *King Henry*, certain *Prelates* " and other *Learned Men*, were appointed to *Alter* the *Service* in the *Church*, and " to deviſe other Convenient and Uniform Order therein, who according to " the ſame Appointment, did make certain *Books*, as they be Inform'd; Their " Requeſt is, that the ſaid *Books* may be ſeen and peruſed by them, for a better Ex- " pedition of *Divine Service* to be ſet forth accordingly.

" Alſo: That Men being Call'd to Spiritual Promotions, or Benefices, may " have ſome Allowance for their neceſſary living, and other charges to be ſu- " ſtain'd and born concerning the ſaid Benefices, in the firſt Year wherein They " pay their firſt fruits.

In the *Fifth* and *Sixth Seſſions*, the Proſocutor Exhibited in the *Lower Houſe* the form of a Certain *Order* delivered to Him by the Archbiſhop, *for Communicating in both Kinds*; to which Himſelf, and ſome Others *Subſcribed*, in the *Fifth*; and the whole *Houſe* Agreed, in the *Sixth Seſſion*. At the beginning of the *Parliament*, a Bill had been very early Introduced into the *Houſe* of *Lords*, againſt *Irreverent ſpeaking of the Sacrament of the Altar*. While this *Bill* was depending, another was brought in *November* the 26*th* for *Receiving the Sacrament of the Lord's Supper in both Kinds*. To Expedite this *Second* Bill, which would otherwiſe have gone

gone on but heavily in the *Upper Houſe*, it was thought adviſeable not only to annex it to the other, concerning the *Sacrament of the Altar*, but to obtain the Approbation of the *Clergy* in *Convocation* to it. This the *Archbiſhop* therefore procured, in the *Seſſion* of the *laſt* of *November*, (which he ſeems to have anticipated on purpoſe for this End) and in the *next following*, *December* the 2*d*. By this Management, the Bill paſs'd both the Houſes, and was made a *Statute* of the *Realm*.

At the Latter of theſe *Seſſions*, a Committee of the *Lower Houſe* was appointed to draw up a project for a *Statute* for *Paying* of *Tythes* in *Cities*; but what they did farther it in we are not told.

In the next *Seſſion*, *December* the 9*th*, the *Lower Houſe* choſe four of their Body to ſollicit on their behalf, theſe two things: "That the Petition made to have "this houſe adjoyn'd to the *Lower Houſe* of the *Parliament* may be obtain'd. "Item; That a Mitigation of the *Sore penalty* expreſs'd in the *Statute* againſt "the *Recuſants for Non Payment of the Perpetual Tenths*, may alſo be obtain'd.

The ſame day, were likewiſe appointed *two* Others to *Aſſociate with the Prolocutor to my Lord of* Canterbury, *to know a determinate Anſwer*; *what Indemnity and Immunity this Houſe ſhall have to* TREAT of *Matters* of *Religion*, in *Caſes forbidden by the Statutes of the Realm to* TREAT *in*. Sect. 82.

What this *Petition* referr'd to, is a Point that will much concern us to know. The Difficulty will not be great, if we conſider that there was but *One Statute* that did forbid the *Clergy* to *Treat* in *Matters of Religion*; *viz.* the 25*th* of *Hen*. the VIII*th*. This was Renew'd in the 27*th* of the ſame *King*: And the very *Original Petition*, *Preſented* to the *Archbiſhop* at this time, which ſtill remains among ſome other *Papers* of that *Great Prelate*, ſhews Us at once, both that this was what they meant; and that they underſtood the *Clauſe* of the *Statute* under Conſideration, in the ſame *Senſe* that I have before given of it. Their Petition runs thus.

"Where in a *Statute*, Ordeyn'd and Eſtabliſh'd by Authority of Parliament at *Weſtminſter* in the 25*th* Year of the Reigne of the moſt Excellent Prince King *Henry* the the VIII*th*, the *Clergie* of this *Realme* ſubmitting Themſelfe to the Kinges Highneſſe did Knowledge and Confeſs, according to the Truth, that the *Convocations* of the ſame *Clergie* hath ben, and ought to be Aſſembled by the Kinges Writ; and did promiſe further *in Verbo Sacerdotii* that they never from thenceforth wolde preſume to *Attempt*, *Allege*, *Claime*, or *Put in Ure* or *Enact*, *Promulge* or *Execute* any *New-Canons Conſtitutions Ordinances Provincial* or *Other* or by whatſoever other Name they ſhall be called in the *Convocation* oneleſſe the Kinges moſt Royall Aſſent and Liſenſe may to Them be had to Make Promulge and Execute the ſame, and his Majeſte to give his moſt Royall Aſſent and Authoritie in that behalfe, upon Peyne of every one of the Clergie Doeyng the Contrary and being thereof Convict to ſuffre Empriſonment and Make Fine at the King's Will. And that no Canons, Conſtitutions, or Ordinances ſhall be made or put in Execution within this Realme by Auctorite of the *Convocation* of the *Clergie* which ſhall be repugnant to the *Kinges Prerogative Royall*, or to the *Cuſtomes Lawes*, or *Statutes* of this *Realme*; Which *Statute* is Eftſoons Renew'd and Eſtabliſh'd in the 27*th* Year of the Reigne of the ſaide moſt noble Kinge, as by the Tenor of *Both Statutes* more at large will appere: The ſaide Clergie being preſently Aſſembled in *Convocation* by Auctorite of the *Kinges Writ*, do deſire that the Kinges Majeſties *Liſenſe* in *Writing* may be for them Obtain'd and Granted, *according* to the *Effect* of the ſaid *Statutes*, Auctoriſeing Them to ATTEMPT ENTREAT and COMMUNE of ſuch *Matters*, and therein freely to *Give* their *Conſents*, which Otherwiſe they may not do upon Peine and Peril Premiſed.

Such was the Buſineſs of that *Seſſion*: The next, and laſt of which we have any Account, was held *December* the 17*th*. A *Propoſition* was exhibited thereto the *Lower Houſe*, "That all ſuch *Canons*, *Laws*, *Statutes*, *Decrees*, *Uſages*, and *Cuſtoms* heretofore Made, Had, or Uſed, that forbad any Perſon to *Contract Matrimony*, or *Condemn Matrimony Contracted* by any Perſon, for any *Vow* or *Promiſe* of *Prieſthood*, *Chaſtity*, or *Widowhood*, ſhall from henceforth Ceaſe, be utterly Void, and of none Effect. The Majority approving a *Committee* was choſen to draw up the Plan of a *Statute*, for the *Marriage* of

Priests. Whether they drew up such a *Statute* or no, I cannot tell. But within three days after, a Bill for *the Marriage of Priests* pass'd the *House of Commons*, and was sent up to the *Lords* for their Concurrence. The *Lords* read it the next day, *December* the 21*st*. But the *Parliament* was so nigh rising that it fail'd this *Session*, and was not not made into a *Statute* till the next following.

And thus have I given a full account of all the Proceedings that are Recorded of this *Convocation*: In which no *Canons* or *Constitutions* were either *Made*, or *Attempted*; only some *Petitions* were Agreed to by the *Lower*, and presented to the *President*, and *Prelates* of the *Upper House*; and their *Opinions* delivered in two *Points*, in Order to an *Act of Parliament* to be framed upon each of them; *viz.* of *Communion in both Kinds*; and of the *Marriage of Priests*. A *Committee* was indeed appointed for a third End, to draw the Project of a *Statute* for *Tithes* in *Cities*, but nothing, that appears, was done by it. For all this, as no *License* was necessary, so we do not find that any was Granted to them; tho' they expresly desir'd it, and declar'd their Opinion of the Incapacity they Lay under for want of it.

Sect. 83.
[1] Rights, &c. p. 368.

But against this account of that *Convocation* Dr. *A.* excepts: [1] For. 1*st*, He tells Us they had as much *License* to *Treat* as they needed, or as ever any *Convocation* before had had; *Reverendissimus exposuit iis fuisse, &c. de mandato Regis & Procerum, quod Prælati & Clerus inter se consulerent, de vera Christi Religione probe instituenda*: The *Archbishop* declared to them that it was the *Command* of the *King* and the *Lords*, that the *Prelates* and *Clergy* should *Consult* among themselves about *Matters of Religion*. Does Dr. *A*'s *Minutes* say this? Nay, Or did *he himself Understand* them So?

As for the *Minutes* of the *Upper House*, from whence he takes this Note; That which they say is plainly This: That at the Opening of this *Convocation*, the *Archbishop* in his *Speech* told them, among other things; That it was the *Custom* in this *Realm* to *Summon a Parliament* the *first Year* of every *Prince*, and also to *Call a Synod* of the *Bishops* and *Clergy*; and that so it was at present done by the *Command* of the *King and his Nobles*. That the *Prelates* and *Clergy* should Consult together about the *true* Religion of *Christ*, &c. And that they should withdraw to the *Lower House*, there to choose a *Prolocutor* to be presented to him the *Fryday* following. And that [2] Dr. *A.* himself understood this to be the *Sense* of them, we have his own right *Construction* of this very Passage in another part of his *Book*, to Assure Us: Where he thus joyns the *King's Command* to what went before, not (as now) to what *follows*; and tells us that Archbishop *Cranmer* affirm'd it to have been, "*De more* Regni Angliæ *primo* "*quoque Anno* Regni *cujuslibet* Regis *citare* Parliamentum, *nec non & Convocare* "Synodum Episcoporum *&* Cleri; *sicq*; *fieri in præsenti de mandato* Regis, &c.

[2] Ibid. p. 70.

What therefore Dr. *A.* here Asserts, and again repeats *p.* 371, He must give me leave to say in this Instance is not yet shewn; "That the *Custom* "*tom* still Continued, for the *President* to *declare* the King's Good *Pleasure* to "the *Houses Orally*, without *producing* any *License under the Broad Seal*. How far this had been the *Custom*, upon Other the like Occasions, I shall not dispute this I affirm, that it does not appear that the *President* Declared any such thing to the *Convocation*, in the *King's Name*, Now. Let me add, that it is not Probable he had any *Authority* to declare any such thing to them at the *Opening* of a *Convocation*, which, as the Event shew'd, was not designed to *Deliberate* upon or *Establish* any thing, in *Matters* of Relegion.

But the Great Point which Dr. *A.* is here concern'd to get off, is, 2*dly*, the *Petition* of the *Clergy* for a *License*; nay, and for a *License in Writing*: A thing so clear, *in fact*, that 'tis not easie to raise any *Doubts* against it; but withal so fatal in its Consequence, that he must say any thing rather than Allow of it. And accordingly, he do's say so many, and such Contradictory, things to it, that their very Number alone shews how little weight is to be laid upon any of them. For,

[3] Ibid. p. 399, 400.

(1*st*.) 'Tis probable (he says) that the *Petition* is not [3] *Authentick*; Because (for that must be his Reason, or he gives none at all for it) it seems never to have been *Approv'd* or *Presented* by the Lower *Clergy*. Now that he thus shews:

[4] Ibid. p. 400, 401.

"[4] 1. The *short Acts* of this *Convocation*, preserv'd in the *Synodalia*, short as "they are, do yet mention the *First Paper*, (publish'd by *Bishop Stillingfleet* "from the same *MS*) and the four several *Articles* of it; but give not the "less

"leaſt Hint of this *Second*. Nor do's Archbiſhop *Parker*, in *Antiquit. Brittan-*
" *nicæ*, where he ſpeaks *largely* of Matters agitated in this *Convocation*, ſay a
" Syllable of it.

To begin firſt with Archbiſhop *Parker*: [1] Do's he ſpeak of thoſe firſt four *Petitions* which Dr. *A.* himſelf allows to be Authentick? No, he mentions only *One* of them; that the *Clergy* might be *United* to the *Lower Houſe* of *Parliament*, and conſult of *Eccleſiaſtical Matters* together with it. In the *5th* and *6th Seſſions*, they debated about the *Communion in both kinds*; and of *paying of Tythes in Cities*: In the *7th*, *of the Mitigation of the Statute* of *Non-Payment of Tenths*: In the *9th*, *of the Marriage of the Clergy*. All theſe are taken Notice of in the *Minutes*, once that *great Prelates*; and approv'd of by Dr. *A.* as giving a true, tho' ſhort Account, of the *Acts* of this *Synod*. Can he ſhew us where the *Antiquitates* make mention of *Any* of theſe *Things*? If not, then let him in Conſcience conſider what Prejudice can be juſtly derived againſt an *Original Paper*, ſtill remaining, from the meer *Silence* of an *Hiſtory*, in which ſo many Other Matters relating to the ſame *Convocation*, and of ſuch conſiderable Moment, are plainly Omitted.

[1] Antiq. Britan. p. 339.

As for the *Minutes*, which Dr. A. is pleas'd to call the *ſhort Acts of this Convocation*; I do affirm, that they have taken notice of this very *Petition*, in the *7th Seſſion*; and that Dr. A. perverſly Applies what was plainly meant of this Matter, to another which had been long before both *Conſidered* and *Anſwer'd*. At the Opening of this *Convocation*, the *Antiquities* tells us, that *Archbiſhop Cranmer* exhorting the Clergy to a *Reformation* of *Religion* according to the *Word of God*; the Severity of the *Law* of the *ſix Articles* affrighted the moſt of them, that they durſt not *freely ſpeak their Senſe* in ſuch *Matters*. That the *Archbiſhop* thereupon obtain'd of the *King*, that in the mean time, till thoſe *Laws* ſhould be abrogated, the ſevere and rigid *Penalties* of them ſhould be relax'd to the *Clergy*, as to their *Debates* in *Convocation*; which accordingly was done.

If I may be allow'd to conjecture when the *Clergy* applied to the *Archbiſhop*, to this Purpoſe, I ſhould not doubt to fix it to the third *Seſſion* of the *Convocation*; the very next after the *Prolocutor* was Preſented. For ſo I underſtand that *Queſtion* which was added to the four *Petitions* of that Day; " [2] *Whether the*
" *Clergy of the Convocation may* FREELY SPEAK THEIR MIND *without Danger of*
" *Statute, or Law?* This is evident, that it wasdone ſoon after the *Opening* of the *Convocation*; and the *firſt Seſſion* after they were put into a *Poſture* of *Debate*, and their firſt *Addreſs* to the *Archbiſhop*, ſeems naturally to lead to ſuch an Application.

[2] This Queſtion is added to the IV *Petitions*, then preſented by the Clergy, in Archbiſhop *Cranmer*'s Paper. And that this refers to the *Law* of the VI *Articles*, beſides the Reaſon of the thing its ſelf, the Words of the *Ant. Brit.* which are a plain *Tranſlation* of this Queſtion, ſhew: *Sed legum — de* VI *Articulis Latarum Severitas pleroſque terruit quo minus* SUAS *de Religione Reformanda* SENTENTIAS LIBERE DICERENT.

But this Dr. A. will not allow of: He referrs us to the *7th Seſſion*, *Dec. 9th* for this *Addreſs*. Till which time, that is to ſay, for almoſt *five Weeks* after their *Aſſembling*, he leaves the *Convocation* under an utter *Inſenſibility* of their *Danger*; or I am ſure, under an *Unaccountable Negligence* of their own *Safety*. To ſhew the Improbability of this, I ſhall need only to obſerve, that in the two foregoing *Seſſions*, they had actually *Incurr'd* the *Penalties* of that *Act*; by *Deliberating*, and *Concluding*, in the *Article* of *Communion in both kinds*: Concerning which that *Statute* thus Enacts; [3] " That if any Perſon, or Perſons, ſhould
" by Word, Writing, Printing, Cyphering, *&c.* publiſh, declare, or hold
" Opinion, that the *Communion of the Bleſſed Sacrament in both kinds is neceſſary for*
" *the Health of Mans Soul to be given or miniſtred in both kinds, or ſo ought or*
" *ſhould be given and miniſtred*, &c. He ſhall forfeit, *&c.* as in that *Act* is contain'd. And therefore ſuppoſing this Requeſt not to have been made till after they had not only *Agreed* to, but *Subſcribed* an *Order* for *Communicating* in *both kinds*, which they generally did in their *fifth*, and *ſixth Seſſions*, (as Dr. A. contends it was not) they ought to have Enlarged their *Petition*, and to have deſir'd as well a *Pardon* for what they had *already done contrary to that Act*, as an *Indemnity* for the *time to come*, But *Fear*, eſpecially where it is juſt and great, is a more cautious *Principle*, than to have ſuffer'd ſo wiſe a Body to Act after ſuch a Dilatory Mannner, in an Affair of ſuch mighty Importance to them. They

[3] 31 *Hen.* viii. c. 14.

were well aware of their Danger; and careful to be ſecured againſt it: And therefore we may be ſure they Obtain'd the *Suſpenſion* of the *Penalties* of this *Act*, before they adventur'd thus openly to Offend againſt it.

However, let us ſee how he endeavours to apply that *Minute* to this Purpoſe: The *Clergy* directed their *Prolocutor*, with two others of their *Body*, to the *Archbiſhop*, to know what *Indemnities* and *Immunities* they ſhould have to *Treat* in *Matters* of *Religion*, in *Caſes forbidden* by the *Statutes* of this *Realm* to *Treat* in. [1] "They are concern'd, ſays he, to be Indemnified to *Treat* of *Matters* "of *Religion* in ſome *Particular Caſes forbidden* by the *Statutes* of the *Realm*. He is in the Right, and I will tell him what thoſe *Caſes* were: They were forbidden to *Treat* of any *Matters* of *Religion*, in order to the *Making* of any *Canons*, *Conſtitutions*, or *Ordinances Provincial* or *Synodal*, without the *King's Aſſent* and *Licenſe* firſt granted to them to that Purpoſe; but were not *forbidden* to *Treat* of them in any other *Way*, or in *Order* to any other *End*; and for this therefore they deſired to be Indemnified.

[1] Rights, &c. p. 402.

Would Dr. A. have ſome farther Reaſons for this Conjecture; I will give him two, from the very *Petition* under *Debate*: In which firſt they take Notice, that their Reſtraint in this Caſe was lay'd upon them by *two Statutes*, of the 25*th* and 27*th* of *Henry* the 8*th*. And in the *next Place*, actually Put into their *Petition* the very *Word* of the Minutes, to *Entreat*, and Deſire the *King's Licenſe in Writing* may be for them *Obtain'd*, and *Granted*, according to the *Effect* of the ſaid *Statutes*, Authorizing them to *Attempt*, *Entreat*, and *Commune* of ſuch *Matters*, which otherwiſe they may not do. The *Petition*, and the *Minute* agree ſo near, not only in *Subſtance*, but in *Expreſſion* too, that I think even that alone might ſuffice to juſtifie the Application which I have made of the *One* to the *Other*.

But can Dr. A. now tell us, where there is any thing in the *Act* of the *ſix Articles*, to *Reſtrain* the *Clergy* from *Treating* in *Matters of Religion*? Let us ſuppoſe them to have *Deliberated* on ſome *One* of thoſe *Articles*; or, if he will, upon *All* of them; and either *acknowledging*, or at leaſt not *denying*, the *Truth* of *Them*, yet to have *Agreed*, for ſome Other Reaſons, (and Other Reaſons enough they might have found out) to *Petition* the *King* for the *Abrogation* of that *Act*, or for the *Mitigation* of it's *Severity*: I do not ſee wherein they would have fallen thereby under the Danger of it. *To Treat* even in thoſe *ſix Articles*, was not forbidden, nor would it have been Criminal by that *Statute*. To have freely *ſpoken* their *Senſe* upon them, as to the *Truth* of the *Doctrine* contained in them, might indeed have been ſo; and for that therefore we ſee they applied betimes to the *King* at their *third Seſſion*; and by the Intereſt of the *Archbiſhop* obtain'd what they deſir'd; "that they might *freely* "*ſpeak their Mind without Danger of Statute, or Law*. But as for *Treating* in *Matters of Religon*, there was no *Statute* that forbad that, but *This* only of the 25*th*, *H.* 8. *c.* 19: And to this therefore alone we can juſtly referr their *Addreſs* for the King's *Licenſe* ſo to do.

There is nothing then in this firſt Exception of Dr. *A.* to overthrow the Authenticalneſs of a Paper, which ſo evidently ſpeaks its ſelf to be an Original, and will not be Cavill'd out of its Authority by ſuch little Objections as theſe. [2] His next Pretence is yet weaker: *That it ought to have been ſooner preſented*; and lies much harder againſt his *own Application* of that *Minute* to the *Act of the Six Articles*, than againſt *mine* which referrs it to this *Statute*. For againſt that *Statute* they had already *Offended*, in a very high degree; whereas againſt this, they had, as yet, committed no Fault.

[2] Ibid. p. 402.

His Third [3] Exception againſt the *Draught* of their *Petition*, is as frivolous. They Recite the *Submiſſion* of the *Clergy*, as it lies in that *Statute*: They take notice of the *Peynes* by which their *Submiſſion* was *Confirm'd*, and againſt which they deſir'd to be Defended. They add the *Limitations* too with which they were to *act*, when a *Licenſe* ſhould be Obtain'd: And this is All of that *Act* which relates to *Canons hereafter* to be *Made* in *Convocation*. And having ſummarily put all this together, and referr'd themſelves to the *Statute* its ſelf for the more full Declaration of it; they pray for ſuch a *Licenſe* as might *ſecure* them againſt the *Danger* of it. The Draught, I think, is Compleat enough to Anſwer their *End*; and to ſhew both *what* it was that they *deſir'd*, and upon what *Ground* they ſuppos'd themſelves to have *need* of what they *Petition'd* for.

[3] Ibid. p. 403.

In ſhort, Here is an *Original Paper*, found among Others of the ſame Archbiſhop, with All the Marks of *Authenticalneſs* that ſuch a *Writing* can have. If this be not ſufficient to Anſwer all ſuch *Doubts*, as Dr. *A.* is pleas'd to raiſe againſt it, I much queſtion whether any Evidence, that is not expreſly upon *Record*, will be able to ſtand ſecure. For ſurely he muſt have a very ſlender Talent in this way of raiſing *Duſt*, who cannot make as good *Exceptions* as theſe, againſt any Other *Paper* of the like Nature.

Sect. 85. Dr. *A.* ſaw it was in vain to think to deſtroy the *Credit* of this *Petition*; and therefore, having try'd the utmoſt of his Skill on that ſide, he comes (*2dly*) to SUPPOSE (what he knew would be taken for Granted, whether he *Suppos'd* it or no) that the *Paper* was *Authentick*; and upon that Ground aſſures us, "that "*nothing can be more to the Advantage of the Clergies Freedom of Debate, than this* "*Petition, ſuppoſing it Authentick.* Do's Dr. *A.* indeed believe this? And was it the meer *Love* of *Truth* that prompted him, in Oppoſition to his own *Intereſt*, to endeavour ſo heartily, as he has before done, to deſtroy the Credit of it. —— *Sic Notus Ulyſſes?* However, let us purſue this *New Adventure*, and ſee how expert a Man he is, that can take the Matter either way, and yet ſtill be in the *Right*, ſtill be *Victorious*: [1] "*For as the Preferring it* (ſays he) *ſhews* "*that the Clergy doubted at firſt, whether a Commiſſion might not be neceſſary to enable* "*them to* Attempt, Entreat, *and* Commune; *ſo their Acting without ſuch a Com-* "*miſſion afterwards, (for Act they did) is a clear Evidence that thoſe* Doubts *were* "*over-rul'd as ſoon as ſtarted, and does in effect amount to a Determination of the* "*Point in Queſtion. For the Judges, to be ſure, or King's Council, (and it may be* "*Both) were conſulted in the Caſe; and did therefore (as the Event ſhews) give their* "*Opinion againſt the Neceſſity of ſuch a Licenſe.*

[1] Rights, &c. p. 405, 406.

How happy a thing is a good *Invention*, at a dead Lift! The *Lower Houſe* of *Convocation doubted indeed whether they might lawfully Treat without a Licenſe. But Treat they did, and that without One; and therefore we muſt conclude, that they were ſatisfied they needed none.* May I ask Dr. A. in the firſt place; How does he know that they had no *Licenſe?* Why he Concludes it from the *Silence* of the ſhort *Minutes* of the Lower *Houſe*, and the yet *Shorter Ones* of the Upper: And how fallacious a way that is, I will leave him, upon this *One Remark* within the ſame Reign, to Conſider.

In the *Convocation* of 1552, The *Articles of Religion* were paſs'd; and for that he himſelf muſt Allow a *Licenſe* to have been neceſſary. Mr. *Fuller* ſaw the *Acts* of that *Convocation*, and found no *Mention* either of *Licenſe*, or *Articles*, in them; and from thence concluded, that no ſuch *Articles* were paſs'd by that *Synod*. To this Dr. *Heylin* replies, That he had ſeen thoſe *Acts* too: That they were very *ſhort*; and therefore it was no wonder, that they made no mention of theſe Things. But that however, the *King* putting forth thoſe *Articles*, as paſs'd in *that Synod*; we cannot doubt but that they were *Agreed* to there: And that Mr. *Fuller* might as well inferr, that his Mother had no ſuch *Son* as himſelf, becauſe his *Name* was not enter'd upon the *Pariſh Regiſter*; as that That *Convocation* made no ſuch *Articles*, becauſe there was no *Notice* taken of *Them* in thoſe *Acts*.

But what if at laſt they did *not Act*; nor ſo much as *Attempt to do any* thing, for which any *Licenſe* at all was Needful? ACT *they* DID, ſays Dr. A, with his uſual Aſſurance. But how did they *Act*? They neither *Conferr'd upon*, nor *Conſtituted*, any *Canons*: And therefore ACT *they* DID NOT within the *Purport* of the 25*th H.* 8. *c.* 19. They ſate but Once more, that we know of, to any Purpoſe after they made this *Order*: And then they only deliver'd their *Opinion* in the *Caſe* of *Marriage*; which, by the Liberty before obtain'd for them, they had *Authority* to Do, without Danger of the 31*ſt H.* 8: And of any other *Statute* they had no Cauſe to be Afraid.

And now what will become of all Dr. *A*'s other *Imaginary Suppoſitions*, which are built upon this fundamental *Error*, or *Equivocation*? * They *Acted*: * They *Acted* without a *Licenſe*: * Therefore their *Doubts* were *Over-ruled*: * And this amounts to a *Determination* of the *Point*: * For, to be ſure, the *Judges*, and the *King's Council*, were conſulted in the *Caſe*; and *we muſt* ſuppoſe, that they gave their Opinion againſt the *Neceſſity* of ſuch a *Licenſe*, becauſe otherwiſe they would have had One. What a Glorious *Scheme* hath this new *Hiſtorian Erected* in the *Air*; without ſo much as a *Probability* of *Truth* to ſupport it? But the beſt

best of it is, such visionary Determinations will do us no *Great Harm*. I shall therefore leave Dr. A. to continue in his *Dream* of *Judges*, and *Council*, that were never advised with; and of *Sentences* and *Opinions* that were never given: And, in Reverse of his Assertions, take the Liberty to Conclude, that seing they neither *Attempted*, nor *Made*, any *Canons* or *Constitutions*, therefore they had no need of any *License*; nor any Occasion either for *Over-ruling* their *Doubts*, or for Consulting of *Judges*, or *Council*, to determine any thing in this Particular.

But Dr. A. has not yet done with his Conjectures. He proceeds from the Circumstances of those times to shew why, Possibly, the *Clergy* might then have desir'd such a *License*, tho' it was not *Necessary*. But why then did not the *Clergy* frame their *Petition* accordingly? Why did they not desire it in *Majorem Cautelam* only; and not found their need of it upon the *Authority* of an *Act* of *Parliament*, which (according to their own Opinion) expresly *Required* such a *License*? This, 'tis plain, they ought to have done, had they proceeded upon these *Principles*. They should have ask'd the *King's License* only as a Matter of *Countenance*, and *Security*, to them in their Proceedings; but should by no means have *Petitioned* for it as a thing which they were oblig'd by *Law* to have, and which the King therefore, was to grant to them *according to the effect of the said Statutes*. But of this *Reflection* Dr. A. himself makes no great account; and therefore he will the more easily excuse me, if I insist not any longer upon it.

Sect. 86. From this time forward we have so little knowledge of what was done in the following *Sessions* of this *Convocation*, that were it not for the *Subsidy* granted the next Year by the *Clergy*; and a *Provision* made by the *Lords* the Year following for *Fryday* to be allow'd to the *Bishops* for their *Attendance* at St. *Pauls*; we should hardly have known any thing at all of them, more than the days of their *Assembly* and *Prorogation*. Indeed in one of the following *Sessions* of this [1] *Convocation*, a *Debate* was held in the *Upper House*, of certain Doubts which had been rais'd concerning some things contain'd in the *Common Prayer Book*: And more particulary, touching such *Feasts* as were Retain'd, and such as had been *Abrogated* by the *Rules* thereof; concerning the *Form* of *Words* used at the *giving of the Bread*, and the *different manner of Administring the Holy Sacrament*. This was signified to the *Prolocutor* and the rest of the *Clergy*, who had Received somewhat in Charge about it the Day before. Their Answer was, that they had not yet sufficiently considered the *Points* propos'd, but would give their Lordships some Account thereof, in the following *Session*. But what Account was given, appeard not upon the *Acts* of the *Convocation*; of which there was nothing left upon Record but this very Passage.

[1] *Heylin's* Hist. Reform. p. 107

Sect. 87. 1552. The first Parliament of this *King* being Dissolv'd, *April* the 15*th*; and the *Convocation* the Day after; Another was Called to Meet at *Westminster* the 18*th* of *March* following, and the *Convocations* order'd to sit at *London* and *York* the next Day. Great have been the Contests of our *Learned Writers* concerning the Proceedings of this *Convocation*; the *Acts* of which were either very carelesly taken, or They were soon destroy'd, by those who had no mind they should be known to Posterity. [2] Mr. *Fuller* thus spake of them in his Time: "The *Records* "of this *Convocation* are but One Degree above *Blanks*, scarce affording the "Names of the Clerks Assembled therein. They had no *Commission* from the "*King* to meddle with *Church-Business*: However, this barren *Convocation* is in- "tituled the Parent of those *Articles* of *Religion*, (Forty two in Number) "which are printed with this Preface, *Articuli*, *&c.* With these was bound a "*Catechism*, younger in Age, as bearing Date the next Year, but of the same "Extraction, relating to this *Convocation*, as *Author* thereof. For this, Dr. *Heylin* falls very severely upon him: [3] He charges him as "Guilty of a "greater Crime than that of *Scandalum Magnatum*; making *Edward* the VIth, "of Pious Memory, no better than an *Impious and Lewd Impostor*. For if the "*Convocation* of this Year were *barren* (as he saith it was) it could neither be "the *Parent* of those *Articles*, nor of the *short Catechism* which was *printed* with "them. [4] Mr. *Fuller* rejoins in these Words: "The *Journals* of the *Convoca-* "*tion*, in this King's Reign, I have carefully perused, which are no better than "*Blank Paper*; containing only the *Names* of the *Members* therein daily *meet-* "*ing*, without any Matter of Moment (yea any Matter at all) Registred to "be perform'd by them.

[2] *Fuller's* Ch. Hist. Book vii. p. 420, 421.

[3] *Fuller's* Appeal, Part ii. p. 78.

[4] Ibid.

To

To this Dr. *Heylin* himſelf agrees; [1] He complains that the *Acts* of this *Convocation* were ſo ill kept, that there remain'd nothing upon *Record* touching their Proceedings, except it were the *Names* of ſuch of the *Biſhops* as came thither to *Adjourn* to the Houſe. But how then ſhall we ſettle this Point of the *Articles*? [2] Dr. *Heylin* tells us that the Year before, Archbiſhop *Cranmer*, with the Aſſiſtance of other learned Men, *Prepared* them for the *Convocation*. [3] That being thus *prepared*, They were now preſented to the "*Conſideration* of the reſt "of the *Clergy*: Who *devolved* their *Power* on ſome *Grand Committee*, ſufficiently Authoriſed, to *Debate*, *Conclude*, and *Publiſh* what they had *Concluded*, "in the Name of the Reſt. This he gathers from the *Inſcription* of the *Articles*; wherein it is not ſaid, as in the *Articles* publiſhed in Queen *Elizabeth*'s "time, Anno 1562, *That they were Agreed upon by the Archbiſhops and Biſhops "of both Provinces, and the whole Clergy in the Convocation holden at* London; but "that they were Agreed upon in the *Synod* of *London* by *the Biſhops, and certain "Other Learned Men, inter Epiſcopos & alios Eruditos Viros*, as the *Latin* hath it. "Which (ſays he) ſeems to make it plain enough, that the *Debating* and *Concluding* of the *Articles* contain'd in the ſaid *Book*, was the Work only of *ſome "Biſhops, and certain other Learned Men*, ſufficiently Empowered for that End "and Purpoſe. And being ſo Empower'd to that *End* and *Purpoſe*, the *Articles* "by Them *Concluded*, and *Agreed* upon, may warrantably be Affirm'd to be "*Acts* and *Products* of that *Convocation*, *Confirm'd*, and *Publiſhed* for ſuch, by "the *King's Authority*.

[1] Hiſt. of the Reform. p. 121.

[2] Ibid. p. 108.

[3] Ibid. p. 121.

Such was Dr. *Heylin*'s Conjecture of this matter: But a late very diligent *Writer* of the Life of *Archbiſhop Cranmer*, will help us to a more Exact Account of it; and being carried a little farther, may, poſſibly, ſettle it upon its true bottom. [4] In 1551: The King and the Privy Council order'd the *Archbiſhop* to frame a *Book* of *Articles* of *Religion*, for preſerving and maintaining Peace and Unity of Doctrine in the Church, to be ſet forth by Publick Authority. He drew them, and Committed them to certain *Biſhops* to be inſpected and approved of by them. By a *Letter* of *Council*, Dated *May* the 2*d*, 1552. the *Archbiſhop* was commanded to ſend them the *Articles*, delivered the laſt Year to the *Biſhops*, and to ſignify whether the ſame were ſet forth by any *Publick Authority*, according to the Minutes. The *Articles* were accordingly ſent by the *Archbiſhop*; and return'd again in a little time to him. For in *September*, they were again in his Hands; when being put into a better Order, and *Titles* added to each of the *Articles*, and a ſupply made of what was thought Defective; They were on the 19*th* of the ſame Month, remitted by the Archbiſhop, to Sir *William Cecyl*, and Sir *Jo. Cheeke*, for their Inſpection and Advice upon them. They Agreed that the *Archbiſhop* ſhould Offer them to the *King*; which, accordingly, he did, not long after. They were then Communicated to ſome Other *Divines*, by the *King's Order*, about the beginning of *October*; and upon the 20*th* of *November*, were ſent back again, by the *Council*, to the *Archbiſhop*. The *Archbiſhop* made his *laſt Remarks* upon Them, and ſo return'd them again in three days, to the *Council*; beſeeching them, to prevail with the *King*, to give *Authority* to the *Biſhops*, to Cauſe their reſpective Clergy to Subſcribe the ſame.

[4] Mr. *Strype*. Life of AB. *Cranmer*: Book ii. c. 27.

On the 2*d* of *March* following, the *Convocation* Met; and then this [5] *Book* of *Articles* was finally laid before it. How the *Convocation* proceeded in the Diſcuſſion and Examination of them, I cannot tell. This I know, that the Reſult was, that the *whole Body Agreed* upon Them, and *Subſcribed* to them. For at the beginning of Queen *Elizabeth*'s Reign, when the *London Miniſters* ſet out their *Declaration* againſt the *Apparel preſcribed*; the *Examiner* of it preſſed them with the *Subſcription* which many of themſelves had made to theſe very *Articles* in this *Convocation*: And having told them that they ought not to *diſturb Political Order lawfully taken*, went on in theſe Words. [6] "Which Diſturbance of "Publick Quiet in *Rites* and *Ordinances* (which may be for Variety of Places "divers, and yet to be ſtraitly Obſerv'd) what a great Offence it is, not only "the Scriptures may teach You, and the Uſage of Chriſt's True Church, but "alſo the *Determination* of this *Church* in *England*, both *Agreed upon* in King "*Edwards* Days, and alſo *Teſtified* and *Subſcribed* by *Themſelves*, who *now* "would gainſay their *Own Doings Then*. The Words which the *Whole Synod* "were *well pleas'd withal*, and *whereunto All the Clergies hands are ſet to*, be "theſe (as in the 23*d Article* of that *Book*.) To this Charge, the *Anſwerer* of

[5] In the Convocation of 1562, when theſe Articles were Reviſed, the *Acts* call them, *Articuli in Synodo Londinenſi tempore nuper Regis Ed. vi. Editi.* Seſſ. 19 Januarii.

[6] An Aunſwer for the Time, &c. An. 1566. p. 151, 152.

[1] Ibid p. 153. of the *Examination* makes but a ſhort Reply. [1] He owns the Truth of the Allegation, that they *had Subſcribed that Article*; but juſtifies it by the Qualification of that *Clauſe* in it, of *ſuch Traditions* and *Ceremonies as be not* Repugnant *to the Word of God*; in which Caſe he owns it to be their Duty to Obey Orders. " *The Articles* of the *Synod* (1552) *have ſuch* Conſiderations *annexed to Them*, " *that we need not fear to* Subſcribe to them again, *&c.*

Theſe *Articles* thus paſs'd in *Convocation*, were ſoon ſet forth by the *King's Authority*. The *Convocation* Roſe *April* the the 1*ſt*, 1553: And the *Printed Copy* which was publiſhed, with the *Catechiſm*, by the Royal Command; was dated from *Greenwich* the very next Month after, *May* the 20*th*. From all which it is plain, that theſe *Articles* were not Compiled by any *Grand Committee*, Empowered by *Convocation*, either before or after, as Dr. *Heylin* ſuppos'd; but being prepar'd, as we have ſeen, by the *Authority* of the *King* and *Council*, were Agreed to in *Convocation*; and there *Subſcribed by both Houſes*; and ſo preſently *Promulg'd* by the *King's Authority*, according to *Law*.

As for the *Catechiſm*, That was neither paſs'd by the *Synod*, nor was it *publiſh'd* as theirs. The *Title* bears only *Catechiſmus*, &c. *Omnibus Ludi Magiſtris Authoritate Regia Commendatus.* And All that the *King* ſays of it in his *Confirmatory Patent*, is but this; " That it being written by a certain pious and learned Man; (Dr. *A.* ſays Biſhop *Poinet*; but the *Archbiſhop* took it upon himſelf) " He " had Committed the Examination, and diligent Inſpection of it to certain *Bi-* " *ſhops* and Other *Learned Men*, whoſe Judgment had great *Authority* with him; " and that being found to be Agreeable both to the *Holy Scriptures*, and to the " *Laws* of the *Realm*, he thought fit to *Publiſh* it, and to require ſuch Uſe, as he " there directs, to be made of it.

Sect. 88. Having ſaid thus much to give ſome little Light to this Obſcure part of our *Convocational Hiſtory*, let us now ſee what Uſe [2] Dr. *A.* makes of this Tranſaction, in the Caſe under Debate. " In the 6*th* (he ſhould have ſaid the 7*th*.) " of the ſame Prince (King *Edward* the VI*th*) 1552, the *Convocation* Met, in " which the firſt *forty two Articles* paſs'd; whoſe *Title* is, *Articuli*, &c. And " here again, the *Omiſſion* of a *Licenſe* in *Form* ought to ſatisfy Us, that there " was no ſuch thing; becauſe, where we know it was Granted, as in 1603, " and 1640, there the Titles of the *Canons* then Fram'd, carry an Expreſs " Mention of it. Does Dr. *A.* conſider what he Writes? He Argues from the *Title* of theſe *Articles*, that the *Convocation* had no *Licenſe* to *Treat*, becauſe it is not Mention'd there. Now the *Title* tells Us, that they were *Articles Agreed upon* by the *Convocation*. &c. Did that *Convocation* not only *Treat about* them, but *Agree upon*, and *Paſs* All theſe *Articles*, without any *Licenſe*? Or does Dr. A. himſelf allow that they might have done ſo? But this is the Misfortune of a bad Cauſe: He cannot aſſert their Liberty of *Debate* without a *Licenſe*, by any Arguments but what will carry the matter farther than he himſelf would have it; as not only here, but in ſeveral other Inſtances before mentioned, he accordingly has done. In ſhort therefore; Either let Dr. A. roundly affirm, that the *Clergy* in theſe Times, did not only *Confer*, but did *Enact* too, without any *Licenſe*; Or let him ſhew, that they had the *King's Authority* to *Agree*, but not to *Debate*; Or, by the Third *Rule* I at firſt laid down, he muſt allow me to Conclude, That tho' no Licenſe be *Recorded* (as indeed, there was nothing at all *Recorded* of this *Convocation*) yet they certainly had One to *Enact*; and together with that, what was by Law no leſs required, to *Deliberate* alſo in Order to their *Enacting*.

[2] Rights, *&c.* p. 371, 372.

Queen MARY.

Sect. 89. 1553. It was not long after this, that that Pious Prince, King *Edward* the VI*th* died. Queen *Mary* ſucceeding, held her firſt *Parliament* at *Weſtminſter*, *October* the 5*th*; and Aſſembled the two *Convocations* the day after. Of this Dr. A. writes thus: [3] " *Primo Mariæ.* " The *Prolocutor* certified the *Lower Houſe* upon their *Firſt* " *Meeting*, (or rather upon the *Firſt Day* appointed for the *Diſputation*, which was Order'd at the ſame time with the *Convocation*, (for ſo it was) *October* the " 18*th*,) that it was the *Queens Pleaſure* that the Company of the ſame Houſe, be- " ing Learned Men, Aſſembled, ſhould *Debate of Matters of Religion*, and *Con-* " *ſtitute* Laws thereof, which her *Grace* and the *Parliament* would *Ratifie*.

[3] Rights &c. p. 372.

" The

" The Buſineſs of this *Convocation* was very Extenſive we ſee, and yet no *Other* " *Licenſe*, but what was *Verbal*, was either Given or Requir'd. But ſtill Dr. A. muſt permit me to obſerve, that here was both a *Licenſe* granted to them by the Queen, to *Debate*; and that the ſame *Licenſe* was given for That, which was given for them to *Conſtitute* too. So that either here was, at laſt, ſomewhat more than a *Verbal Licenſe* to Debate: Or if there was not, then we muſt conclude, (which to me is all One) that a *Verbal Licenſe* was, in thoſe Days, thought ſufficient to Anſwer *All* the *Ends* of the *Act* 25 *H.* 8. *c.* 19. and to *Authorize* the *Clergy* to proceed both to *Attempt* and *Enact*, according to the *Purport* of it.

It is to the ſame effect that Dr. *Heylin* reports this Matter in his Hiſtory of this *Convocation*. " On *Wedneſday* the 18*th* of *October*, it was ſignified by the " *Prolocutor*, that it was the *Queen*'s Pleaſure, that They of the Houſe ſhould " *Debate* of *Matters* of *Religion*, and proceed to the *Making* of ſuch *Conſtitu-* " *tions*, as ſhould be found neceſſary in that Caſe. And [1] Mr. *Fuller* relating [1] Rights, &c. p. 377. Mr. *Philpot*'s Defence of himſelf, for what he ſaid in this Diſputation, thus delivers the *Prolocutor*'s Declaration to Them; " That *Weſton* the *Prolocutor*, " once and again, Aſſured them, that the *Queen* had given them *Leave* and *Li-* " *berty* fully and freely to *Debate* of *Matters* of *Religion*. And when they had *Debated* as much as they thought good; the *Prolocutor* clos'd all with this Remarkable Speech: " It is not the *Queen*'s *Pleaſure* that we ſhould ſpend any " longer time in theſe *Debates*, and yet we are well enough already; for (ſays " he, applying himſelf to the *Reformed* there) *You have the* WORD, *and we* " *have the* SWORD. From All which I may now preſume to conclude, that the *Clergy* at this Time did not *Debate* without *Authority* from the *Queen*; but (as far as I can find) had the ſame *Licenſe* both to *Confer about*, and to *Make Conſtitutions*.

The beginning of the next Year, a *Convocation* was Summon'd to meet at *Oxford*, but ſate at *London*. The great and only Buſineſs of it, was to Agree upon certain *Points* to be *Diſputed* on at *Oxford* with Archbiſhop *Cranmer*, and his two *Companions*, Biſhop *Ridley*, and Biſhop *Latimer*; which they accordingly reduc'd to Three *Concluſions*. That this was entirely done by the *Queen*'s *Authority*, the Removal of the *Priſoners* from the *Tower* thither, by her *Majeſty*'s *Command*, in order thereunto, ſhews; and the *Profeſſions* made that this *Diſputation* was *held by her Order*, will not ſuffer us to doubt of it. But not to inſiſt upon this Aſſembly; let us go on with Dr. A. to the next, which met in *November* the ſame Year. And here again Dr. A. either means nothing at all, or he carries his Point a great deal too far. [2] They " *Debated*, ſays he, and [2] Ibid. p. 372. " *Acted*, tho' *Unlicenſed*. If within the *Purport* of this *Act*, then his Aſſertion muſt be thus underſtood, that they *Conferr'd* and *Made Canons* without any *Aſſent* of, or *Licenſe* from, the *Queen* ſo to Do. But if their *Debating* and *Acting* were about ſome Other Matters, in which the Clergy have had no *Reſtraint* laid upon them by the *Statute* of *Submiſſion*, 'tis a meer Fallacy, and imports no more than this, that they did ſuch *Buſineſs* without a *Licenſe*, for which no body pretends that they needed any. Sect. 90.

But he proceeds: [3] " Twenty eight *Articles of Reformation* the *Lower Houſe* [3] Ibid. p. 373. " preferr'd; and the *Preface* to thoſe *Articles* Aſſerts the *Power* by which they " did it: Accounting our ſelves (ſay they) to be *Call'd* hither to *Treat* with " your *Lordſhips*, as well concerning the *Reſtitution* of this *Noble Church of Eng-* " *land* to the Priſtine State and Unity of *Chriſt*'s *Church*, as of Other things " touching the State and Quietneſs of the ſame *Church* in *Doctrine* and *Man-* " *ners*; We have, for the Furtherance of your godly doing therein, *Devis'd* " theſe *Articles* following. Do's Dr. A. know of any one who denies this *Liberty* to the *Clergy?* They are Called by their *Mandate* to *Treat* with the *Biſhops* there: To *Treat* of *Matters* concerning the *Church of England*, and the *State* and *Quietneſs* of the ſame: And they may *Deviſe* what *Articles* they pleaſe, to be preſented to their *Lordſhips*, for the Furtherance of all this. But were thoſe *Articles* intended to be made *Canons*, *Conſtitutions*, *Orders*, *or Ordinances Provincial or Synodal?* Did the *Clergy* preſent them to the *Biſhops* for this End, that being Aſſented to by them, they might thereby become *Authoritative Acts* of the *Convocation?* Let Dr. A's own Inſtance anſwer for it; [4] that [4] Ibid. p. 372. among other things, which they deſir'd, One was, the *Repeal* of this *Statute*

25 *H.* 8. *c.* 19. In which, as they beſpoke their *Lordſhips* Intereſt with the *King* and *Queen*; ſo were the other *Articles* generally of the ſame kind. They contain'd a Repreſentation of ſuch Matters as they thought might properly be mov'd at this Juncture to the *Queen*, the *Parliament*, the *Legate*, or their *Lordſhips*; and either be Redreſs'd by their Own *Authority*, or be Obtain'd by their *Mediation* with *Thoſe* who had Power to *Redreſs* the ſame. And what need there was of a *Licenſe* for this, or what this ſignifies to the *Buſineſs* of *Conferring* to *Conſtitute Canons*, (the only thing in which I affirm them to be reſtrain'd by that *Statute*) I ſhall leave it to Dr. *A.* himſelf, upon ſecond Thoughts, to conſider.

While this Convocation was ſitting, the *Act of Submiſſion* was Repeal'd, according to their Deſire, and not Revived till the firſt of *Queen Elizabeth*. Let us ſee how the *Convocations* proceeded in her Reign, upon the Revival of it.

Queen ELIZABETH.

Sect. 91. 1562.

The firſt *Convocation* that met after this, was that of 1562: "Where Matters of great moment were tranſacted; the *Articles of the Church*, and the "*Catechiſm*, were Review'd; and ſeveral *Canons* relating to *Diſcipline* framed, "tho' ſome of theſe were not at that time *Publiſh'd*. And the DEBATES on "theſe Occaſions (they are Dr. A's Words) were *Entred* upon, and *Managed*, "without any *Commiſſion* from the *Queen*; as is manifeſt, beyond a Doubt, "from the *Acts* of that *Synod*, *&c.* Theſe *Acts* are very particular and minute in giving an Account of the Proceedings of every Day, and do orderly "ſpecifie All the Publick *Inſtruments* that any way concern the *Synod*: But as to "a COMMISSION TO TREAT, they are perfectly ſilent. He is in the Right; the *Acts* of this *Convocation* are very particular: They mention the doing of all theſe things, and yet ſpeak not of any *Commiſſion to Treat* about them. But will Dr. *A.* be pleaſed to tell us; Can he find in thoſe *Acts* (Particular, and Minute, as they are) any *Commiſſion* to *Conclude*, *Enact*, or *Make Articles*, any more than to *Treat* and *Confer* upon them? If not, he muſt then allow me to Obſerve, that they had the ſame Authority to *Debate* of theſe *Articles*, that they had to *Agree* upon them. And therefore he muſt either reſolve to go on, and Affirm that they had no need of a *Licenſe* for *Either*; Or he muſt ſhew that they had ſome *Commiſſion* for the *One*, which they had not for the *Other*.

[1] Rights, &c. p. 377.

But by what *Authority* then did they proceed in all this? Dr. *Heylin* gives a ſhort Anſwer to it: [2] He tells us "it was thought Expedient that the Book "of *Articles*, Agreed upon in *Convocation Anno.* 1552. ſhould be Revis'd and "Accommodated to the Uſe of the Church, the *Queens Leave being firſt Obtained for their Warrant in it.* [3] Dr. *A.* is poſitive that All this was done without "any *Previous Licenſe*, except what was contain'd in that *General Meſſage* which "the *Archbiſhop* delivered in his Speech at the Opening of this Convocation. What that *Meſſage* was, or in what Preciſe *Terms* the *Archbiſhop* did deliver it, we cannot certainly tell. The *Acts* give only this *General Account* of it; "That he declared to the *Prelates* and *Clergy*, that an Opportunity was now offer'd to them, to *Reform* things in the *Church of England*; and how the minds "both of the *Queen*, and her *Nobles*, were favourably diſpoſed to ſuch a "*Reformation.* Whether he ſaid any thing more expreſly, as to the *Queen's Authorizing* of them to *Review* the *Articles* of *Religion*; or to *Make Canons* for the *Diſcipline* of the *Church*; or to Do ſuch other things as they ſhould think neceſſary to be done for the *Reformation of it*, we can only *Conjecture*; and that is by no means ſufficient to warrant any *Concluſion* in a Matter of ſuch Moment as that which we are now upon. Be it how it will, this I conceive is plain; that either they had a *Commiſſion* to *Confer*, or they had None at all to *Agree*: For it is certain theſe *Acts* mention no other *Licenſe*, or *Authority*, but what is contain'd in thoſe *General Words* of the *Archbiſhop*, the Subſtance of which I have before given from thence.

[2] Hiſt. of the Reform. p. 330, 331.

[3] Rights, &c. p. 380.

How far ſuch a *Declaration* of the *Queen's Pleaſure* to the *Convocation*, will be allow'd by thoſe who are the proper *Judges* of this Matter, to anſwer the Ends of the *Statute* under debate, I muſt ſubmit it to their Lordſhips to conſider. But I confeſs, I do incline thus far to Agree with Dr. *A.* that they had no Other *Commiſſion* at this time; and were therefore doubtful *Themſelves* how far they might ſecurely venture to *ſubſcribe* to the *Articles* which they had

Agreed

Agreed to. For in their *Original Subſcriptions*, which ſtill remain among the Archbiſhop's Papers in *Bennet-College Library*, we find this Note added at the bottom of them; That they made their *Subſcription*, with this *Proteſtation*; " That they do not *Eſtabliſh* any thing in Prejudice of any *Statute*, but only " humbly Offer therein a *Supplicatory Book*, containing their *Petitions*.

' *Iſta Subſcriptio facta eſt ab Omnibus ſub hac proteſtatione, quod nihil Statuunt in Præjudicium cujuſcunque Senatus-Conſulti; ſed tantum Supplicem Libellum, Petitiones ſuas continentem, humiliter Offerunt.*

If the *Statute* to which they here refer, was that of the 25 *H.* 8. *c.* 19. as I conceive it was; then it is probable that they made this *Proteſtation* to ſecure themſelves in what they had done, in *Conferring*, and *Agreeing* upon the *Articles* which they had *made*, as well as in what they then did, in *ſubſcribing* to them. As for the *Book* of *Diſcipline*, of what Nature it was, or how far it came within the preſent *Statute*, it is not eaſie to determine. The Account which the *Prolocutor* gave of it in his firſt Report of that Matter to the Upper Houſe, was this: " That certain of the Lower Houſe had exhibited ſeveral di-" ſtinct *Schedules* conceived by them, and put in writing, of ſuch things as " *Needed* to be *Reform'd*: Which ſeveral Papers had been delivered to ſome of " the more Grave and Learned Men of the ſaid Houſe, to be Examined, Con-" ſidered, and Reduced to proper Heads againſt the next *Seſſion*. This they afterwards call a *Book of Diſcipline*; and on *Friday*, *February* the 26*th*, *the Prolocutor coming up with ten others of the Houſe*, delivered it to the *Archbiſhops* and *Biſhops* in Paper, as a *Book* that had been unanimouſly Agreed to by Themſelves and the Whole Houſe. The next *Seſſion*, the *Prolocutor* acquainting the *Archbiſhop*, " that they had thought of ſome farther Heads to be added to it. The " *moſt Reverend* gave it back to him for that purpoſe; and order'd the ſame " *Book*, with their *Additional Chapters*, to be again brought back to himſelf and " the other *Biſhops*, the next Seſſion. It was brought up accordingly, *March* the 5*th*, and lodg'd in their hands: But whether for their *Examination*, in order to give it a *Synodical Sanction*; Or whether it were for them to *Communicate* it to the *Queen* and her *Council*, for any *Civil Laws* to be made, or any other *Remedy* to be provided by them therein, we cannot tell; nor do we, after this, meet with any farther mention of it. If they Conferr'd of theſe things in Order to the *Enacting* of any *Provincial Canons* or *Conſtitutions*, their *Conference* was doubtleſs within the *Statute* 25 *H.* 8. *c.* 19; and if done without *Licenſe*, will therefore be an unqueſtionable Evidence on Dr. A's ſide. But if they *Conferr'd* of theſe things only to have them *Examined* by the *Biſhops*, and for ſome Redreſs to be obtain'd otherwiſe therein; the *Conference* is nothing to the purpoſe; and how to determine in this Caſe, whether of the two it was, I cannot tell.

On *Friday*, *February* the 19*th*, the Archbiſhop delivered to the *Prolocutor* certain *Articles* in writing, and commanded that they of the *Lower Houſe* ſhould diligently enquire concerning the *Contents* of them, and put in writing what they ſhould diſcover thereupon, and preſent it to him. But yet their *Treating* on this Occaſion, as it was not with any Deſign to *Make* any *Canons*, or *Conſtitutions*, but for Other *Ends*, ſo neither did it come within the *Statute* 25 *H.* 8. *c.* 19. nor had the *Clergy* any need of a *Licenſe* from the *Queen* for it.

All that we can be ſure of therefore in this *Convocation*, are the *Articles of Religion*; which being not only *Treated* of, but *Agreed* to, *Made*, and *Subſcribed* by Them, either Dr. *A.* muſt ſhew that They had a *Licenſe* for the One, but not for the Other; Or he muſt give me leave to conclude, that they were *Authorized* alike for Both.

And now I have again mentioned the *Subſcription* of this *Synod* to theſe *Articles*, I will beg Dr. A's Patience ſo far, as briefly to conſider the manner of it. He is pleas'd to fall with ſome Severity upon me, for alledging ſome of our *Weſtern Councils* under the Character of *Provincial Councils*, which he will by no means allow to have been ſuch. The Ground on which he builds his Cenſure, is this; that more than One *Metropolitan* is found to have *Subſcribed* in ſeveral of them: " [2] *But the Doctor* (he ſays) *found them Stil'd* Provincial *in the Tomes* " *of the Councils, and he look'd no farther.* Were it now a time to diſpute this Matter with Dr. A. I could, I believe, give him ſome Reaſons to ſhew, that neither Dr. *W.* nor his *Guides*, *Loaiſa*, *Sirmond*, *Labbe*, &c. the *Editors* of

Sect. 92.

[2] Rights, &c. p. 138.

thoſe *Councils*, (Men of no Common Learning and Judgment in ſuch Matters) were ſo much miſtaken in this Particular, as he thinks they were. Greater *Writers* than either Dr. A. or my ſelf, and that in Diſputes of the higheſt Moment, have Alledg'd them under the ſame *Character*; without the Offence of thoſe who were no leſs concern'd, had they thought it proper, to have made the ſame Exception againſt them. I will trouble him with but one Inſtance hereof, and that in a Diſpute concerning the *Right* of *Princes* to Sit by their *Commiſſioners*, and *Vote* in *ſuch Synods*: A *Privilege* which the *Court* of *Rome* ſtifly deny'd; and the *Church* of *Spain* no leſs ſtoutly Aſſerted, as the *Right* of their *Kings*. The *Authorities* alledged by the latter are, many of them, the very ſame that I have made uſe of. They are Alledg'd for the *Right* of the *Prince* in *Provincial Councils*; and the *Roman Canoniſts*, who replied to them, did not at all except againſt them upon this Ground, that they were not ſuch *Synods* as thoſe who inſiſted upon them pretended that they were. Dr. A. may, if he pleaſes, peruſe their *Letters* in the [t] *Appendix*, as not altogether foreign to the preſent Subject, and never publiſh'd, but in the *laſt Edition* of the *Spaniſh Councils*, which are not in every body's hand. But not to enlarge upon this Particular: The *Articles* of *Religion* being *Agreed* to by *this Convocation*, the *Archbiſhop* of *York*, with his *Suffragans*, *ſubſcribed* to them on the behalf of that *Province*; and yet in that very *Subſcription*, they nevertheleſs call, and account their *Aſſembly* a *Provincial Synod*, tho' more than *One Metropolitan* was *preſent* at it, and *ſubſcribed* to it. The Words of their *Subſcription* are theſe:

[t] Append. ad Ann. 1584.

"Hos *Articulos* fidei Chriſtianæ, &c. Nos *Archiepiſcopi* & *Epiſcopi utriuſque* "*Provinciæ Regni Angliæ*, in Sacra *Synodo Provinciali* legitime Congregati, Re- "cipimus & Profitemur; & ut Veros atque Orthodoxos manuum noſtrarum "*Subſcriptionibus* Approbamus, &c.

After which follow the Subſcriptions of the *Two Archbiſhops*, and Fifteen *Biſhops* of the *Province* of *Canterbury*; and of the *Biſhops* of *Durham*, and *Cheſter*, of *York*. How far Dr. A. will excuſe the Impropriety of this Language in a *Convocation*, which appears ſo *Ridiculous* to him in a *Private* Writer, I cannot tell. This I will add, that it may well be accounted greater, where all the *Metropolitans* and *Biſhops* of a whole Kingdom met together, and ſo, in effect, made it a *National Synod*; than where the *Archbiſhops* of ſome of the *Provinces* only of a *Realm*, by free Conſent, join'd their reſpective *Synods* together; and to which I am yet to ſeek what more proper *Character* to give, than that of *Provincial Synods*; tho' they did conſiſt of the *Biſhops* of ſeveral *Provinces*, *voluntarily Aſſembled together*, under their reſpective Independent *Metropolitans*.

Sect. 93. 1571.

Theſe *Articles*, thus *Agreed* to, and *Subſcribed* by the *Biſhops* and *Clergy*, in 1562, were again *ſubſcribed* in *Convocation*, in the Year 1571. The Archbiſhop having Confirm'd the *Prolocutor*, gave expreſs Command, [u] "That all ſuch of "the *Lower Houſe* of *Convocation*, who had not formerly *ſubſcribed* unto the *Ar-* "*ticles* of *Religion* Agreed on, *Anno* 1562, ſhould *ſubſcribe* them now, or upon "their abſolute *Refuſal*, or *Procraſtination*, *be Expell'd the Houſe*. Upon this, the *Articles* being publickly read, were *Univerſally Approv'd*, and *Perſonally Subſcrib'd*, by *every Member* of *both Houſes:* And it was farther Ordered, "That "the Book of *Articles*, ſo Approved, ſhould be put in Print by the Right "Reverend Dr. *John Jewel*, then Biſhop of *Sarum*; and that every *Biſhop* "ſhould take a Competent Number of them, to be diſperſed in their *Viſita-* "*tions*, or *Dioceſan Synods*, and to be Read four times every Year in All the "*Pariſhes* of their ſeveral and reſpective *Dioceſſes*. Beſides which, it was farther Order'd, in the *Canons* of the ſame *Convocation*, [v] "That no one ſhould be "Admitted from thenceforth into *Holy Orders*, till he had firſt *ſubſcribed* the "ſame, and ſolemnly Oblig'd himſelf to defend the things contain'd in them, "as conſonant, in all Points, to the Word of God.

[u] *Heyl.* Hiſt. of Presbyt. Book vi. num. 39.

[v] Cap. de Epiſc.

This *Second Subſcription* of theſe *Articles* is particularly taken notice of in the Cloſe of them, as they were then publiſh'd: And becauſe neither in that, nor yet in the *Title* of them, is there any hint of a *Licenſe* under the *Broad Seal*, tho' expreſly mention'd afterwards where it was employ'd; [w] Dr. A. would from thence inferr, that no ſuch *Licenſe* at all was *granted*. We know what he means; the *Canons* of 1603: But then he muſt give me leave to obſerve, from his own

[w] Rights, &c. p. 381.

Account

Account of the *Caſe* of thoſe *Canons*, that neither is there any Mention of a *Licenſe* to *Treat* in the *Engliſh Title* of thoſe *Canons* at all, nor in the *Latin*, otherwiſe than as *Treating* is join'd with *Agreeing*; and therefore, by the ſame Rule, I may conclude, that neither had that *Convocation* any *Licenſe* to *Treat*, but only to *Agree*. But the Matter is ſtill plainer in the *Canons* of 1640, where there is evidently no mention in the *Title* of any *Licenſe* to *Treat*; and yet for all that, we know that *That Convocation* had ſuch a *Licenſe*; and ſo, for ought can be gathered from theſe kind of Remarks, may the preſent *Convocation* have had alſo.

If in Anſwer to this, Dr. A. ſhall except, that here is no Hint of any *Licenſe* at all either for *Treating*, or *Agreeing*; he will give me leave to ſay, that this makes the Caſe more plainly againſt him. For ſince himſelf allows the *Royal Authority* to be needful for *Agreeing*, and yet there is no notice taken of any ſuch *Authority* given to them; the Conſequence will be, that I may as well, nay and more reaſonably ſuppoſe, they had it for both, tho' neither be mention'd; than he can conclude that they had it for *One*, and not for the *Other*; ſeeing that where ever any ſuch *Licenſe* is found for *Agreeing*, there a *Liberty* of *Treating* is conſtantly *granted* with it, as neceſſary, in order to their Agreeing. I know but One Inſtance that there ever was, of any other kind of *Licenſe*, *Anno* 1586, under this *Queen*. But beſides that That *Licenſe* was granted on a particular Occaſion, even That was founded upon a *Petition* of the *Convocation*, to *Deviſe*, as well as to *Make Conſtitutions*; and therefore being taken with relation thereunto, muſt be underſtood to have empower'd them to *Confer*, as well as to *Conclude*, and ſo will be no real Exception at all in this Caſe.

But to convince Dr. A. that this *Convocation* mnſt have had ſome *Licenſe*, (of what kind I matter not) let me obſerve, that beſides their *New Approbation* of, and *Subſcription* to, the *Articles* of *Religion*; they paſs'd a *Book* of *Canons* likewiſe. Theſe were not only *Treated* of, but were fully *Concluded* upon, and *Agreed* to in this *Synod*, by the *Archbiſhop* and *Biſhops*. And either he muſt confeſs, that for this they had the *Queen's Authority*, or he muſt Enlarge the *Terms* of his *Aſſertion*, and Affirm with the *Writer* who went before him, that the *Clergy* in *Convocation* have no need of any *Licenſe* to *Enact*, or *Make*, any more than to *Deliberate* of *Canons*, but only to *Promulge* and *Execute* them after they are made. In the mean time, [1] Dr. *Heylin* tells us, that they had the *Queen's* Leave for what they did; and I make no doubt, but that the Leave which they had, extended to their *Conſulting* of, no leſs than to their *Concluding* upon, the *Canons* which were paſs'd by them.

[1] Tracts. p. 19.

Of the next *Convocation* we have no *Remains*, beſides the *Speech* of the *Archbiſhop* at the Opening of it. [2] Dr. A. obſerves, that in that Speech there is no Expreſſion, from whence we can ſuſpect that that Meeting was to *Treat* by *Commiſſion* from Her *Majeſty*. He is in the Right: For, as yet, there was nothing begun, not ſo much as an Intimation given to the *Clergy*, by the *Archbiſhop* himſelf what they were Called for: Only they were Order'd to *Chooſe* a *Prolocutor*, and to preſent him on ſuch a Day; *Quo etiam tempore*, ſays the Archbiſhop, *in hujus Convocationis Negotio ulterius progrediemur, prout locus, & tempus, vetuſque Conſuetudo poſtulant*. But what was farther done at that time, I cannot tell, having not met with any *Printed*, or *MS Accounts*, of the *Acts* of this *Convocation*.

Sect. 94. 1572.

[2] Rights &c. p. 381.

Dr. A. from hence makes a large Step of twelve Years forward; but before I proceed with him to that *Synod*, I ſhall take the Liberty to give ſome account of Another, but little known, which began at St. *Pauls*, *February* the 9*th*, 1575. Arbiſhop *Parker* dying the *May* before, Archbiſhop *Grindall* was, about a Week after the Opening of this *Convocation*, tranſlated from *York* to *Canterbury*, *February* the 15*th*. In this Aſſembly, a *Book of Articles* was *Agreed* upon, chiefly touching the *Admiſſion of apt and fit Perſons to the Miniſtry*, and the *Eſtabliſhing of Good Orders in the Church*. Theſe were *Publiſh'd* by the *Queen's Majeſty's Authority*; and no more being mention'd, Dr. A. may, if he pleaſes, conclude that they were *Conferr'd* upon without it. But then he muſt remember, that they were *Concluded* upon too; and therefore he muſt either Allow that, for all the *Silence* of the *Title* in this Particular, they had ſome *Licenſe* to do this, or he muſt roundly profeſs that none is needful; at leaſt, that it was then thought that None was.

Sect. 95. 1575.

When

When these *Articles* were presented to the *Queen* for her *Confirmation*, she disliked the *last* of them, and would not suffer it to be *Publish'd*. She was the Daughter of King *Henry* the 8*th*, and may chance to fall under Dr. A's Censure for this her Arbitrary Procedure. The *Book* its self having never (that I know of) been printed since the Year that the *Convocation sate*, and the *Copies* of it being now grown very rare, I shall place it among the Other [1] *Records* in my *Appendix*, and subjoin that *Article* which the Queen rejected, as [2] Dr. *Heylin* Copied it out of the *Register* of this *Convocation*; that so we may see what it was that she disliked, and therefore *struck out*, after the *Synod* had *Agreed* to it.

[1] Append. ad Ann. 1575.
[2] Hist. of Presbyt. p. 245.

Sect. 96. 1580. The next *Session* of our *Convocation* began *January* the 17*th*, 1580. Nothing was done in it, and therefore no *License* needed by it. The *Bishops* recommended Three Persons to the *Clergy*, to choose a *Prolocutor* out of One of them; which they accordingly did. A Motion was made for putting the *late Articles* in Execution; and, as [3] Mr. *Fuller* adds, Another to draw up some *Articles* against Those of the *Family of Love*: But it went no farther than a *Motion*; so that this, with the *Subsidy*, was the whole Business of that Meeting.

[3] Ch. Hist. Book ix. p. 135.

1584. To proceed now to Dr. *A*'s next *Convocation*: All that he observes concerning it, is, that in the *Title* of the *Articles* which were pass'd by it, they are said to have been *Establish'd* by the *Archbishop*, *Bishops*, and *Clergy* in *Synod*, and only to have been *Approv'd* and *Confirm'd* by the *Queen's Authority*. [4] Dr. A. here again falls into his usual Error: His eagerness to Assert the *Clergies Freedom* of *Debate*, without the *Authority* of the *Crown*, in their *Convocations*; makes him advance such Proofs, as either Conclude nothing at all, or else go too far; and argue a Right in them, not only to *Conferr*, but to *Enact* too, without a *License*: A thing which himself nevertheless will not Affirm that they have the Power to Do. However, since this is what he pursues, I will furnish him with an [5] *Instrument* that shall make good all that the *Title* suggests. It is the *Archbishop's Mandate* for *Publishing* these very *Articles*; in which he takes notice of the *Queen's Writ* for their *Sitting*, and of her *Patents* for *Confirmation* of what they had done; but it is utterly silent, as to any *Authority granted* to them, either to *Debate*, or *Agree*. In the mean time, [6] Dr. *Heylin* here again tells us, that they had the Queen's *Leave* to *Make* these *Articles*: How far Dr. A. will be concluded by his *Assertion*, I cannot tell.

[4] Rights, &c. p. 381.
[5] Append. ad Ann. 1584.
[6] Tracts, fol. p. 19.

Sect. 97. 1586. We are now come to a *Convocation*, upon which Dr. *A.* in the *Review* of his *Book*, very largely insists; with which (if we may believe him) the *Use* of *Licenses* under the *Great Seal of England first began*; and that not only to *Decree*, or *Enact*, but to TREAT too. Here therefore I must take the Liberty to be more particular, that so it may the better appear on which side the *Force* of this *President* will be found to lie.

Concerning the Circumstance of a *License under the Great Seal of England*, I have already declared, that I will not dispute with Dr. A. Whether the *Royal Authority* was convey'd to the *Convocation*, after that *Manner*, from the Beginning; or whether it was only taken up about this time, as Dr. A. supposes it to have been, to me it is Indifferent: The *Act of Submission* determines nothing in that Particular.

As for the other Matter which Dr. A. takes some pains to shew, that this *Convocation* did without any *License*; he again contends about that which no body denies. The only Question between him and me is this; Whether the *Clergy* may, without the *Authority* of the *Prince*, TREAT and CONFER about *such Canons*, *Constitutions*, *Orders*, and *Ordinances Provincial*, as the *Act of Submission* speaks of; and as we are both of us, I conceive, Agreed, they cannot ENACT, PROMULGE, *and* EXECUTE, but by his *License* and *Authority*?

To proceed therefore with the *Matter* of *Fact*, as it stands in the *Acts* of both the *Convocations* of this *Year*; the *Records* of which, in each *Province*, do happily remain entire to us.

On *Friday*, *February* the 24*th*, the *Archbishop* first propos'd to the *Prolocutor* and *Clergy*, the *Granting* of a *Subsidy* to the Queen; and the *Prolocutor* agreed, with the *Lower House*, on the *Persons* who should be join'd with him to transact this Affair on their behalf.

The

The next *Friday*, *March* the 3*d*, the *Prolocutor* reported what they had concluded upon with the *Archbiſhop*, and *Biſhops*, to which the Houſe Aſſented. Then he farther ſignified to the *Lower Houſe*, the Pleaſure of the *moſt Reverend*, and the other Prelates, concerning a *Benevolence* of 3*s*. in the Pound, to be *granted* to the Queen, beyond the *Subſidy* before mentioned; to which they likewiſe Agreed. After which, the *Prolocutor*, and the *whole Houſe*, being ſent for up to the *Archbiſhop* and *Biſhops*, the *Book of Subſidy* was *Read*, *Corrected*, and *Perfected* there.

On the Day following, *March* the 4*th*, the *Prolocutor* being ſent for up to the *Upper Houſe*, preſently return'd with a *Book* drawn for the *Benevolence* to the Queen; which being in ſome Places Amended and Perfected, was Approved by All that were preſent.

In the two next *Seſſions*, of the 6*th* and 8*th* of *March*, nothing at all was done. The next following, *March* the 10*th*, the *Prolocutor* coming down from the *Upper Houſe*, with the Conſent of all that were preſent, [1] Choſe the *Dean* of *Eli*, and the *Archdeacons* of *Lincoln*, and *Taunton*, to TREAT and COMMUNICATE, together with himſelf, *with the Reverend Fathers, of Conſtitutions and Decrees, by the* LICENSE *and* VIGOR *of the* Queen's Letters-Patents *Granted in that behalf, to be Eſtabliſh'd, for the Collection of the Benevolence Granted to Her Majeſty.*

[1] *Elegit venerabiles Viros, &c. ad* Tractand. & Communicand. *cum Reverendis Patribus de* Conſtitutionibus & Decretis, LICENTIA & VIGORE *Literarum Patentium per Dom. noſtram Reginam in ea parte Conceſſarum* STABILIENDIS, &c.

The two next *Seſſions* nothing was done: The *Seſſion* following, *March* the 15*th*, in the Afternoon, the *Prolocutor* being ſent for up to the *Upper Houſe*, brought down from thence certain *Conſtitutions* and *Ordinances*, *put in writing*, *for the faithful and juſt Collection and Payment of the Benevolence*, *before Granted by the Synod to the* Queen. Which being Openly Read, the *Prolocutor* demanded their *Aſſent* and *Conſent* to them. They gave their *Aſſent*; only Mr. *Gilpin* deſir'd that the *Apparitors* might have ſome Allowance made them for their Pains. After this, we hear no more of this Affair; ſo that we may Conclude, that the *Houſe Agreed* to the *Conſtitutions* as they were drawn, and made no Alterations in them.

Sect. 98.

Such was the *Matter* of *Fact*, as it ſtands Recorded in the *Acts* of this *Convocation*. The Obſervations which naturally ariſe from it, are theſe: (1*ſt*) Of the Diſpatch with which this *Benevolence* went on. Upon *Friday*, *March* the 3*d*, the Archbiſhop propos'd the *Granting* of it: It was *Agreed* to the ſame Day by *Both Houſes*. The *Book* was drawn for it, Read, Corrected, and Paſs'd the next Day, *March* the 4*th*: And the very ſame Day was Perfected for the Queen's *Acceptance*.

In this [2] Inſtrument of *Grant*, they deſire firſt, "the Queen's *Acceptance* of it; and next, that by her *Letters Patents* under her *Great Seal*, ſhe would *Aſſent* thereunto; and would alſo *Licenſe* and *Authorize* them in that their *Convocation* and *Synod*, to DEVISE, MAKE, and ORDAIN, ſuch *Orders*, *Decrees*, and *Conſtitutions Provincial and Synodal*, as they ſhould think moſt *Expedient* for the more *ſpeedy* and *ſure Levying* and *Payment* of the *ſaid Benevolence* or *Contribution*: And thereby alſo to *Give and Teſtifie her Royal Aſſent* to ſuch *Orders*, *Decrees*, and *Conſtitutions*, as in that their *Synod* or *Convocation* they ſhould *Make*, *Decree*, and *Ordain*.

[2] Addit. p. 107.

The Queen accordingly iſſued out her *Letters-Patents*, as they deſired: In which, having declared her Gracious *Acceptance* of their *Benevolence*, and *Confirm'd* all the *Clauſes* of it, ſhe adds, that "of her *ſpecial Grace*, *certain Knowlege*, and *meer Motion*, ſhe had *Given*, *Granted*, *and Confirm'd*, *and by theſe Preſents did Give*, *Grant*, *and Confirm*, *to the Prelates and Clergy in Synod Aſſembled*, Licenſe, Power, *and* Authority, *to* DECREE, ORDAIN, *and* CONSTITUTE, *any Decrees*, *Ordinances*, *and Conſtitutions Synodical*, *which ſhould ſeem Proper and Fitting to them*, for the better true, and juſt Collection, and Payment of the ſaid Benevolence, and every Parcel of the ſame, *and to put in Execution*, *with Effect*, *the ſame Decrees*, *Ordinances*, *and Conſtitutions*, &c.

Sect. 99.

The preſenting of this *Benevolence*, and the Paſſing the Queen's *Letters-Patents*, before mention'd, took up five Days time; during which, the *Convocation* ſtood ſtill; and tho' it was twice appointed to meet, yet ſeparated without doing

doing any thing. On the 10*th* of *March*, which is the next thing I would (2*dly*) obſerve, the Queen's *Letters-Patents* being now ready, the *Prolocutor* was ſent for up to the *Upper Houſe*, and made acquainted with it; and thereupon *Agreed* with the *Clergy* upon Three Perſons, who, together with himſelf, might "*Treat* and *Communicate* with the Biſhops about Making theſe *Conſtitutions*, "and *Decrees*, with the Queen's *Licenſe*, which by her *Letters-Patents* ſhe had "*Granted* to them. What *Minutes*, or *Draughts*, the *Archbiſhop* himſelf, or any Others by his Order, might privately have prepared for their more ſpeedy *Concluſion* when they ſhould come together, I cannot tell. This is plain, from the Queſtion which the *Prolocutor* put to the *Houſe*, and their *Reſolution* upon it, that they did not *Treat*, nor *Confer Synodically* upon this Matter, till the 10*th* of *March*, when they had the Queen's *Licenſe* and *Authority* ſo to *Do*.

That Day was ſpent in *Treating*, *Conferring*, and *Concluding* upon theſe *Ordinances*, which probably were not finiſh'd till ſome *Seſſions* after: When the *Convocation* being again met in the Afternoon, *March* the 15*th*, they were finally Read in the *Lower Houſe*, and *Aſſented* to by it. So that the plain Order of their Procedure, was, in the preſent Matter, this: The *Benevolence* was Voted, *March* the 3*d*; and Concluded in *Convocation*, *March* the 4*th*. The Queen's *Patents* of *Ratification*, with her *Licenſe* to *Decree*, *Ordain*, and *Conſtitute* ſuch *Orders* and *Conſtitutions* as they ſhould think needful for the Levying and Payment of it, paſs'd *March* the 9*th*, and were brought to *Convocation* *March* the 10*th*. On that Day the *Clergy*, by vertue of this *Commiſſion*, *Treated* and *Communicated* upon them: They ſpent ſome Days in ſetling of them; and ſo finally Agreed to them, *March* the 15*th*.

Sect. 100. Now this ſuggeſts yet one Obſervation more: (3dly,) That the *Convocation* in their Inſtrument of *Grant*, not only ask'd the *Queen's Leave* to *Deviſe*, *Make*, and *Ordain* theſe *Conſtitutions*, *March* the 4*th*; but put a Stop to their Proceedings for *Five Days*, (tho' they were Order'd to Meet twice in the mean time in Expectation of it) till they had Received the Queen's *Letters-Patents* to this Purpoſe: And then they proceeded to *Confer to Conſtitute*; in their own Words, they *Treated*, and *Communicated*, to *Eſtabliſh* their *Decrees*, according to the *Licenſe Granted* them by the Queen's *Letters Patents* ſo to Do.

If therefore this long *Suſpenſion* of this Affair, for five Days, cannot be otherwiſe reaſonably accounted for, than by acknowledging that they durſt not *Treat* and *Communicate* about theſe *Ordinances*, till they had received the Queen's *Licenſe* ſo to Do: If in their Petition for her Licenſe, they deſir'd leave to *Deviſe*, as well as to *Make* and *Ordain* them; I do not ſee what they could have done more plainly to ſhew, that they thought the Queen's *Authority* neceſſary for the One, as well as for the Other; and therefore, even in ſo favourable a Caſe, declin'd all *Conferring* and *Communicating* about theſe *Decrees*, till they were Empower'd by the Queen to *Make them*.

Sect. 101. To paſs now into the Other *Province*, and ſee how this Affair proceeded there. On *Thurſday*, *March* the 9*th*, the *Benevolence* was Propoſed by the Commiſſioners, and Agreed to by the *Clergy*. Before their next *Seſſion*, *March* the 23*d*, the Queen's *Letters-Patents* were ſent down to them, in the ſame Form that they had been Granted to our *Convocation* before. By the Tenor of theſe, She not only *Accepted* and *Confirm'd* their *Benevolence*, but *Authorized* them to proceed to *Make* ſuch *Decrees* as they ſhould think needful for the better *Payment* and *Collection* of it. On the Day of their *Seſſion*, theſe *Letters-Patents* were publickly Read; and thereupon *Conſtitutions* were *Made*, *Decreed*, and *Pronounc'd*, according to the Tenor of them. The Cauſe of this Diſpatch was plain: They had the Copies of what the other *Convocation* had done tranſmitted to them; and ſo had no more to do, but only to *Read*, *Approve*, and *Conclude* upon the ſame *Decrees*.

Sect. 102. And here then let us ſtop and ſee what Dr. A. has to except againſt ſo plain and full an Evidence as theſe *Convocations* afford us, in Oppoſition to his Pretenſions. Firſt, [1] He obſerves, "that the Practiſe of that Time was, for the Clergy "to *Treat*, *Reſolve*, and *Act Synodically*, without any *Antecedent Qualification*, "or *Licenſe from the Crown*: For thus they *Treated* of, and *Concluded* upon their "*Benevolence*, and Reduced their *Grant* into *Form*, and *Preſented* it to the Queen, "before any ſuch *Licenſe* was *Ask'd*, or *Obtain'd*. I do agree with Dr. A. as to the particular Ground of his Remark; I except only againſt the Generality of

[1] Addit. &c. p. 110.

of it. In the Concern of *Money*, whether they *Treated*, or *Concluded*, they did both meerly as a *Convocation*, not as a *Synod*; and in all *ſuch Matters*, I have often ſaid, they were not Reſtrain'd by the *Act* of *Submiſſion*. The only Queſtion is, Whether it was the Practice of thoſe Times, for the *Clergy* either to *Treat*, *Reſolve*, or *Conclude* upon any *Canons*, or *Conſtitutions*, *Provincial* or *Synodal*, without the Queen's *Aſſent* firſt had, and her *Licenſe*, ſome way or other, granted to them ſo to *Treat* and *Conclude?* Dr. A. himſelf will not adventure to ſay that it was.

He obſerves (2*dly*) "That their *Requeſt* to the Queen, was, that ſhe ſhould in "the ſame *Inſtrument*, whereby ſhe was to *Licenſe* them to *Decree Canons*, give "alſo and teſtifie her *Royal Aſſent* to thoſe *Orders*, *Decrees*, and *Conſtitutions*. Sect 103. [1] Addit. &c. p. 111.

I will not quarrel with Dr. A. about Words, tho' otherwiſe there is not in all their Requeſt any mention made of *Decreeing Canons*; no, nor yet in the Queen's *Patents* in anſwer to it. They call'd them by a more proper *Term*, *Orders*, *Decrees*, and *Conſtitutions Provincial:* And ſuch only the Queen *Authorized* them to make; *Decreta*, *Ordinationes*, *& Conſtitutiones Synodales*. But why do's Dr. *A.* leave this Matter at ſo looſe a rate, as if the *Convocation* had ask'd a *General Licenſe* to *Make Canons*, and the Queen had *Conſented* to it, and Engaged, at all adventures, to *Ratifie* whatever *Canons* or *Conſtitutions* they ſhould *Make?* The Caſe was truly this: They had *Granted* a *Benevolence* to Her Majeſty; and becauſe they would not have it paſs into a *Preſident*, and be *Confirm'd* by *Authority* of *Parliament*, they deſir'd the Queen her ſelf to *Ratifie* it by her Own *Royal Authority*; and by the ſame *Authority* to Empower them to enforce the Payment of it by *Eccleſiaſtical Orders* and *Conſtitutions*. Theſe were the *Decrees* which *alone* either They deſir'd, or the Queen gave them any *Leave* to *Make:* Theſe only were the *Orders* and *Conſtitutions* which, for the better Diſpatch of that Affair, they pray'd the Queen to *Confirm*; and the Queen was pleas'd by her *Patents* to *Confirm* accordingly. And what Impeachment it could be of her Princely Wiſdom, to Do this, which is the *Great* Thing Dr. A. would have Obſerv'd in this Particular, I cannot tell.

And yet, upon this ſingle Ground, he undertakes to argue away the plain Matter of Fact, as it ſtands clearly upon *Record* in the *Acts* of the *Convocations* of *Both Provinces*. The *Records* ſhew us, from Day to Day, how the *Clergy* proceeded: That they firſt *Agreed* to a *Benevolence*; then *Preſented* it to the Queen for her *Acceptance* and *Ratification*; and at the ſame time, deſired her *Licenſe* to *Deviſe* and *Make* ſuch *Orders* and *Conſtitutions*, as ſhould be neceſſary for the better levying and payment of it. That the Queen *Accepted* and *Ratified* their *Gift* accordingly; and *Granted* them the *Licenſe* which they Requeſted; and *Confirm'd* whatſoever *Decrees* they ſhould *Make* for the *Collection* of their *Benevolence*. That the *Convocation* ſtopp'd their Proceedings while this Licenſe was preparing; and preſumed not to propoſe the *Conſideration* of any *Order* to this Purpoſe, or to *Confer* upon any, till ſuch time as the *Patent* had paſs'd the *Great Seal*, and was brought to them. That having Received the Queen's *Licenſe*, the *Clergy* went preſently to work, and ſettled a *Committee* of both Houſes, to TREAT and *Communicate* about ſuch *Orders*, as ſhould be thought fit for this Purpoſe, and to Conclude upon them. All this, and in this plain Order, the *Records* of that *Convocation* deliver to us. And yet, notwithſtanding all this, [2] Dr. A. roundly affirms that this could not be ſo. "That the *Draught* [2] Ibid. "of theſe *Orders* muſt have been *Made* before. The *Convocation* could not be "ſo *Unreaſonable*, as to deſire the Queen to give *Authority* to *Orders* which *ſhe* "*had not ſeen*; and the Queen was too *Wiſe*, and too *Jealous* of her *Honour*, to "have comply'd with them, if they ſhould. The *Convocation*, I ſuppoſe, would have done nothing *Unreaſonably*, or to offend a *Wiſe* Queen, and One who was *Jealous* of her *Honour*, in preſuming not only to *Attempt*, but to *Conclude* upon; nay, and to *Draw up*, and *Preſent* to her ſelf, thoſe very *Decrees*, *Orders*, and *Conſtitutions*, which yet at the ſame time, they pray'd her *Royal Licenſe* to *Deviſe*, *Make*, and *Ordain*; and (even by Dr. A's own allowance) could not have lawfully *Made*, and *Ordain'd*, without it. This was a Thing very *Reaſonable* in its ſelf, and very *Dutiful* to the Queen: But to deſire her Majeſty, not only to give them Leave to *Make ſuch Decrees*, but, at all adventures, to *Ratifie* and *Confirm* them, was ſo *Unreaſonable* a Requeſt, that we muſt rather deny the *Authority* of the *formal Acts* of Both *Convocations*, than give Credit to it.

Let any impartial Perſon judge, whether of the two we ought to believe; The *Acts of the two Convocations*, which expreſly tell us how this Matter paſs'd; Or Dr. *A*'s Reaſon, which he has here offer'd to ſhew, that it could not poſſibly have paſs'd ſo as the *Acts* aſſure us that it did.

Had indeed the *Convocation* deſired a *General Licenſe* to *Make* whatſoever *Canons* they pleas'd, and that the *Queen* would engage her ſelf, at all adventures, to *Ratifie* and *Confirm* them; this would have been truly, as Dr. A. ſays, an *unreaſonable Requeſt*, and ſuch as ſo wiſe a Queen would hardly have comply'd with. But in a particular *Caſe*, in which the *Clergy* were not only *Alone concern'd*, but had *always* been *wont* to preſcribe their own *Terms*; for the Convocation to deſire the Queen to Ratifie ſuch Orders as they ſhould Agree to, for *Collecting* and *Paying* of their Own *Benevolence*; this was, in effect, no more than what both the Queen and Parliament did in the Caſe of their *Subſidy*, at the ſame time; in which they not only did not *Alter* the leaſt *Clauſe* or *Tittle* of what the *Convocation* had *Eſtabliſh'd*, but had no *Power*, or *Authority* at all to *Alter* it. The *Clergy*, as well as *Laity*, were Maſters of their own *Money*, and gave it upon what *Terms* they pleas'd. The Queen might *Accept* of it, if ſhe thought good, and *Confirm* it, as it was preſented to her; but if that *ſhe* did not like, or her *Parliament* would not do, the *Grant* was *void*; for there was no *Change* to be made in it.

[1] Addit. p. 112.

When therefore [1] Dr. *A.* urges the *Licenſes* of our following *Princes*, in which a Reſervation is expreſly made for their *Seeing* and *Approving* of what the *Clergy* ſhall *Decree*, after they had done it, before they Promiſe to *Ratifie* the ſame; it is altogether beſides the preſent Purpoſe: Which relates ſolely to a *Money Caſe*, in which as there was no ſuch need of an after-View, ſo were the Clergy always uſed to preſcribe their own *Terms*; and to make their own *Conditions* and *Limitations*, as well for the *Collecting*, and *Paying*, as for the *Summs* which they *Granted*, and the *Perſons* or *Corporations* on whom they lay'd them. And all that was more to be done now, was only to enforce thoſe terms by *Spiritual Cenſures*, which the *Parliament* uſed to *Confirm* by *Civil Penalties*.

Sect. 104.

But Dr. *A.* proceeds, and from Reaſoning againſt *Matter of Fact*, which at the ſame time he knew would not be allow'd; comes to that, which is indeed to the Purpoſe, to Confront *Matter* of *Fact* againſt it. I have ſhewn from the *Acts* of this *Convocation*, and from the *Date* of the *Conſtitutions* which were paſs'd in it, that the *Clergy* did not proceed to *Debate Synodically* upon them till the 10th of *March*; at which time they had the *Queens Licenſe* ſo to Do. Againſt this Dr. *A.* urges, that in his *Extracts* of the Proceedings of the *Upper Houſe* (the Acts of which are hitherto not Recovered) theſe *Conſtitutions* are noted to have been entred in the *Regiſter* immediatly after the *Draught* of the *Grant*, which the *Clergy* made of their *Benevolence*. Then the *Queens Acceptance* and *Confirmation* follows, with which the *Licenſe* was given: And from thence he Concludes, that the *Conſtitutions* were not only *Debated* of, but were abſolutely *Concluded* upon, and *Drawn into Form*, before the *Queens Licenſe* was Granted for the Making of them.

Now to ſuppoſe that in the *Tranſcript* of the *Acts* of this *Convocation* (yet if Dr. *A*'s Extracts were after all taken from thence) the *Regiſter* when He drew it out fair, did chuſe to enter the *Ordinances*, by which the *Benevolence* was to be collected, immediately after the *Inſtrument by which it was Granted*; that ſo the whole might lie the more nearly together; how does this prove that they were paſs'd by the Convocation in the ſame *Order* that the *Regiſter* entred them? Or how will Dr. *A.* perſwade any Reaſonable Man that the Clergy not only *Petitioned* the *Queen* for *Leave* to *Deviſe Ordinances*, already not only *Deviſed*, but *Drawn*, *Paſs'd*, and *Agreed upon*; but *three Seſſions after*, *Appointed* a *Committee* of *both Houſes* to TREAT and CONSULT about ſuch Ordinances; which they knew had been actually made and paſs'd by them three *Seſſions* before?

In the ſame *Acts*, Dr. *A*'s *Extracts* ſay that the *Queens Letters Patents* immediately follow *theſe Ordinances*, before the next *Seſſion*. Will Dr. *A.* from thence inferr, that thoſe too were paſs'd in the *ſame Order* that they were *Entred* upon the *Regiſter*? Let us ſee what ſtrange Work ſuch a Suppoſition will make of this Affair. On *Saturday*, *March* the 4*th*, the *Convocation* Met between 3 and 5 in the Afternoon: The *Prolocutor* was ſent for up, and after ſome time brought down the *Book* for the *Benevolence*, which was *Read*, *Corrected*, and *Agreed* to by the *Lower Houſe*; and return'd back to the *Upper*. In this *Inſtrument*

ment the *Queens Acceptance*, and *Ratification* of their *Subsidy* is *Desir'd*, together with her *Leave* to *Devise*, and *Ordain*, *Constitutions* for the *Collecting* and *Paying* of it. At the same time, and in the same *Session*, these *Orders* and *Constitutions* were *Devis'd* and *Drawn*; and the *Queens Letters Patents under the Great Seal* were deliver'd to them according to their Request: For on *Monday*, the *Convocation* was Order'd to *Meet* again, and all this is Antecedent to that *Session*. Yet after all this Unconceivable Hurry, in one Evenings *Session*, the Archbishop, I know not why, Prorogues the *Convocation* twice together without doing of any thing; and five or six days after, the *Prolocutor* is Ordered to Move the *Lower House* for certain Persons to be appointed, to *Treat* and *Communicate* with the *Lords* about these *same Ordinances* which had been both *Concluded* upon, and Presented to the Queen, so long before. Dr. *A.* himself acknowleges these *Ordinances* to bear *date* the same day on which the *Acts* tells us they were begun to be *Treated* of, March 10, Six days after their Entry in his Extracts: And after that they took up *five Days* more before they were fully *Perfected*, and *finally Pass'd* in the *Lower House*.

But [1] Dr. *A.* will confirm this same *Order* from the *Acts* of the *Lower House*: On *March* the 10*th* it is said, that the *Prolocutor* chose three with him to "treat "with the Bishops, *de Constitutionibus & Decretis, Licentia & Vigore literarum pa-* "*tentium Stabiliendis, pro Concessione Benevolentiæ.* He reports it truly, what do's he inferr from it? Why "the House is said to *Treat*, NOT about *Preparing*, "or *Drawing* up of *Canons*, BUT *de Stabiliendis*, about *Establishing* or *Decreeing* them. What, as Exclusive of *Preparing*, and *Drawing* them up? Let us put the Words of the *Record* into their proper *English*, and then Judge whether such an *Inference* can be drawn from them? "The *Prolocutor* returning to the *House*, "with the *Consent* of all that were present, chose the *Dean of Eli* and the *Arch-* "*deacons* of *Lincoln* and *Taunton*, to TREAT and COMMUNICATE, *together with him-* "*self, with the Reverend Fathers, about Constitutions and Decrees, by the* License *and* "*Force of the* Letters *Patents Granted by the Queen in that behalf, to be Establish'd* "*for the Collection of the* Benevolence *granted to our said* Lady *the Queen.* These are the Words of the *Record:* The Committee was appointed to *Treat* and *Consult* of the *Constitutions* which, by the *Authority* of the *Queens Patents, were to be Establish'd.* And I think it is pretty plain, that if the *Conistitutions* which *were to be Establish'd* for this Purpose, were to be *Treated* of, and *Consulted* about, *March* the 10*th*, we may venture to conclude, that they had not been *Drawn up* and *Agreed to*, six days before, *March* the 4*th*.

[1] Addit. p. 115.

Dr. *A.* has not yet done; [1] the *Clergy* had desir'd leave not only to *Make* and *Ordain*, but to *Devise* such *Constitutions* as they should think needful in order to this End: And *Devise* is a perverse Word, and carries along with it a Sense of *Consulting*, and *Debating* of something not *yet form'd*, but to be *hereafter Invented* and *Fram'd.* For this therefore, Dr. *A.* will help us to a *New Notion* that shall do the Business. He assures us that by *Devising* and *Making*, they could mean nothing more than *putting the last hand*, and *Giving Synodical Authority* to these *Decrees*. But how do's he prove this? The Notion is not only *New*, but altogether *different* from the Ordinary Signification of the word *Devise*. How do's it appear that the Convocation designed to use it in such a Sense?

Sect. 105. [1] Addit, &c. p. 116.

He tells us, first, that it appears, in *some Measure*, from those Words "*Make*, *Decree*, or *Ordain*, which occur in the *Clergies Petition* a few lines af- "terwards, and are used there as *Expressive* of those others *Devise*, *Make*, *Or-* "*dain*, and as *Equivalent* to them. That I deny: Before the *Constitutions* were *drawn*, they were to be first, *Devised*; then, *Made*, and *Ordained.* And for this therefore, they first of all desired the *Queens Leave*. But being once *Drawn*, the Business of *Devising* was at an End: And therefore in their *next Request*, when they came to desire the *Queens Confirmation* of them, it was more proper to lay aside that Word, and to speak of them now as *Constitutions in being*, and so in a *Capacity* of being *Confirmed*; and therefore they very properly Requested her Ratification of such *Constitutions* as they should, upon *Consultation* and *Device*, *Make*, *Decree*, or *Ordain.* In the former Case, they needed License to *Devise*, as well as to *Make*, and therefore they desired the *Queens Authority* for *both.* But in the Latter, they needed only the *Confirmation* of what they should, by her *License*, *Make*, *Decree*, and *Ordain*; and there as *Devising* had no place in the Intendment of their *Petition*,

tion, ſo neither did they give it any place in their Expreſſion. But how theſe *Latter Words* are thereby prov'd either to *have been deſigned*, or *to be*, fully and only, expreſſive of the *former*, Dr. *A.* muſt take ſome other Way to prove.

This therefore ſhews us the great need there was of his *Second Remark*, which he thus delivers to us; [1] "But it is more clearly made out by the *Tenor* of the "*Licenſe* it ſelf which iſſued upon their Requeſt, and which gave them power "only to *Decree*, *Ordain*, and *Conſtitute*, and yet we may preſume, gave them "*all the Power* they ask'd. When they deſire therefore Leave to *Deviſe*, *Make*, "and *Ordain*, they mean nothing more than to *Decree*, *Ordain*, and *Conſtitute*, "ſince no leave for any *Synodical Acts* antecedent to theſe, was given to them. I muſt be excus'd if I cannot agree with Dr. *A.* in this, any more than in his former Remark. The *Clergy ask'd* what was fit for them to ask; and the *Queen Anſwered* them in ſuch a Way as was proper for *her* to *Anſwer*. The *Statute* concerning which we are now Debating ſays, that the Clergy ſhould not *Attempt*, *Alledge*, *Claim*, or *Put in Ure*, or *Enact*, *Promulge*, or *Execute any New Canons*, unleſs they ſhould have the *King's Licenſe* and *Authority* to *Make*, *Promulge*, or *Execute* the ſame. But in ſaying ſo, it plainly implies, that having obtained the *King's Licenſe* to *Make*, they might *Attempt*, &c. as well as *Enact* any ſuch *Canons*. It is the very ſame Caſe here: The *Clergy*, in Purſuance of the whole *Reſtraining Words of the Act*, deſir'd Leave to *Deviſe*, *Make*, and *Ordain*. The Queen gave them Leave, as the *Enabling Word* Requir'd to *Decree*, *Ordain*, and *Conſtitute*. The One *Requeſted*, and the Other *Granted*, exactly according to the Purport of the *Statute*. For ſince no *Ordinances* can be *Decreed* and *Conſtituted*, but what are *Made*; nor any *Made*, but what muſt be *Devis'd*; tho' the *Clergy* were to begin at the *firſt Step* in what they *Deſired*, becauſe *Canons* may be *Devis'd* and yet not be *Enacted*; and even *that* is contrary to the *Statute*; yet was it ſufficient for the *Queen* to *Mention* the laſt only, which *Included All the reſt*; and by *Authorizing* them to *Decree*, effectually to Licenſe them to *Debate*, and *Conclude* upon; to *Deviſe* as well as to *Make*, what ſhe Ewpower'd them to *Ordain* and *Conſtitute*.

[1] Ibid. p. 116.

But Dr. *A.* ſtill inſiſts; [2] "that the *Letter* enter'd in the *Convocation Book* of "*York* ſhews, that by *Deviſing* and *Making*, they meant *Ordaining* and *Conſtituting*. "For in that, They take Notice how her *Majeſty* had *Licens'd*, or *Authorized* "them, to *Ordain*, *Deviſe*, and *Make Decrees*, for the *true Collection* and *Payment* "of this *Benevolence*. So indeed that *Letter* is drawn; and ſuppoſing the *Entry* of it to have been exactly made, I think no body can doubt, but that whoſoever drew it, He put theſe Words together in a very Improper and Unnatural Order. But for a Man to argue from the draught of a *Letter*, it may be not *Exactly Copied*, to be ſure very *unskilfully Indited*, (which in the hurry of Buſineſs, and where an *Actuary* was probably employ'd to draw up the *form*, is no ſuch wonderful thing) that *Ordaining*, *Deviſing*, and *Making*, are *Equivalent Terms*, and do all ſignifie the ſame thing, is ſo weak a Proof of an Extraordinary *Aſſertion*, as ſufficiently ſhews there is nothing to be ſaid for it. In the mean time Dr. *A.* ſhould have obſerved, that in their *Inſtrument* of *Grant*, which they preſented to the *Queen* as the *Publick Act* of the *Convocation*, they were more Exact; and obſerved the natural order of the words; and petition'd for Leave, to *Deviſe*, *Make*, and *Ordain*, as our *Convocation* had done before.

[2] Ibid. p. 117.

Sect. 106.
[3] Addit. p. 118.

Dr. *A.* has got one Obſervation more, which may deſerve to be conſider'd. The *Convocation* having obtained the *Queens Licenſe*, as we have before ſeen, tells us in the Preface to their *Conſtitutions* which they eſtabliſh'd thereupon, that ſhe had given them thereby *Leave* to *Make*, *Promulge*, and *Execute* the *Orders* following: "Which (ſays he) are the very *Words* of the *Submiſſion Act*; and are "uſed here to ſhew, the *Reſtraints* preſcribed by that Act were ſtrictly obſerv'd. I do *Agree* with him in this *Remark*; and from thence inferr, that ſince the ſame *Convocation* in their *Inſtrument* of *Grant*, *Ask'd Licenſe* of the *Queen* to *Deviſe*, *Make*, and *Ordain* firſt, and then to give her *Royal Aſſent*, to ſuch *Orders*, *Decrees*, and *Conſtitutions*, as they ſhould *Make*, *Decree*, and *Ordain*; and upon the *Queens* Authorizing them in both, expreſs'd the whole in thoſe words of the *Act*, *Make*, *Promulge*, and *Execute*; They did look npon the Word *Make* to Anſwer to all thoſe *Words* of that *Statute* which are oppos'd to it; *Attempt*, *Alledge*, *Claim*, *Put in Ure*, *Enact*, and which themſelves in other Terms, but to the very ſame Purpoſe, expreſs'd, when they deſir'd Leave of the Queen to *Deviſe*,

vise, *Make*, and *Ordain*. But for Dr. *A.* after they had expreſly applied to her *Majeſty* for Leave to do all this, to tell us, that in repeating theſe *Words* of the *Statute*, which belong to the Queen's *Licenſe*, they omitted All but *Enacting*; Or did not intend to include *Deviſing*, as well as *Ordaining*, (for which they had ſo diſtinctly Petitioned) under the General Word of *Making*, is to perſwade us, that they knew as little of their Own *Meaning*, as he would have us, by his Good Will, to underſtand of that *Act*.

The Summ of all is this: The *Clergy* of this *Convocation* were deſirous to *Make* ſuch *Provincial Conſtitutions* as were requiſite for the *levying* and *paying* of their *Benevolence*; but were ſenſible, that by the *Act of Submiſſion* they could not *Make* them, without the Queen's *Licenſe*. Upon this, they *Petition* her for *Leave* to *Deviſe*, *Make*, and *Ordain* ſuch *Conſtitutions*, and tarry ſix Days in Expectation of her *Licenſe* to that Effect. And having received it, they preſently go to work, and the ſame Day *Treated* upon them. In five days more they are put into form, and paſs both Houſes; and ſo, by vertue of the Queen's *Letters Patents*, were Confirm'd, for *Promulgation* and *Execution*. In the Front of their *Conſtitutions*, they take notice of the *Authority* upon which they had proceeded; That they had obtain'd the Queen's *Licenſe* to *Make*, *Promulge*, and *Execute* them. And in all this, both by their *Words*, and *Actions*, they have evidently ſhewn, that by a *Licenſe* to *Make*, they underſtood a *Licenſe* to *Deviſe*, as well as to *Ordain*; and by *Deviſing*, *Making*, and *Ordaining*, plainly meant what the Act expreſs'd in thoſe other Words, but to the ſame effect, of *Attempting*, *Alledging*, *Claiming*, *Putting in Ure*, and *Enacting*: All which therefore they accounted, as we now do, to belong to ſuch New *Conſtitutions* as were *hereafter to be made* by the Clergy in their *Convocations*.

Sect. 107. 1597.

From this *Convocation*, [1] Dr. A. proceeds to that of 1597; and it is indeed the next in which any *Provincial Canons*, or *Conſtitutions*, were *Made*. That this Aſſembly *Treated* without any *Licenſe*, he concludes from the *Title* of their *Canons*, in which they are ſaid to have been *Treated of* by the *Archbiſhop* and *Biſhops*, and afterwards to have been *Approv'd*, and *Confirm'd*, by the Queen's *Majeſty*: [2] "Which Title (ſays he) if it may be depended on, evidently ſhews "that their deſire was for Leave not to *Treat*, but *Enact* only. How Dr. *A.* can poſſibly extract ſuch a Conſequence out of that Title, I confeſs I am not able to Conjecture, in which there is not one Word of *Enacting*, any otherwiſe than as it may be reaſonably look'd upon to be comprehended under the General Term *Tractatæ*; which in that Title is ſet to expreſs All that was done by the *Biſhops* and *Clergy*, in *Synod*, about them. For ſo the Proceſs there ſtands; *Conſtitutions Treated* of by the *Archbiſhop*, *Biſhops*, and *Clergy*, in their *Synod*; and afterwards Approv'd and *Confirm'd* by the Queen. In the *Synod* they were *Treated* of, and *Made*; for, till that was done, the Queen could not *Approve* and *Confirm* them. If therefore there be any deſire of the Clergy referr'd to in that Inſcription, it muſt be for the Queen's *Approbation* and *Confirmation*, not for her *Licenſe* to *Enact*, as Dr. A. is pleas'd to repreſent it. And that alone may ſuffice to ſhew the weakneſs of his Argument in this Particular. For if the Silence of the Queen's *Licenſe* in that *Title*, be enough to prove that they *Conferr'd* without Any, it will alſo prove that they *Enacted* ſo too; for 'tis certain, that in that Title there is no more mention made of a Licenſe for the One, than there is for the Other.

[1] Rights, &c. p. 382.

[2] Ibid. p. 383.

Sect. 108.

But what then ſhall we ſay to the Queen's *Letters* of *Confirmation* of theſe very *Canons*, in which ſhe recites, "How that the *Archbiſhop*, *Biſhops*, and *Clergy* "Aſſembled by her *Writ*, being met together according to the Tenor of the "ſame *Writ*, at the Days and Places appointed by the ſaid *Writ*, had *Treated* "*by her Licenſe*, of Certain *Canons* and *Conſtitutions*; and had *Agreed* of, and "*upon Them*; and had humbly Offer'd them to Her Majeſty for *Confirmation*. This, I think, is a deciſive Proof that they not only had her Licenſe, but had her Licenſe to *Treat*; and that as ſeparate from, and antecedent to, their *Agreeing* of and upon them. And yet, as plain as this is, [3] Dr. *A.* doubts not to elude the Force of it; nay, and to turn it to his Advantage. So happy a thing it is to have a Nice Head! and to be able to draw *any Concluſions* from *any Premiſes*. Let us ſee how he proceeds on this new Adventure.

[3] Addit. &c. p. 58.

1ſt. He obſerves, That this Word *Licenſe* do's not neceſſarily imply a *Licenſe in Writing*: "All it can fairly be pretended to imply, is, that there was a

"*Verbal*

" *Verbal Leave*, or *Meſſage*, from the Queen to 'em, importing her *Conſent* to " what they were about to Do.

I have often declar'd, that I will not diſpute this Circumſtance with Dr. A. Let it be as it will, it is enough for me, that whatever *Licenſe* they had to *Treat*, the ſame *Licenſe* they had to *Agree:* And I do not pretend that the *Clergy*, by the *Act* of *Submiſſion*, do ſtand in need of any greater or more ſolemn *Authority* for the One, than they do for the Other.

[1] Addit, &c. p. 62.

But Dr. *A.* goes on: [1] He tells us, " that the *Method*, now pitch'd upon by " the *Clergy*, was firſt to conſider among themſelves what was fit to be Offer'd " to the Queen, in order to have *Power* from Her to *Enact*, or *Paſs* it: Which " was *ſtrictly according* to the *Statute* that forbad them to *Enact*, *Promulge*, or " *Execute*, unleſs they might have the *Royal Aſſent*, and *Licenſe*, to *Make*, *Pro-* " *mulge*, and *Execute* the ſame: The *Royal Aſſent* to what they *Propos'd*; and the

[2] Ibid. p. 63.

" *Royal Licenſe* for their *Enacting*, or *Making* a *Canon*, upon it. [2] So that in " the Courſe now taken, there were, on the part of the *Convocation*, two *di-* " *ſtinct Actions*, or *Steps* of Proceeding. The firſt, that of *Deliberating* and " *Reſolving* upon what ſhould be *propos'd* for the *Royal Aſſent* and *Licenſe*: The " ſecond, that of *Reſuming* the *Deliberation*, concerning what *had* been *Pro-* " *pos'd*, and of *Conſtituting*, *Enacting*, or *Paſſing* it. And to theſe, there An- " ſwer'd, on the part of the Crown, the *Royal Aſſent* to their *Propoſal*; toge- " ther with Leave to *Conſtitute*; and the *Royal Ratification* and *Promulgation* of it " afterwards, when *Conſtituted*.

If I take Dr. *A.* aright, we are now come ſo near to one another in our ſtating of this Matter, that our greateſt Difference ſeems to conſiſt in this; that he derives his *Hypotheſis* from One part of the *Statute*, and I from Another. I do humbly conceive that the Clergy may, without any Licenſe from the Crown, *Confer* and *Treat* about ſuch Matters as may be fit to be *Enacted* by them, provided that they do ſo *Confer* and *Treat*, not in order to *Conſtitute* any *Canons*, &c. but meerly to *Apply* to the *Prince*, if they ſhall think fit to proceed, for Licenſe to *Attempt* and *Enact* thereupon. Dr. *A.* allows, that the *Clergy* were now wont, in the firſt place, to *Deliberate* and *Reſolve* upon what ſhould be *propos'd* for the *Royal Aſſent* and *Licenſe:* And that *Aſſent* and *Licenſe* being obtain'd, to *Reſume* the *Deliberation* of what had been ſo *propos'd*; and ſo to *Conſtitute*, and *Enact*, thereupon. According to this *Method* therefore, there was firſt a *Propoſal* to be made to the *Prince* for his *Aſſent* to what they deſir'd to *Deliberate* upon, in order to *Enact*; and, upon this *Propoſal*, the *Royal Aſſent* and *Licenſe* was to be Obtain'd, before they proceeded to *Deliberate*, with a Deſign of *Enacting* or *Paſſing* it.

But will Dr. A. therefore tell us from what part of that Act (as by him Expounded) he derives the Neceſſity of this *Double Aſſent* and *Licenſe*, of which he ſpeaks? The *Royal Aſſent* to what the Clergy *propoſe* to *Proceed* upon; and the *Royal Licenſe* to *Deliberate* and *Enact* upon it.

The Words of the Statute, himſelf again tells us, are only theſe; That the Clergy ſhould not *Enact*, *Promulge*, or *Execute* any *Canons*, &c. *unleſs they might have the Royal Aſſent and Licenſe to Make*, *Promulge*, *and Execute the ſame.* Where is there any thing in *theſe Words* that Obliges them firſt to *Conſider* of what ſhall be *Propos'd* to the *Prince* for his *Royal Aſſent*; and afterwards, (the *Royal Aſſent* being *Obtain'd*) to have his *Royal Licenſe* to Reſume their *Debates*, and upon their further *Deliberation*, to *Enact*, or *Make* a *Canon* of it? This is more than I can find to be contain'd in theſe *Words*, as ſeparated from the Others, which he Applies to another Purpoſe; which evidently require the *Royal Aſſent* and *Licenſe* for *One* and the *ſame End*; to *Make*, that is, (as he has more than Once told us) to *Enact Canons* and *Conſtitutions*, and for nothing more.

[3] Ibid. p. 56, 57. Append.

But it may be what we cannot find in the Act, may be diſcovered in the [3] *Letters Patents* by which the *Canons* of this *Convocation* were *Confirm'd*. " They Recite, firſt of all, how the Queen had *Granted* her *Writ*, and thereby *Licenſed* " the Archbiſhop to *Summon* his *Convocation* to Appear before him, at certain " *Times* and *Places*, in the ſaid *Writ* expreſs'd; To *Treat*, *Conſent*, and *Conclude* " of certain Great and Urgent Affairs, mentioned in the ſaid Writ. How " the *Archbiſhop*, *Biſhops*, and *Clergy*, having *Aſſembled* accordingly, and *Treated* " by the Queen's *Licenſe*, of *certain Conſtitutions*, and *Agreed* upon the ſame, " had humbly Offer'd them to Her Majeſty, deſiring her *Aſſent* to them, ac-

" cording

" cording to the *Statute* 25 *H.* viii. The *Tenor* of which *Conſtitutions* follow in " theſe Words, *&c.* And laſtly, having made this Recital, they add; " That " the Queen having *Heard*, *Read*, and *Diligently Conſider'd* their *Conſtitutions*, &c. " had *Given*, and by *theſe Preſents* did *Give*, her *Royal Aſſent* to them; and by " her *Letters-Patents*, did *Ratifie*, *Confirm*, and *Eſtabliſh* them; and *Promulge* " them to be *diligently obſerved*, &c. This is the Sum of thoſe Letters; and according to them, the Proceſs was plain and natural: * The Clergy were *Authorized* to *Meet* in *Convocation* by the Queen's *Writ*. * They *Treated* and *Agreed* upon certain *Conſtitutions* by her *Licenſe*. Having ſo done, they preſented them to Her Majeſty for *Confirmation*, which by theſe *Letters-Patents* ſhe gave to them. But where to find any Ground for Dr. A's *two diſtinct Actions* of the *Convocation*; firſt of *Deliberating* and *Reſolving* what ſhould be *propos'd* for the *Royal Aſſent* and *Licenſe*; and then of Reſuming the *Deliberation*, concerning what had been *Propos'd*, and of *Conſtituting*, *Enacting*, or *Paſſing* of it; and *both* theſe, as previous to the Queen's *Confirmation* and *Promulgation* of their *Conſtitutions*, I am not Clear-ſighted enough to diſcern: Let him find it out that can, either in the *Statute*, or in the *Patents*.

Sect. 109.

And thus are we come to the End of that *Period* which Dr. A. inſiſts upon as moſt favourable to his Pretenſions: In which, he tells us, the Clergy *Treated* without any Licenſe from the Crown to Authorize them ſo to do; and from which he would inferr, that notwithſtanding the latter Practiſe, they may now again adventure to do likewiſe. But in the Examination of his own Allegations, there has appear'd One of theſe *Defects* in every Inſtance; That * either They have *Prov'd nothing at all*; * Or they have *Proved too much*; * Or, which has been the Caſe more than Once, they have proved the *direct* Contrary to what he Aſſerts.

The firſt *Convocation* of King *Edward* the *6th*, neither *Treated* about, nor *Enacted* any *Canons* or *Conſtitutions*; and therefore, by the *firſt Rule* laid down, is (ſo far) no *Preſident* on either ſide. But the Clergy were willing to have *Treated*: In order thereunto they *Petition'd* for a *Licenſe* to *Attempt*, as well as to *Enact*; and that a *Licenſe* in *Writing*, (a Circumſtance which I may be allow'd to obſerve, tho' I do not inſiſt upon it) and this makes it a direct *Proof* on my ſide of the Queſtion; and ſhews at once, both that the Clergy in Convocation ought to have a *Licenſe* to *Treat*, as well as to *Ordain*; and both by vertue of the Act of *Submiſſion*, which they underſtood in the very ſame *Senſe* that I now give of it.

The Other *Convocation* of the ſame Prince paſs'd the *Articles of Religion*; and, in the Reverſe of what we are now cheifly conſidering, *Agreed* upon Them, tho' they do not ſeem to have much *Conferr'd* about the *Making* of Them. They were *Prepar'd* before, but *Paſs'd* and *Subſcribed* there. By what *Authority* this was done, the *Acts* of that *Synod* could not inform thoſe who ſaw them; much leſs can we determine it who know not where to Recurr to them. If no *Licenſe* was needful for this, by the *Statute* 25 *H.* 8. this Meeting again will be no *Preſident* either Way. If there were; then, by our *third Rule*, we are to Conclude, that they were Empower'd as the *Law required*, and had a ſufficient *Authority* to *Attempt*, as well to *Agree* to, them.

In the firſt of Queen *Mary*, the *Clergy* were confeſſedly *Authorized* both to *Debate* and to *Conſtitute*. The *Licenſe*, Dr. *A.* obſerves, was *Verbal*; but whether the *Prolocutor* had not ſome further *Authority* for what he declar'd to the *Convocation*, is more than we can either of us tell; or ſhall need to enquire. They had the ſame *Authority* to *Debate*, and to *Enact*; and what was ſufficient for the One, muſt, I am ſure, have been ſufficient for the Other likewiſe.

The ſame was the Caſe of the next *Convocation*, which met the beginning of the next Year, *Anno* 1554. As for that Other which ſate in *November* following, it neither *Conferr'd* upon, nor *Conſtituted* any *Canons* or *Conſtitutions*, *Provincial*, or *Synodal*; and therefore, by our *firſt Rule*, is of no *Authority* on either ſide.

In the *Convocation* of 1562; the firſt of Queen *Elizabeth* which ſate after the *Revival* of the Act of *Submiſſion*, *the nine* and *thirty* *Articles of Religion* were *Debated*, and *Agreed* upon. No *Licenſe* to *Treat* appears; nor any to *Conſtitute*. Dr. *Heylin* tells us, they had the *Queen's Licenſe* for what they did; and by our *third Rule* we muſt Conclude that they had, unleſs it can be ſhewn that they were

Authorized

Authorized to *Enact*, but not to *Conferr*; a thing not once thought of, I am ſure not once endeavour'd by Dr. A. in all his long Induction upon this Occaſion.

About Nine Years after, theſe ſame *Articles* were again *Paſs'd*, and *Subſcrib'd* in the *Convocation* of 1571; a *Book* of *Canons* was *Made*; but no *Authority* appears by which either of theſe was done. We muſt therefore *Conclude* again by the ſame *Rule*, that they had a *Licenſe*: And the rather, becauſe Dr. *Heylin* again tells us that they were duly empower'd in what they did; which by our fourth *Rule*, muſt be look'd upon as a ſufficient Evidence on this ſide, till it can be Refuted by ſome better Authority on the Other.

Anno. 1575. a *Book* of *Articles* was *Treated* of, and *Concluded* upon, in *Convocation.* No *Licenſe* to *Treat* appears, nor any to *Conclude.* We muſt therefore Reſolve as before, by our *third Rule*, that They proceeded according to Law; and had ſuch a *Licenſe*, as the Law required for both.

The ſame was the Caſe of the *Convocation* in 1584: *Articles* were *Treated* of and *Enacted* by it. Dr. *Heylin* ſays they were *Empower'd* by the *Queen* to *Make* Them. We have no Account of any *Authority* by which they *Acted*; yet being ſure they could not *Make* ſuch *Articles* without a *Licenſe*, we muſt, by our *third* and *fourth Rules*, conclude that they had One; and that it was a *Licenſe* to *Conferr* upon, as well as to *Conſtitute*, what they did there.

In 1586. the *Clergy*, beſides their *Subſidy*, *Gave a Benevolence to the Queen.* They deſired to Provide for the *Collecting* and *Paying* of it by *Eccleſiaſtical Orders* and *Conſtitutions*; and for the Doing of this, they requeſted the Queen's *Licenſe* to *Deviſe*, *Make*, and *Ordain* them. The Queen gave them Leave to *Decree* ſuch *Conſtitutions* as they deſir'd; and in that, according to the tenor of the *Statute* of *Submiſſion*, *Licens'd* them to *Attempt*, (or as they phraſed it) to *Deviſe*, as well as to *Enact*.

As for the laſt *Convocation* alledged in 1597; the Queen her ſelf Recites, that it had her *Licenſe* to *Treat*, and *Agree*; that is, in the Language of the *Clergy* upon theſe very Occaſions, || to *Conclude*, and *Eſtabliſh*; tho' [1] Dr. A. to Obſcure a plain Caſe would put another *Notion* upon it, and diſtinguiſh between their *Agreeing*, and *Enacting*; as if the One imported ſomewhat leſs than the Other, and which was to be done by them as Prepatory to it.

|| *Articuli de quibus* Convenit *inter Arch. &c.* 1562. in the Engliſh Articles, *Agreed* upon, *i. e. Made* and *Concluded.* In the Book of *Canons*, 1571, *Articuli in quos plene* Conſenſum *eſt*, &c. In 1575, *Articles* whereupon it was *Agreed* by the moſt Reverend Father, *&c.* And even in 1640, when we know the *Convocation* had a full *Licenſe* to *Conclude*, as well as to *Conferr*, and did *both* thereupon; yet the Inſcription, under which they preſented them to the *King* for *Confirmation*, was, Conſtitutions, *&c. Treated* upon by, *&c.* and *Agreed* upon, *&c.* And in his *Letters-Patents* the King recites, how by his *Licenſe* they had *Treated* of, *Concluded* and *Agreed upon* them. [1] Addit. &c. p. 61.

Sect. 110. Having thus paſs'd thro' that *Period* which Dr. A. inſiſts upon as moſt Favourable to his *Hypotheſis*, I might here put an End to theſe Remarks, without looking farther into the *Hiſtory* of our *Convocations* during the laſt *Century*; in which it is not deny'd but that they had a *Licenſe*; and that in *Writing under the Great Seal*, to *Treat*, *Conferr*, and *Conſult*, as well as to *Conclude*, and *Eſtabliſh*. But becauſe Dr. *A.* has endeavour'd to take off the force even of theſe *Licenſes*, in the firſt Inſtance, as he conceives, that there ever was of any of Them; it will be needful for me briefly to conſider his Exceptions, and thereby to Eſtabliſh both the *Meaning* and *Authority* of All ſuch Other *Licenſes* as have ſince been Granted upon *the* Model of this.

1603, 1604. The matter of Fact was plainly this: On the 20*th* of *March*, *Anno* 1603, the *Convocation* of this Province met, and was opened according to *Cuſtom.* In the Vacancy of the See of *Canterbury* the Biſhop of *London*, Preſided by *Authority* of the *King's Writ* directed to him for that Purpoſe; bearing Date the 9*th* of *March* before. At the *Second Seſſion*, *March* the 23*d*: The *Prolocutor*, Dr. *Ravis*, Dean of *Chriſt Church*, *Oxon*, was preſented by Dr. *Overal* Dean of St. *Pauls*; the beginning of whoſe *Speech* ſtill remaining among the *MSS* of the Right Reverend the Lord Biſhop of *Norwich*, may be worthy our Notice.

" *Præſento hic Vobis, pro more hujuſmodi temporis & Loci, Græviſſimum Doctiſſimum-*
" *que hunc Virum, Communibus inferioris Domus ſuffragijs ad Officium* Prolocutoris,
" *& Communis Interpretis delectum; qui veſtra ad Nos Mandata, Noſtras ad Vos*
" *Petitiones, cæteraſaque Conſultationes & Actus Synodicos, fideliter Referat, Exponat,*
" *Explicetque.* Being

[1] Being thus put in a Posture of doing Buſineſs (to uſe Dr. *A*'s Expreſſion) the *Clergy* met twice without entring upon any *Synodical Debates*. On the 13*th* of *April* the *Biſhop* of *London* brought to the *Convocation* the *King's Licenſe* to *Make Canons*, dated *April* the 12*th* 1604.

In that the King "gave Leave to the *Preſident*, and *Convocation* to *Confer*, "*Treat*, *Debate*, *Conſider*, *Conſult*, and *Agree* of, and upon, ſuch *Canons*, *Or-* "*ders*, *Ordinances* and *Conſtitutions* as they ſhould think fit, By vertue thereof they did accordingly *Confer*, and *Agree* upon ſuch *Canons*; which being afterwards *Confirm'd* by the *King's Authority*, have made up the great *Body* of *Canons*, by which our *Church* is Govern'd at this Day.

This is the *Matter* of *Fact*; and our *Argument* from it lies thus: That the King granted to this *Convocation* his *Royal* *Licenſe* to *Confer*, as well as to *Conſtitute*. That not only this *Convocation* did proceed in vertue of it to *Do both*, but all our Other *Convocations*, ever ſince, have done likewiſe. That in theſe *Licenſes* the *Statute* of *Submiſſion* has conſtantly been *Recited*, to ſhew that the *Clergy* are thereby tied up from *Making* any *Canons*, or *Conſtitutions*, without ſuch a *Licenſe*; which *Making* we look upon to Refer to the whole Proceſs of what is done by the Clergy in their *Convocations*, from their *firſt Treating* to their *final Enacting*; and to Include the One, as well as the Other. And therefore, we do ſuppoſe that by the Tenor of that *Statute*, the *Clergy* in *Convocation* are reſtrain'd from *Attempting*, and *Enacting*, any *Canons* without the *King's Aſſent* and *Licenſe* firſt obtain'd; and that of right they *ought* not, (as we are ſure in *fact* they *have* not, for theſe laſt hundred Years, preſumed) either to *Confer* or *Agree* upon any *Provincial Canons*, or *Conſtitutions*, till they are *Authorized* by the *King's Licenſe* ſo to do.

Againſt this Dr. *A.* is pleas'd to Offer ſeveral *Exceptions*; none of which, in my apprehenſion, do at all weaken the Force of that *Deduction* which I have before made of our Argument from this, and the like *Licenſes*; which have, confeſſedly, been granted by our *Kings*, and accepted of by our *Convocations*, for theſe hundred Years paſt. Sect. 111.

[1] "First, he obſerves, that this *Licenſe* was not Granted to the *Clergy* imme- "diately upon their firſt coming together: That the Convocation had ſate three "Weeks without a *Commiſſion*; and To Be Sure had, in that time, TREA- "TED without One; and did not therefore think themſelves unqualified for All Manner of *Synodical* Debates, till they were ſo Commiſſioned. Shall I, in anſwer to this, tell Dr. A. that in all that time they *Met* but *twice*, after the *Choice* of their *Prolocutor*, and then contrary to his confident *Aſſertion*, (founded upon *meer Conjecture*, and a Secret [2] Preſumption that all the *Acts* of that *Synod* were *utterly loſt*) did not Treat of any thing within the *Statute* of *Submiſſion*? Or ſhall I, rather, appeal to himſelf, now better inform'd, to confute his own Suppoſition, which he made without any knowledge of the Matter? Let us then take his Own Correction of this very Remark: [3] "'Tis true but little in rela- "lation to the Debates of this *Meeting* is entred antecedently to their *Licenſe*, "and they *Seem* to have *Adjourn'd* for the greateſt part of the time, in *Expec-* "*tation* of it. However that *Something* was *Treated* of, and *Done* by them, even "before their *Licenſe* came, the particular I have mentioned manifeſtly proves. "It is but a *Single Inſtance* indeed, but it makes good their *Right* of *Treating*, as "well as if there were more of them. But what was this *Something* that was *Treated* of, and *Done* by them? Was it *Something* in which our Preſent Argument is concerned? Did they *Treat*, tho' but in a *Single Inſtance*, without *Licenſe*, of any Other Matters than what they might *have done*; nay, and, as Dr. *A.* himſelf ſtates it, *did* Do, that is *Conclude* upon, without *One*? The *Minute* which he gives us of what he refers to ſhews the Impertinence of his Allegation: *March* 20*th*, 1604. *The King's Letter to the Convocation to haſten a Collection for the Town of Geneva.* This is that *Single Inſtance* of what Dr. *A.* tells us the *Convocation* did without a *Licenſe*. By the *King's Command*, and that preſs'd upon them with ſome kind of Importunity, they *Made* a *Collection* for the *Town of Geneva*, without any *Licenſe* under the *Great Seal*: Therefore they might have *Treated* of *Canons* and *Conſtitutions Provincial* if they had Pleaſed; and any Other *Convocation* may *Treat* of them, without any *Licenſe* from the Prince ſo to Do.

[1] Rights, &c. p. 389, 390.

[2] Ibid. p. (276.)

[3] Addit. &c. p. 128.

But Dr. *A.* will give us another *Inſtance*, from the ſame *Convocation*: "From the "minutes of whoſe *Acts* it appears (And It Is Extreamly Remarkable) That the "Copy Sect. 118.

[4] Ibid. p. 129.

"A Copy of Dr. *Overal's Convocation Book* was brought in, and proposed to the "*Consideration* of the *Clergy*, SOME DAYS before their *License* came to them. Since Dr. *A.* thinks this Case so EXTREAMLY REMARKABLE; he will not be Offended if I give the *Reader* a more clear Account than it was for his Interest to give him of it: And then I am content that the *Question* between us be *Determined* by the Authority of this *Remarkable Instance.*

"On the 24*th* of *January*, the Archbishop deliver'd a *Book*, concerning the "*State of the Church*, and desir'd *both Houses* to *take Copies*, and *Consult* about it. The *Book* had been drawn up upon the Occasion of the *Gun-Powder Conspiracy*; and seems to have been design'd to be publish'd as the *General Sense* of the *Church of England* in the *Points* contain'd in it. That they might have time to take these *Copies*, and to *Consider* of the *Book* as they were directed (which I suppose did then consist only of the *first Part* of what has since been *Published*) he *Prorogued* the *Convocation* till the 29*th* of *January*; and then (to warrant their *Debating* about it, and *Concluding* upon the Matters contain'd in it) brought in the King's *License* to *Make Canons.* In the *fourth Session*, he *deliver'd* the *Book*, and *Directed* the *Clergy* to take *Copies* of it, and *Consult* about it: In the very next, before any manner of *Debate* was had in *Convocation* thereupon, He brought them the *King's License*; and then they proceeded solemnly to *Read* it, and to give their *Assent* to it.

But however, let us suppose that the *Clergy* had heard that *Book* quite read out in *Convocation*, before any *License* had been granted or brought to them: Is there any *Clause* in the *Act* of *Submission* that forbids the *Archbishop* to bring a *Book* into the *Convocation*, drawn up by a *Private Hand*; or the *Convocation* to hear such a *Book Read*; or to be desir'd to take *Copies* of it, and Consider of the *Matters Contain'd* in it? Have not the *Clergy*, within our Own Memories, done a great deal more than this; and yet never thought that thereby they were either *Attempting* or *Enacting* any *Canons*, or *Constitutions Provincial*? But did they before they Received the *King's Commission*, *Read*, *Hear*, or *Consult* of this *Book*, in Order to *Make* the *Canons* which were drawn up upon the several *Sections* of it their *Own Synodical Acts*; and to pass them into *Provincial Decrees* and *Constitutions*? The Procedure of the *Archbishop* renders such a Supposition utterly unconceivable; Who in One *Session brought* in this *Book*, and Order'd the *Bishops* and *Clergy* to take *Copies* of it; and the very next brought in the *King's License*, to *Authorize* them to *Treat* and *Conclude* upon it.

Sect. 113. [1] Addit. &c. p. 66, 130.

As for what [1] Dr. A. adds, "Of the *Doctrine* which makes the *Clergy* uncapable of ALL SORT OF BUSINESS, till they are thus Licensed; and in Opposition to which, he elsewhere observes, that "If we consider All the *Convocations* since the 1*st* of K. *James* I. we shall find that None of them took out "*Licenses* but when they had this very Business to do; *i. e.* when they were to "*Make Canons*; He knows I am clearly of the same Opinion with himself in it. I do humbly insist upon it, that no Restraint has been laid upon the *Clergy* in *Convocation*, but only in the point of *Attempting* and *Enacting*, or to express All in one Word, of *Making Canons*, *Constitutions*, *Orders*, *and Ordinances Provincial.* In all other Matters, I account them still at Liberty, not only to *Treat*, but to *Resolve* too, as they did before. This I Affirm, and here it is that Dr. A. must Answer, if he means to oppose my Notion; that in All such Cases wherein the Clergy are Restrain'd, by the *Act* of *Submission*, from *Enacting*, *Promulging*, and *Executing*, without the *King's* License; in the same they are also Restrain'd from *Attempting*, that is from *Treating*, and *Conferring*, in order to *Enact.* What those *Cases* are the *Statute*, I think, plainly enough speaks; and from thence I have sufficiently before declar'd my Opinion of it.

Sect. 114. [2] Rights &c. p. 390. [3] See above. Sect 42.

For what concerns [2] Dr. A's Second *Remark*, of the Difference which is made in the *King's Letters-Patents*, by which he Confirm'd the *Canons* of this *Convocation*, between the *Power* which he has in this Case by vertue of his *Prerogative Royal*, and the *Particular Powers* lodged in him by the 25*th H.* 8; [3] I have already given a full and express Answer to it. The Sum of it is this; That Dr. A. either grosly mistakes, or I am sure greatly misrepresents, the Design of that *Statute*: Which was not to *Grant* any *Power* to the *King* which he had not before; but to *Restrain* the *Clergy* from *doing some things* before which they were *wont* to do. The *King* always *had*, by his *Prerogative Royal*, a Right to *Authorize* the *Clergy* to *Confer*, and *Conclude*; and by both, to *Make* any *Provincial* Ca-

Canons and *Conſtitutions*, that were not contrary either to the *Laws of God*, or the *Realm*; or to his own *Prerogative Royal*. On this ſide therefore no *New Power* was *Given* to the *Crown*: But the *Clergy* did before do this without *Asking* the King's *Aſſent*, or taking his *Licenſe* for it. They *Made Canons* and *Conſtitutions*, not by his *Authority*, but in vertue of their Own *Spiritual Juriſdiction*: And this that *Act* has *Reſtrain'd* them from doing; ſo that *from thenceforth* they might not *preſume* to *Attempt* any ſuch thing, on pain of the Dangers mentioned in that *Statute*.

Whether therefore the King *Licenſes* the *Clergy* to *Confer*, and *Enact Canons*; or whether he *Confirms* them being *Enacted*, and *Authorizes* the Clergy to *Promulge*, and *Execute* them; He do's All by his Own *Royal Prerogative*. The *Statute* only *ties up* the *Clergy*, that they ſhall neither *Attempt*, *Enact*, *Promulge*, nor *Execute* any *Canons*, without his *Aſſent*, on pain of ſuch Forfeitures as are therein determin'd againſt them if they do.

His Third Obſervation, [4] That the *Licenſe* here *Granted* was not a bare *Licenſe* to *Treat*, but to *Treat* and *Agree*, I have alſo already *Conſider'd*, and *Anſwer'd*. The *Licenſe* is Granted for All; to *Treat*, *Confer*, and *Conſult*, as well as to *Agree*; and refers indifferently to the One, and to the Other. 'Tis true, the *Treating* which is meant by it, is ſuch a *Treating* as is deſign'd in order to *Agreeing*, or *Enacting*: Nor is any Other, as I conceive, forbidden by the *Statute* of *Submiſſion*. But whether the *Convocation* do *Agree*, or not, if they *Confer* with a *Deſign* to *Conſtitute*, the *Licenſe* plainly extends to ſuch a *Conference*; and *Authorizes* them no leſs in their *Previous Debates*, than in their *final Reſolutions*.

Sect. 115. [4] Rights &c. p. 391.

[5] Dr. A. was ſenſible that theſe *Exceptions* would ſignifie but little, to take off from the plain *Authority* of the *King's Letters-Patents*, and the *Cuſtom* of a Hundred Years Practiſe, confeſſedly conſequent upon them: And therefore he advances another *Exception* againſt the plain Tenor of theſe *Licenſes*. He tells us, that in thoſe *Commiſſions* there was more *Granted* than the *Clergy needed*; and they accepted them for the ſake of what they did want them for, and not for what they did not. But how do's Dr. A. prove this? Did the *Clergy* ever make any *Proteſtation* of their *Right* in One *Caſe*, tho' not in the Other? That they had *Power* of Themſelves, without a *Licenſe*, to *Treat*, tho' not to *Enact*; and therefore *Accepted* the King's *Patent* for *This*, but in no wiſe for *That*.

Sect. 117. [5] Rights &c. p. 394. 395.

No; that Dr. *A.* do's not pretend to: [1] But he will "ſhew, by ſome parallel "Inſtances, that in ſuch *Commiſſions* the *Powers* granted do not always imply "that the *Perſons Commiſſioned* could not have done ſuch or ſuch a thing, with-"out they had been ſo impower'd. And what will he infer when he has done this? The moſt he can conclude, is, that poſſibly ſo *it may be* in this Caſe: But I hope he will not argue at ſo wild a rate, as to conclude, that becauſe in *ſome Commiſſions* ſuch *Powers* have ſometimes been *Granted*, as the *Perſons* to whom they were given needed no *Commiſſion* to *Exerciſe*; therefore the ſame is done in All *Commiſſions*; Or not Concluding thus *Univerſally*, will yet at a venture, infer, that ſo it is in the *Commiſſions* before us.

[1] Ib. p. 395.

However let us ſee how he makes good his *Propoſition*, as little as it is to the Purpoſe, ſhould it be true. [2] "In Queen *Elizabeth*'s *Patents* to her *firſt Biſhops*, "a Clauſe was inſerted, by which the Queen, by her *Supreme Authority* in "*Matters Eccleſiaſtical*, ſupplied, IF ANY thing were wanting which the *Sta-"tutes* of the *Realm*, or the *Eccleſiaſtical Laws* Requir'd. I do allow it; and the *Statute* of the 8*th* of that Queen, Chap. 1. abundantly ſhews the Reaſon of it. But what do's Dr. A. argue from this? Why he infers, That it cannot from hence be Collected that there were any ſuch *Defects* to be ſupply'd: And for this he refers us to Mr. *Maſon*'s *Authority*. He needed not any Voucher for ſo Obvious an Inference. The Queen, for the better ſecuring of her Biſhops againſt any danger of Law, added this Clauſe to defend them at once both againſt the Fear of That, and againſt the *Malice* of their *Enemies*; that IF ANY *thing were wanting which the Laws requir'd, ſhe ſupply'd it by her Royal* Authority. The *Patent* expounds it ſelf: It is ſo far from Actually *Supplying*, or *Granting* any thing, that it leaves the Matter in ſuſpence whether there were any thing wanting that needed to be *ſupplied*. If *any thing* were *wanting*, the Queen *ſupplied* it: If there were not, there was then *nothing done*; becauſe there was no *need* of *doing any thing*.

[2] Ibid.

This

Sect. 118. [1] Rights &c. p 395, 396.

This Inſtance therefore is as little to the Purpoſe as any could well have been; let us ſee whether his next be any better. [1] In K. *Charles* the Firſt's Commiſſion for the Repair of St. *Paul*'s Cathedral, the King "*Gives full Power and Authority* to the *Perſons* named in it, to *Conſult*, *Adviſe*, and *Conſider* of *Meet Orders*, *Ordinances*, and *Conſtitutions*, for the better *Preſervation* of that *Church*, and for preventing *Annoyances*; and the ſame *Orders*, *Ordinances*, and *Conſtitutions*, being Reduced into *Writing*, to *preſent* unto *Himſelf* for his *Royal Approbation* and *Allowance*. The Powers here Granted (continues he) are much the ſame, and in much the ſame Words with thoſe in the *Commiſſion* to the *Convocation*: But no body can *be ſilly* enough to think that *Private Perſons* might not of their own Accord have DONE ALL THIS; have entred into ſuch *Conſiderations*, and made ſuch *Propoſals* to the *King*, without a *Commiſſion*.

Let us take a farther View of the *Commiſſion*, and then we ſhall be able the better to judge whether a Man may not, without Hazard of his Reputation, be SILLY enough (in Dr. *A*'s modeſt Phraſe) to think that a *Power* was hereby convey'd to thoſe *Commiſſioners* to *Do* that, which they could not, in the ſame Manner, and with the ſame Authority, have done of their Own Accord without it. The Cathedral Church of St. *Paul*'s *London* being greatly decay'd, this Pious King, following the Example of his Royal Father, and at the Encouragement of the Generous Biſhop of that See, iſſued out a *Commiſſion* to ſeveral Perſons of Honour, and Others, for the *Repair* of it. In that he Authorized them, among other things, to take an Exact *Survey* of the *Particular Decays* of that *Church*, and to Calculate the *Charge* of it; to *Adviſe* and *Agree* upon the Forms of *Letters-Patents* for *Publick Collections*, to be made for it, throughout *England* and *Wales*; To make meet *Orders* and *Conſtitutions* for the *Preſervation* of that *Cathedral*, and the *ſuppreſſing* and *preventing* of *all preſent and future Annoyances*, *Purpreſtures*, and *Encroachments*, which tend to the *Damage* or *Diſgrace* thereof: And farther gave them full *Power* and *Authority*, to cauſe All, and Every Perſon, whom they ſhould think good, to bring and ſhew before them, either upon Oath, or without Oath, all and ſingular ſuch *Records*, *Books*, *Evidences*, *Accounts*, &c. as they ſhould think fit to be produced, for the better *Execution* of their *Commiſſion*: And alſo to Charge and Command all ſuch *Surveyors*, *Actuaries*, *Regiſters*, *Officers*, and *Miniſters* whatſoever, as they ſhould think fit and requiſite, to be Attendant upon them.

This was their Commiſſion: And the Queſtion is, Whether any Other *Perſons*, beſides thoſe who were thus Commiſſioned by the *King*, could of their Own Accord have lawfully done what theſe Perſons were Empower'd to Do? I freely own I am SILLY enough to think that they could not, but would have been guilty of a great *Preſumption* in pretending to have done it; and might have been called to account by a *Quo Warranto* for it. For indeed let Dr. A. ſay, Could any Others (the *Biſhop*, *Dean*, and *Chapter* excepted, who by the *Statutes* of the *Church*, as well as by the *King*'s *Commiſſion*, were particularly concern'd in this Caſe) have legally *ſurvey'd* the *Decays* of that *Cathedral*, and *eſtimated* the *Charges* of it? Could any *Private Perſons*, of their Own Accord, have *Conſider'd* of, and *Drawn* up the Form of *Letters-Patents* for a *Collection* to be made over all *England* for the *Repairing* of it? Or, laſtly, to come to Dr. A's own Inſtance; Could they have *Made* ſuch *Meet Orders*, and *Conſtitutions* for the *Preſervation* of that *Cathedral*, and the *ſuppreſſing* and *preventing* of all *Annoyances* to it, as being tendred to the King for his Approbation, ſhould have had the Stamp of Authority ſet to them, without being *Guilty* of a very Great Crime, in medling with a Matter which did not belong to them, nor had they any *Right*, or *Authority* by Law, to interpoſe in it? I do again repeat it; I muſt freely own my ſelf to be One of thoſe SILLY Men of whom Dr. A. ſpeaks, who think that Thoſe who ſhould have done this without the *King's Commiſſion* would have been Guilty of a High Miſdemeanour, and might have been *puniſhed* by Law for ſuch their *Preſumption*.

In theſe and the like Caſes, we are not to conſider what Men have a Natural Ability to do, but what may Lawfully and Orderly be done by Them. If Twenty or Thirty Clergy-men ſhould meet together, and Treat of ſome *Rules*, or *Orders*, that might be fit to be ſet forth as the Queen's *Injunctions*; and having without any Authority *Agreed* upon them, ſhould preſent them to *Her Majeſty* for Confirmation, tho' the Orders ſhould be never ſo wiſely Drawn, yet the Method of doing it would be Irregular; and they might juſtly expect to be

be Call'd to Account to ſhew by what Authority they preſumed to Do this? But ſhould the Queen think fit to Commiſſion the ſame *Perſons*, or any *Others*, whom ſhe ſhould pleaſe to intruſt in ſuch a Caſe, to Conſider of, and Conclude upon, the like *Rules*, and preſent them to her for her Approbation; that ſo being *Confirm'd* by her *Authority*, they may be ſet forth as Her *Royal Injunctions*, the Procedure would be *Regular*; and the ſame thing done by ſuch a *Commiſſion* be *Lawful* and *Warrantable*, which being done without it, would be Criminal and Unjuſtifyable.

But of all Dr. *A*'s *Inſtances*, that of his [1] *Court Barber* is not only moſt light and unſeemly, in ſo weighty a Caſe, but is withal the moſt contrary to his Pretences; and had not the *Ridiculouſneſs* of the Subject too much poſſeſs'd his mind to leave his *Judgment* any Fredom of ſerious Conſideration, he would never have made the uſe that he does of it. The King was offended with ſome of his *Chaplains* for wearing their *Hair* ſo long, and for taking ſo much Care to Curle it, as it ſeems they did. To Cure this *Vanity* in Men whoſe *Profeſſion* ſhould have taught them Greater Gravity, he iſſued out his *Letters Patents* to *W. de Perecat*, commanding him with ſome Severity to cut their *Hair ſhorter*, and to Snip off thoſe Curles which they were ſo ridiculouſly fond of. I do not doubt but that, as Dr. *A.* [1] very gravely Remarks, if the *Court Chaplains*, and the *Court Barber* had Agreed upon it, he might have done them this Piece of (real) *Service* without any *Licenſe* from the King to that Effect. But let Dr. *A.* tell us (for he is a nice Judge in theſe Matters) ſhould the *Barber* have come to him without his *Commiſſion*, and have made an *Attempt* upon his *Locks*, and Cut off one half of his *Hair*; would he not have taken it very much amiſs of him; and have been apt to enquire by what *Authority* he made ſo bold with his *Favourees?* [1] Here therefore it was that the *King's Patents* were neceſſary; to warrant this little Officer, whether his Chaplains agreed to it or no, to Cut off their Hair which gave him ſo much offence; to oblige him to do it, and to indemnifie him when he had done it, againſt any trouble that ſome of the *Beaux's* of that *Order* might otherwiſe have given him, for the Freedom he took with their Reverend *Heads*, in ſo tender a Circumſtance as that might probably have been to ſome of them.

[1] Sect. 119. Rights &c. p. 396, 397.

The Conſequence of theſe Remarks is briefly this, that it do's not yet appear that our Princes have in their *Commiſſions* ordinarily granted any *Powers*, which thoſe to whom they were given might as *well*, as lawfully, and as fully to all intents and purpoſes, have exerciſed without any ſuch *Commiſſion*. But ſhould this have ſometimes been in ſome *Commiſſions* of a *Private Nature*, as for the Repair of a *Church*, or the *Encouragement* of a *Court Officer*; yet cannot Dr. A. from thence inferr that it is ſo done in theſe *Licenſes*, which muſt nevertheleſs be underſtood to *Conferr* a Legal *Right* to *Treat*, as well as to *Agree*, till it can be ſhewn by ſome plain and evident *Proof* of *Law*, that notwithſtanding any *Reſtraint* laid upon them by the Act of *Submiſſion*, the Clergy have a *Right* to *Conferr* without any *Leave* of the *Crown*, and therefore need not any *Royal Licenſe* or *Commiſſion* to enable them ſo to do.

Such then was the Caſe of this *Convocation*: It had a *Commiſſion* to *Treat*, [1] "We Own, ſays Dr. A, *it had*. And in another Place he tells us that "It "*Treated* and *Acted Originally by a Licenſe*; the very thing which I affirm to be the Duty of all Other *Convocations* to Do. To purſue the Hiſtory of all our following *Synods* is as Needleſs, as it would be Tedious. Dr. A. himſelf do's not pretend that any *One Convocation*, for the laſt hundred Years, either *Attempted*, or *Enacted*, any *Canons*, *Conſtitutions*, *Ordinances*, *or Orders Provincial* or *Synodal*, without being *Authorized* by the like previous *Licenſe* to do both: And for Other matters, I do readily allow, that they may both *Conferr*, and *Agree*, without any.

Sect. 120. [2] Addit. &c. p. 65. 112.

To Conclude therefore this whole Argument: * If the *Natural Conſtruction* of the *Statute* of the 25*th* of *H.* 8. ſupported with the concurrent Verdict both of the *Form* of *Submiſſion* upon which it was drawn; the *Notions* of thoſe *Times*, concerning the *Dependance* of the *Spiritual Juriſdiction* upon the *Crown*; and the *Scheme* and *Model* of *Church-Government* which was then in hand, when that Act was paſſed: * If the Expreſs *Opinions* of our moſt Learned *Writers*, concerning the *Incapacity* under which the Clergy were brought by that *Statute*: * If, laſtly, the *Practice* of our *Convocations* conſequent thereupon, which (as far as we can diſcover from the ſhort *Remains* we have of them, and the

best Accounts that have been given by our *Church-Historians* of their ... *ings*) from thenceforth never entred upon any *Debates*, in order to ... *Canons* or *Conſtitutions*, without the *Prince's* Aſſent firſt had, and ... them, to Warrant them in their Proceedings; may ſuffice to ſhew ... Law in this Caſe is; I may then adventure, with ſome degree of Aſſ... to Conclude, That the *Biſhops* and *Clergy* muſt not only be Assembled in ... *cation* by the *Authority* of the Queen's *Writ*; but being *Come together* ... muſt have Her *Majeſty's* Assent and License before they can ... Enact any *Eccleſiaſtical Canons*, or *Conſtitutions*; Or, without incurri... *Penalty* of the *Statute* in that Caſe, Attempt to Make them; Or Al... Claim, or Put In Ure any *Power* of their *Own* to that *Purpoſe*.

FINIS.

APPENDIX.

NUM. I.

A. D. 694.

Chron. Sax. MS. in Bibl. Cotton. *DOMITIANUS.* A. 8. fol. 46. In the Margin of the MS. is this Note of a later Hand *Vide hic de Libertate Ecclesiæ.*

SOME *Words in the MS. being ſcratch'd out to make room for what follows, this Story is written on the Margin, as well as in the Lines, after theſe Words* —— Withredus quoque ſuſcepit Regnum Cantiæ, & rexit 33 Annis. ——

Statim autem cum potitus eſt Regno, præcepit congregari mag- Concilium in loco ubi nominatur Baccancelde, Præſidente eodem Con- Wihtredo Clementiſſimo Rege Cantuariorum, necnon Brihtwaldo Re- entiſſimo Archiepiſcopo & Patre, & Primate totius Britanniæ, ſimulque ia Epiſcopo Hrofenſis Æccleſiæ, cum cæteris bbatibus, Abbatiſſis, Presbyteris, Diaconi- Ducibus, Satrapis, in unum glomeratis, pa- tractantes de ſtatu Æccleſiarum Dei, vel aſteriorum intra Cantiam [2], quæ à fidelibus ibus Prædeceſſoribus [3] meis & Propinquis, lberhto, poſteriſque ejus, Deo Omnipotenti ropriam hæreditatem condonata fuerunt, odo vel qualiter ſecundum normam æqui- ſtare valeant, quidve ſervare oporteat, à. & uſque ad finem ſeculi [4] conſtituentes. [5] Wihſtedus Rex terrenus, à Rege Re- compunctus, zelo rectitudinis accenſus, ntiqua traditione Sanctorum Patrum, & latis, didici non eſſe licitum alicui homini aico habitu ſibi ipſi uſurpare, vel ad ſe re, quaſi ſuam propriam poſſeſſionem, quod fuerat Domino conceſſum, & Cruce Chriſti atum atque dedicatum [6] . . . . Scimus [7] & citer extat [8] . . . . . quod ſemel accepe- omo de manu alterius in propriam pote- m, nullatenus ſine Ira & Ultione illud ite- dimittet [9] impunitus. Ideo [10] horrendum ominibus expoliare Deum vivum, & ſcin- tunicam ejus & hæreditatem [11] . . . . . t de terrenis ſubſtantiis ad hoc ut facilius ereri valeant æternam retributionem per- e in Cœlis, manifeſte declaratur, quod to incautius applicuerit ſe homo ſecu- in hæreditatem Regis æterni, tanto di- ius ab eodem Deo inextinguibili igni pu- r. Pro hac re firmiter . . . . . decerni- & in nomine Omnipotentis Dei omniumq; orum præcipimus omnibus ſucceſſoribus is Regibus, Principibus, & omnibus qui in u Laico conſtituti ſunt, ut nullus unquam t licentiam accipere alicujus Æccleſiæ, id familiæ Monaſteriorum Dominium, quæ à el ab anteceſſoribus meis priſcis tempo- tradita erant in perpetuam hæreditatem

[1] *Here the Word* Epiſcopis *is interlined.*

[2] *Here, theſe words are added,* & de his.

[3] *Here the word* ejus *is put inſtead of* meis.

[4] *This word is alter'd from what was at firſt written.*

[5] *Here the word* inquit *is interlined.*

[6] *The word* nam *ſeems to have been ſcratcht out.*

[7] *Upon the word* & *is written* enim.

[8] *Here* quia *is almoſt ſcratched out.*

[9] *The word was at firſt otherwiſe written.*

[10] *The words,* que dico, *are interlined.*

[11] *Theſe words,* Cum autem Deo oblatum aliquid, *are almoſt ſcratched out, but the laſt Syllable is interlined.*

A. D. 694. [12] *Tho' many words were here ſcratched out, yet the* veſtigia *of ſome may be diſcerned, as* Sanctis .... tri .. ſanct .... rie Virgin .... Mart ..

[13] *The word* hoc *is interlined.*

[14] *A Line is ſcratched out.*

[15] Ser, *perhaps, for* Servorum *is interlined.*

[16] Epiſcopus vel *is interlined.*

[17] *The word* illo *is here interlined.*

[18] Vel eo *is here interlined.*

[19] *The word* autem *is interlined here.*

[20] *The word* Epiſcopos *is interlined here.*

[21], [22] *The word* Et *is raſed out in both places.*

[23] Scilicet *is interlined.*

[24] Ab *is interlined.*

[25] *Theſe words are raſed out,* Hoc præceptum ſtatuimus his Monaſteriis quorum nomina.

[26] *More raſed out, tho' one may yet perceive theſe* Annotata .. Primum .... Apoſtolorum.

[27] *The word* Petri *raſed out.*

[28] Sancti Auguſtini .....

[29] *Here was written* mynſter in T (enet) *but afterwards theſe words were interlined,* in inſula quæ vocatur.

[30] *Limenag* .....

[31] *This raſed out,* æc omnia inter di.

[32] *Theſe words may be yet read,* ad ſe pertrahat, vel ſuſcipiat.

[33] Prælationem *interlined.*

[34] *Some words raſed out, inſtead of which are written,* In primis Eccleſiæ Chriſti quæ eſt in Dorobernia.

[35] *Somewhat raſed out.*

[36] *Somewhat wanting.*

[37] *Somewhat wanting.*

[38] *The word* unquam *interlined.*

[39] Eam *interlined.*

[40] Quæ *interlined.*

[41] Et *raſed out.*

[42] Quæ in Cantia habentur *raſed out.*

Jeſu Chriſto & [12] ..... ſed magis ſicut decet, & in Canonibus præcipitur [13], ſervandum eſt, quando [14] evenerit, ut ex numero [15] Dominorum migret de ſæculo, [16] Abbas, vel Abbatiſſa, invitetur Archiepiſcopus propriæ Parochiæ, & cum ejus conſilio & conſenſu quiſquis dignus invenitur, ejus vita atque munditia ab [17] Archiepiſcopo examinetur, taliſq; eligatur, & ab [18] Archiepiſcopo benedicatur, & nullo modo ſine conſenſu, & conſultu, & licentiâ ejus, Abbas vel Abbatiſſa eligatur; ſi quis per inſipientiam aliter fecerit, pro nichilo habeatur, citiuſque abjiciatur. Neque de hac re aliquid pertinet ad Regis ſecularis imperium, quia illius perſonæ eſt Principes, Præfectos, ſeu Judices ſeculares ſtatuere, Metropolitani [19] Archiepiſcopi eſt Æccleſias Dei regere, gubernare, atque [20] Abbates, Abbatiſſas, Presbyteros, Diacones eligere, ſtatuere [21] .... ſanctificare, firmare [22] .... admonere, ne quis de ovili Chriſti [23] æterni Paſtoris [24] erret. [25] ..... hic ſunt [26] ..... Principis [27] ... id eſt, Upmynſter, aliter [28] ..... Raculf. Suth. [29] ..... enet, Dofras, Folcanſtan [30], ... Sceapeag, & Hoa. H. [31] ..... ximus ſicut ante ..... [32] ..... ullius Monaſterii [33] de his prænominatis. Hæc lex ſupradicta per ævum completa permaneat [34] ..... Æccleſiæ cum omnibus agris ad eam pertinentibus, ſimiliter Hrophenſi Æccleſiæ cum ſuis cæteriſq; prædictis omnibus Æccleſiis Dei noſtri [35] ..... pro ſalute animæ meæ, meorumque Prædeceſſorum, pro ſpe cœleſtis Regni; & ex hac die & dehinc [36] ..... concedimus & donamus ab omnibus difficultatibus ſecularis ſervitutis, à Paſtu Regis, Principum, Comitum, necnon ab operibus majoribus, minoribuſve gravitatibus, & ab omni debito, vel pulſione regalium Tributorum [37] ..... liberas eas eſſe perpetua libertate ſtatuimus, niſi ſua ſpontanea voluntate ex largitate beneficiorum quid facere velint; tamen hoc in poſterum non ſervetur, nec habeatur in malam conſuetudinem, ſed magis ſecuræ ſint, ut poſſint pro nobis Deo Omnipotenti hoſtias dignas offerre, & immaculatis muneribus noſtra abluere peccata. Si quis autem Rex poſt nos [38] levatus in regnum, aut Epiſcopus, aut Abbas vel Comes, ſeu ulla Poteſtas hominum contradixerit huic cartulæ, aut [39] infringere temptaverit, ſciat ſe ſequeſtratum à corpore & ſanguine Domini noſtri Jeſu Chriſti, ſeu etiam ſic excommunicatum, ſicut qui non habet remiſſionem neque in hoc ſæculo, neque in futuro, niſi ante pleniter emendaverit judicio Archiepiſcopi. Manente tamen hac cartula [40] irrafragibilis ſua firmitate muniatur [41] ..... ſervetur, & habeatur ſemper in Æccleſia Salvatoris, quæ ſita eſt in Civitate Dorobernia, ubi Metropolis habetur ad exemplum atque defenſionem omnibus Æccleſiis Dei [42] ..... Hæc

Lex

Lex inviolabilis permaneat uſque ad conſummationem ſeculi, quia nulli hominum terreno data . . . . . ſed hæc omnia in manus Dei Omnipotentis Sanctorumq; ejus concedimus & donamus. Ego Wihtredus auxilio Chriſti Rex his legibus conſtitutis pro me & Warburga Regina, itemque filio noſtro Alrico ſubſcripſi. Ego Brihtwoldus Gratiâ Dei Archiepiſcopus his legibus conſtitutis ſubſcripſi. A. D. 694.

NUM. II.

THIS MS. is written both in Latin *and* Saxon, *but the* Saxon *Paragraph is not near ſo large as the* Latin; *as may be ſeen in the* Chron. Sax. *printed at* Oxford *from this MS. After the Story was thus inſerted into this Copy (for the Raſures and Writing ſhew that it was not intended to have been at firſt ſet down as it now ſtands, there:) the many Words put in, and again raſed out, declare, that the Monks who contrived it, were not yet ſatisfied with their Own Forgery, but alter'd the parts of it, as it ſeemed requiſite to ſerve their Deſigns in it.*

One Uſe which they had to make of it, appears a little after in the ſame MS. fol. 48. b. *Here again they ſcratched, or raſed out, many more Lines of the Text; and inſtead of what had been before written, inſerted this Story of the Council of* Cloveſhou, *which follows:*

Dccxlii. *Her was mycel ſinoth gegaderod at* Cloveſhou, *and thar was* Athelbald Myrcna *Cing, and* Cutbert *Arcebiſceop, and fela othre wiſe Menn.*] Hic congregatum eſt magnum Concilium apud Cloveſhou, præſidente Adelbaldo Rege Merciorum, cum Cuthberto Archiepiſcopo Cantuarienſi, cæteriſque Epiſcopis ſimul aſſidentibus diligenter examinantes circa neceſſaria de ſtatu totius Religionis, & de Simbolo ex antiquis ſanctorum Patrum inſtitutionibus tradito, vel qualiter in primordio naſcentis Æccleſiæ jubebatur habere, aut ubi honor Cænobiorum ſecundum normam equitatis ſervaretur. Hæc & his ſimilia anxie inquirentes, & undique Privilegia antiqua requirentes & recitantes, tandem pervenit ad manus libertas Eccleſiarum, & Inſtitutio vel Præceptum Wihtredi glorioſi Regis de electione Cænobiorum in Regno Cantiæ; quomodo vel qualiter ſecundum imperium & electionem Archiepiſcopi Cantuarienſis fieri ſtare præcipitur. Ex præcepto itaque Regis Adelbaldi lectum eſt hoc Privilegium, & hæc Libertas coram omnibus, & placuit cunctis, pariterq; condixerunt nullam aliam tam nobilem, tamque prudenter conſtitutam invenire potuiſſe ſecundum Æccleſiaſticam diſciplinam. Et hoc annuentes ſtare, ab omnibus firmare ſanxerunt. Ego igitur Adelbaldus Rex Merciorum pro ſalute animæ meæ, & pro ſtabilitate Regni mei, necnon ex perſona Ædelberhti Regis Cant. ſeu etiam pro reverentia Cutberhti Archiepiſcopi hoc idem munifica mea propria manu ſubſcribo; ut per omnia honor, authoritas, & ſecuritas Chriſti Æccleſiæ à nulla perſona denegetur; necnon omnium Cænobiorum infra Cantiam conſtitutis tam in libertate ſecularium ſervitiis, quamq; etiam in omnibus cauſis majoribus minoribuſve ſecura permaneat, ſicut Wihtredus Rex pro ſe ſuiſque conſtituit ſervandum & optinendum, ita per omnia irrefragibiliter & immutabiliter uſque in finem ſeculi perdurare præcipimus. Si quis autem Regum ſucceſſorum noſtrorum, ſeu Epiſcoporum, vel Principum, hoc ſalubre decretum infringere temptaverit, reddet rationem Deo Omnipotenti in die tremendo. Si autem Comes, Presbyter, Diaconus, Clericus, aut Monachus, huic inſtitutioni reſtiterit, ſit ſuo gradu privatus, & à participatione Corporis & Sanguinis ſeparatus, & alienus a Regno Dei, ſi ante ea ſatisfactione emendaverit, quod malo ſuperbiæ iniquè geſſit; quia ſcriptum eſt, Quæcunq; ligaveris ſuper terram, erunt ligata & in cœlo; & quæcunq; ſolveris, erunt ſoluta & in cœlo. Ego Adelbaldus Rex divino ſuffragio fultus, gentis Merciorum imperium regens, ſignum ſanctæ Crucis ſubſcribo. Ego Cutberhtus Archiepiſcopus, propriâ manu ſubſcribo. Cum his etiam quatuordecim Epiſcopi ſubſcripſerunt, & multæ aliæ perſonæ diverſorum ordinum. A. D. 742.

NUM.

A. D. 1164.

Goldaſt. Conſtit. Imper. Tom. iii. p. 346, 347.

NUM. III.

Conſuetudines avitæ de Juribus Regni, contra Cleri Papalis Uſurpationes, apud Clarendunam *promulgatæ.*

ANNO ab incarnatione Domini milleſimo centeſimo ſexageſimo quarto, Papatus Alexandri Anno quarto; illuſtriſſimi Regis Anglorum Henrici ſecundi Anno decimo, in præſentia ejuſdem Regis facta Recordatio & Recognitio cujuſdam partis Conſuetudinum & Libertatum & Dignitatum Anteceſſorum ſuorum, videlicet, Regis Henrici Avi ſui, & Aliorum, quæ Obſervari & Teneri debent in Regno. Et propter diſſentiones & diſcordias quæ emerſerant inter Clerum & Juſtitias Domini Regis, & Barones Regni, de Conſuetudinibus & Dignitatibus, facta eſt iſta Recognitio coram Archiepiſcopis, & Epiſcopis, & Clero, & Comitibus, & Baronibus, & Proceribus Regni. Et eaſdem Conſuetudines recognitas per Archiepiſcopos, & Epiſcopos, & Comites, & Barones, & per Nobiliores & Antiquiores Regni.

Thomas Cantuarienſis Archiepiſcopus: Et
Rogerus Eboracenſis Archiepiſcopus: Et
Gileberdus Londonienſis Epiſcopus: Et
Henricus Winctonienſis Epiſcopus: Et
Nigellus Elienſis Epiſcopus: Et
Willermus Norwicenſis Epiſcopus: Et
Robertus Lincolinenſis Epiſcopus: Et
Hilarius Ciceſtrenſis Epiſcopus: Et
Bartholomeus Oxonienſis Epiſcopus: Et
Robertus Herefordenſis Epiſcopus: Et
David Menevenſis Epiſcopus: Et
Rogerus Wigornenſis Electus:

Conceſſerunt, & in verbo veritatis vivâ voce firmiter promiſerunt tenendas & obſervandas Domino Regi & Hæredibus ſuis, bona fide, & abſque malo Ingenio; præſentibus iſtis,

Roberto Comite Lochceſtriæ.
Reginaldo Comite Cornubiæ.
Conano Comite Britanniæ.
Johanne Comite de Haugo.
Rogerio Comite de Clare.
Comite Gaufredo de Mandeville.
Hugone Comite Ceſtriæ.
Willermo Comite de Arundel.
Comite Patricio.
Willermo Comite de Ferrariis.
Ricardo de Leici.
Regniale de S. Walerico.
Rogerio Bigot.
Reginaldo de Warenner.
Richerio de Aquila.
Willermo de Branſa.
Richardo de Canivilla.
Nigello de Monbray.
Simone de Bello Caupo.
Humfrido de Boun.
Mattheo de Herefordia.
Waltero de Meduana.
Manacer de Biſeth Dapifero.
Willermo Maleth.
Willermo de Curci.

Roberto

Roberto de Duneſtavilla.
Jocelino de Baillolio.
Willermo Lauvalis.
Willermo de Laiſneto.
Gauffrido de Veu.
Willermo de Haſtinga.
Hugone de Moravilla.
Alano de Neuvillis.
Simone filio Petri.
Willermo Malevit Camerario.
Joanne Malevit.
Joanne Mariſcallo.
Petro de Mara.

A. D. 1164.

Et multis aliis Proceribus & Nobilibus Regni, tam Clericis quam Laicis.

Sequuntur Capitula numero xvi. p. 348, 349. *deinde hæc Nota.*

Facta eſt prædictarum Conſuetudinum & Dignitatum Regiarum Recordatio, ab Archiepiſcopis, Epiſcopis, Comitibus, Baronibus & Nobilioribus Terræ, & ab Antiquioribus Regni, apud Clarendoniam quarto die ante Purificationem B. Mariæ, Domino Henrico filio Regis, Patre ſuo ibidem præſente.

NUM. IV.

Clauſ. vi. Jo. m. 2. *Dorſ.*

REX Epiſcopo Sarum. Mandamus Vobis Rogantes quatenus omni Occaſione & Dilatione poſt-poſitis, ſicut Nos & Honorem noſtrum diligitis, ſitis ad Nos apud London. die Dominico prox. ante Aſcenſionem Domini Nobiſcum tractaturi de magnis & arduis Negotiis noſtris pro Communi Regni noſtri Utilitate, [1] Quin ſuper his quæ à Rege Franciæ, per Nuncios noſtros, & ſuos, Nobis mandata ſunt, unde per Dei Gratiam bonum ſperamus provenire effectum, Veſtrum expedit habere Conſilium, & aliorum Magnatum Terræ Noſtræ, quos ad diem illum & locum fecimus Convocari. Vos etiam ex parte noſtra & veſtra Abbates & Priores conventualis, totius Diœceſeos veſtræ, citari faciatis, ut Concilio prædicto Nobiſcum interſint, ſicut diligunt Nos, & Communem Regni Utilitatem.

1204.

[1] *Quoniam, ex Quia.*

NUM. V.

[*Ex Libro MS. Collegii Corp. Chriſti* Oxon. Num. 154.

COram vobis, Venerandi Patres, & Epiſcopi Provinciæ Cantuar. Abbates, Priores, Rectores & Vicarii, pro ſubſidio à Domino Rege Angliæ petito congregati, Gravamina per Regios Exactores nobis illata ante oculos cordis revolventes, & [2] præteritas Oppreſſiones de futuris metuentes; eadem Gravamina & Oppreſſiones, ut ad Regiam Notitiam deveniant imprimis patefacientes in ſcriptis, ſubſequenter ad petita, ſecundum quod Nobis æquum fuerit viſum, & juri conſonum, intendimus reſpondere.

Gravata præteritis temporibus extitit Eccleſia Anglicana, 1°. per xl^{m}. xxx^{m}. xx^{m}. xv^{m}. x^{m}. ante tempus Guerræ Domino Regi à Clero collatam. 2°. Per Depredationes tempore Guerræ factas. 3°. Per Dominum Legatum nuper in Anglia. 4°. Intolerabiliter per decimam triennalem Domino Regi conceſſam tam in Capitibus quam in Membris.

1269.

[2] *Per.*

A. D. 1269. Gravati ſunt etiam tam Archiepiſcopi, quam Epiſcopi, Abbates, & Priores, per hoc, quod eorum Maneria, & cætera eorum temporalia, per Laicos ſunt taxata, contra formam Juris Canonici. Conſtat enim quod aut indebite Maneria Eorum ſunt taxata per Laicos; aut indebite Decimæ ab eis ſunt exactæ; quia Dominus Papa ſolummodo de Proventibus & Redditibus Eccleſiaſticis, Domino Regi Decimam conceſſit, & non de Laico tenemento, ut apparet in litera conceſſionis Sedis Apoſtolicæ, in literis & aliis [1] offenſa: Si vero dicta Maneria inter Proventus & Redditus Eccleſiaſticos debeant connumerari, tunc indebite per Laicos ſunt taxata; quia Laicis diſponendi de Rebus Eccleſiaſticis nulla eſt attributa facultas. Et alio vero modo Archiepiſcopi, Epiſcopi, Abbates & Priores ſunt gravati, quia non ſolummodo de fructibus Prædiorum & [2] nutrimentis Animalium, & aliis conſuetis, Decimas Domino Regi dare ſunt compulſi, ſed etiam de ſuis Redditibus annuis, & Perquiſitis qualitercunque in Curiis eorundem, & aliis Commoditatibus omnibus, de quibus Dominus Rex, & cæteri Magnates Angliæ Decimas Deo dare non conſueverunt.

[1] *Offenſa.*

[2] *Incrementis.*

Gravati ſunt Eccleſiarum Rectores & Vicarii intolerabiliter, & modo hactenus inaudito; Eccleſiæ [3] etiam eorum quæ taxatæ fuerunt per Epiſcopum Norwycenſem ad X. Marc. (Decima adtunc Domino Regi pro ſuo Voto Crucis conſimili conceſſa) modo ſunt taxatæ ad xxvi. Marc. & ſic ſupra & infra, ſecundum Qualitates & Quantitates Eccleſiarum.

[3] *Enim.*

Compellebantur etiam pro duobus annis ſimiliter Decimas exſolvere; & quod auditui eſt horridum, cum Dominus Rex Decimam cum Gratia Sedis Apoſtolicæ eidem conceſſam humiliter & devotè, & [cum] Gratiarum Actione ſecundum Statuta Laterani Concilii deberet recipere, Exactores Regii Gratiam in Ingratitudinem, & in Novum genus Excoriationis convertentes; ſi Rectores & cæteri Viri Eccleſiaſtici propter paupertatem, vel alio modo, primo die ſolutionis pecuniam paratam non habent, dicti Exactores iv. denarios non ſolum de qualibet Marca quæ fuerat Domino Regi nomine Decimæ de Gratia ſolvendâ, ſed etiam de ſingulis Marcis ad Rectores & Viros Eccleſiaſticos pertinentibus, juxta ultimam taxationem quatuor denarios extorſerunt, quod antea ſub Nube Dei nunquam fuit auditum, quod aliquis pro Re ſua propria pecuniam alii ſolvere compellaretur, aut uſuram; cum unuſquiſque ſuæ Rei moderator debeat eſſe & Arbiter.

Gravantur etiam alio modo per Magiſtrum Sevitium qui ſemper ſedens Londoniis, non ſolum à locis Collegiatis per Angliam, ſed etiam à Rectoribus Procurationes nititur extorquere, quanquam eædem Procurationes, præterquam in [4] Caſu nunquam debeantur, niſi perſonaliter Viſitanti: Minus attendens quam deberet ſc. quod numerus Procurationum, numerum dierum nullatenus debet excedere; Quod ſi à Rectoribus poſſet Procurationes exigere, numerus Procurationum, numerum dierum in tantum excederet, quod importabilem Theſaurum ab Anglicis extorqueret.

[4] *Deeſt aliquid.*

Gravantur etiam per ſubſidium exhæredatis conceſſum.

Hæc omnia proponimus, ut per Onera ſupradicta hiis temporibus deterioris conditionis manifeſte Sacerdotium videatur, quam ſub Pharaone fuerat, qui Legis divinæ Notitiam non habuit. Ille quidem Omnibus Aliis ſervitutibus ſubjectis, Sacerdotes & Poſſeſſiones eorum in priſtina libertate demiſit, & de Publico eis Annonam miniſtravit. Hiis vero temporibus Regii Exactores tot Onera & Exactiones Eccleſiis & Eccleſiaſticis Viris imponunt, ut eis quod Jeremias deplorat competere videatur, Princeps Provinciarum, ſc. Sacroſancta Eccleſia, facta eſt ſub Tributo hiis diebus.

Propter prædictas Exactiones & Gravamina, vix ſunt aliqui qui habent, multi vero qui non habent, unde ſibimet & ſuis neceſſariis Perſonis valeant circa Vitæ neceſſaria ſubvenire: Et [5] inde à Nobis petito ſubſidio ad præſens adquieſcere non poſſumus, nec etiam de jure debemus; [6] quam licet Voluntas noſtra, Patres Reverendi, & conſenſus Clericorum in concedendo concurrent, tamen ne libertatis Eccleſiaſticæ violetur immunitas concedendi talia ſubſidia, Romano Pontifice prius non conſulto, Jus Canonicum (ad Cujus Obſervationem Venerabiles Patres Domini Epiſcopi ſpecialiter Vos tenemini) Vobis & Nobis adimit facultatem; in quoſcunque, qui poteſtatem habere videntur, Viros Eccleſiaſticos ad ſubſidia conferenda compellentes, Excommunicationis [7] ſententiam in Laterano Concilio promulgata.

[5] *Ideo.*

[6] *Quoniam.*

[7] *Sententia.*

Et

Et ne Vos Domini Epiſcopi, vel quiſq; alius, præmiſſis Rationibus prætermiſſis, contra Nos aliquid ſtatuatis ſeu attemptetis, Sedem Apoſtolicam in ſcriptis & ad ..... Sedis Cant. appellamus, Nos & Bona noſtra Protectioni Sedis Apoſtolicæ, & ſedis Cant. ſupponentes. A. D. 1169. Quiſquam.

Appellamus etiam, ut ſupra, ne nomine Auri Dominæ Reginæ, aliquid à Nobis extorquatur.

Dat. & Act. in Capella Novi Templi London. die Lunæ prox. ante Feſtum S. Lucæ Evang. Anno Domini 1269. in præſentia Dominorum Lincoln. Norwic. Bathon. Exon. Sarum. Wygorn. Hereford. Menev. Coventr. & Offic. Cant.

Procurator' Coventr. Linc. Norwyc. Helyenſ. Roffenſ. Cant. London. Ciceſtr. Winton. Sar. Bathon. Exon. Landav. Menev. Hereford. Wigorn. Ebor. Dunelm. Carl. Abbatum, Priorum, Rectorum, & Vicariorum, earund. Dioceſium.

NUM. VI.

A. D. 1270.

E Regiſtro *W. Giffard.* Ebor. Arch. fol. Lxxiv. a.

HEnricus Dei Gratiâ, &c. Priori Wigorn. Salutem. Cum nos & Filii noſtri cum cæteris Regni noſtri Cruce ſignatis ad Partes Tranſmarinas in ſubſidium Terræ Sanctæ profecturi, & Iter noſtrum in Craſtino Inſtantis Feſti S. Jo. Baptiſt. arrepturi ſimus, & inſtante tam brevi termino Paſſagii noſtri neceſſe habeamus cum omni maturitate providere de Pecuniâ & aliis ad hoc Neceſſariis, & etiam de Pace & Securitate Regni noſtri poſt Receſſum noſtrum; Propter quod Vobis nuper mandavimus, quod ad Nos in Quindenâ Paſchæ prox. præterit. .... ad quem diem Venerabilis Pater W. Ebor. Archiepiſcopus, & Epiſcopi, & Prælati Regni noſtri ad Mandatum noſtrum venerunt pro Negotiis prædictis; & Nos pro noſtris & Regni noſtri Negotiis arduis, de quibus cum præfatis Archiepiſcopo & Epiſcopis, ac aliis Prælatis & Magnatibus ejuſdem Regni noſtri tunc Tractatum habuimus ſpecialem, de Tractatu Vobiſcum habend. Superſedimus ad præſens, propter quod Vos à Curiâ noſtrâ ſine Colloquio Nobiſcum habito receſſiſtis; Ac nos poſtmodum hujuſmodi Negotiis noſtris arduis expeditis, prædictos Archiepiſcopum & Epiſcopos rogavimus, ut ipſi Viceſimam Bonorum & Catallorum ſuorum, & Villanorum ſuorum, Nobis concederent in ſubſidium Terræ prædictæ, qui Viceſimam illam nobis ſui Gratiâ liberaliter conceſſerunt: Nos perpendentes quòd Paſſagium noſtrum prædictum, ſi Parliamentum, vel Tractatum aliquem Vobiſcum ſuper hoc haberemus poſſet de facili impediri, & attendentes quòd ex quo Epiſcopi prædicti querelam Chriſtianæ Gentis Terram Sanctam inhabitantis Nobis delatam intuentes, nobis Curialitatem prædictam conceſſerint, ut prædictum eſt, Vos, qui precibus Regiis hucuſque amicabiliter annuiſtis, Viceſimam hujuſmodi in ſubſidium Terræ prædictæ velle nobis concedere liberaliter & benignè; Vos affectuosè requirimus & rogamus quatenus prædictam Viceſimam Bonorum veſtrorum, & Villanorum veſtrorum, nobis pari Curialitate concedentes, Taxatores & Collectores noſtros dictæ Viceſimæ, Bona veſtra, & Villanorum veſtrorum Taxare, & hujuſmodi Viceſimam Colligere, permittatis, ſicut Viceſima alibi Taxatur, & Colligitur, in Regno noſtro; Ita quòd Viceſimam Vos & Villanos veſtros contingentem citra dictum tempus Paſſagii noſtri Modis omnibus habeamus, nobiſcum deferendam ad Prædictam Terram: Et hoc ſicut Nos, & Honorem noſtrum, & Negotium Crucis diligitis, & ſicut de Vobis confidimus, nullo modo omittatis. Mandavimus enim Collectoribus & Taxatoribus noſtris prædictis, quòd Bona veſtra & Villanorum veſtrorum Taxari, & Viceſimam inde Levari & Colligi faciant Manu-forti ſibi per nos traditâ & injunctâ. Teſte Meipſo apud Weſtm. xii° die Maij, Anno Regni noſtri 54°.

Litera conſimilis ferè per Omnia mandatur Vicecom. Wigorn. Et quòd ſi neceſſe fuerit ipſam Viceſimam levari faciat in Manu-forti.

NUM

NUM. VII.

A. D. 1270.

Regiſt. *Giffard.* Epiſc. Wigorn. fol. xxx.

REX Epiſcopo, &c. Salutem. Licet negotium Crucifixi Omnibus & Singulis Chriſti Fidelibus debeat præ Omnibus eſſe Cordi; Illis tamen ſpecialius & promptius, qui ad hoc ex profeſſionis ſuæ debito,& poſſeſſionum ſuarum Titulo, ſunt aſtricti. Cum igitur Bona virorum Religioſorum piis Uſibus, & Charitatis Operibus ſpecialiter ſint aſcripta, meritò tenentur Abbates, Priores, & cæteri Viri Religioſi, partem Bonorum ſuorum in ſubſidium Terræ Sanctæ, Exemplo & Imitatione Veſtri, libenter & liberaliter elargiri. Quocirca Paternitatem veſtram duximus cum Inſtantiâ requirendam, quatenus Abbates, Priores, & cæteros Viros Religioſos veſtræ Dioceſeos ad Vigeſimam Proventuum ac Bonorum ſuorum Nobis in dictæ Terræ ſubſidium tribuendam efficaciter inducatis. Ex quo enim Vos qui Majores eſtis, & eiſdem ſpecialiter præſidetis, Vobis ipſis non parcitis, in hac parte; multo fortius nec eis credimus eſſe parcendum, maxime in tanto Dei & Eccleſiæ Negotio, quod noſtris Humeris tam urgenter incumbit. Teſte apud Weſtm. xiv. Maii Anno Regni 54°.

NUM. VIII.

1271.

Regiſt. *VV. Giffard.* Ebor. Arch. fol. xcviii. a.

WPermiſſ. &c. E Burnel Archidiacono Eborum, Salutem. Viarum diſcri-. mina, & Occupationes noſtras multiplices in diverſis intelligere benè poteritis hiis diebus. Ideoque cum fiducia Vos rogamus, quatenus in Feſto S. Edwardi, & in Parliamento ſequente, Nos, ſicut melius & honeſtius poteritis, excuſetis; Quia poſt Paſch. abſentiam noſtram præſentem ibidem ſupplebimus, Deo dante. De negotiis quidem Domini noſtri, & veſtri, ſicut decet ſolliciti, pro Viceſimâ Dominicorum noſtrorum & Villanorum, licet cum difficultate, levari fecimus Centum Marcas, & Ebor. deponi, ita quod quandocunque mandaveritis, ſicut decuerit, literas noſtras pro eiſdem liberandis ſine moræ diſpendio faciemus. Debetis item intelligere, quòd ad inducend. Abbates, Priores, & alios Religioſos, necnon Clerum noſtræ Dioceſ. ut conſentirent in contributionem Viceſimæ in ſubſidium Domini noſtri prædicti, non ſolum alias, ſed & in proximâ Synodo noſtrâ Teſtibus Dominis E. Extraneo, & Th. de Boulton diligentiam quam potuimus fecimus adhiberi. Unde fuit Reſponſum finaliter, quòd Clerum ſequerentur Cant. Provinciæ, eo quòd noſtrâ longe major exiſtit: Et audito quòd ipſe in ſubſidio faciendo conſentiat, noſtrates benignè facient quod providerint faciendum. Idcirco vos requirimus quatenus nobis ſcribatis quid ſit factum communiter in Provinciâ memoratâ, & quid per nos velletis fieri in hac parte. Nos enim parati ſumus, ut decet, ad omne quod poſſumus Conſilium & Juvamen; ſet nolumus quòd Nobis, ſicut hactenus, detrahatur, ac ſi eſſemus impeditores Negotii ſupradicti. Iſta litera emanavit ſub dat. Nottingham vi°. Kal. Jan. Pont. Domini Archiepiſcopi Anno quinto.

NUM. IX.

1272.

Reſponſio Archiepiſcopi Cant. & Suffraganeorum ejus, ſuper præſtatione Decimæ Domino EDWARDO *faciendæ.*

Regiſtr. *Giffard* Epiſc. Wigorn. fol. xxxvi, xxxvii, xxxix.

UNniverſis præſentes literas inſpecturis R. Dei Gratiâ Cant. electus, ſalutem in Domino. Literis exhortatoriis ex parte SS. Patris Domini Gregorii Papæ, per Viros venerabiles Magiſtros Reymund. de Nogeriis Domini Papæ Capellanum, & Petrum de Auxonâ Sedis Apoſtolicæ Nuntios, Nobis exhibitis, & quantâ poſſumus devotione receptis, relatione etiam ipſorum Nuntiorum diligenter intellectâ ſuper ſubventione Sereniſ. Domino Edwardo, nunc Regi Angliæ illuſtri, & Domino Edmundo Germano Regis ejuſdem, de Bonis Eccleſiaſticis Regni Angliæ faciendâ, Venerabiles Fratres Suffraganeos Eccleſiæ noſtræ Winton. Exon. Coventr. Eli. Lincoln. Bathon. Wigorn. Northw. Landav. Aſaph. & Menevenſ. Epiſcopos pro dicto negotio curavimus congregare. Habitâ

† itaque

itaque cum ipsis deliberatione super hoc diligenti, in hoc nostra resedit deliberatio, quòd Nos, & omnes Fratres nostri prædicti volumus, & quantum in Nobis est consentimus, quod duorum Annorum Decima, secundum Taxationem quandam Northwic. Episcopi & Collegarum suorum, de Proventibus Regni Angliæ pro subventione hujusmodi habeatur & colligatur; Et fiat in hiis & aliis Domini Papæ beneplacitum & voluntas. Est etiam Intentionis & Voluntatis nostræ, & dictorum Suffraganeorum, Inferiores Prælatos & Subditos nostros, pro Posse nostro, si necesse fuerit, inducere ad subventionem hujusmodi faciendam. In cujus Rei Testimonium, de Consensu & Voluntate dictorum Suffraganeorum, pro Nobis, & ipsis, Sigillum nostrum præsentibus duximus apponendum. Act. & Dat. Londin. die Jovis xix. mensis Januarii Anno Dom. 1272. A. D. 1272.

NUM. X. 1272.

REverendo in Christo Patri Godefrido, Dei Gratiâ Wigorn. Episcopo, Reymundus de Nogeriis Dom. Papæ Capellanus, & Petrus de Auxonâ Ecclesiæ B. Martini Turon. Canonicus, sedis Apostolicæ Nuntii, in salutis Auctore salutem. Literas SS. Patris Dom. nostri Gregorii Papæ nos recepisse noveritis in hàc formâ. Gregorius Episcopus Servus Servorum Dei, dilectis Filiis Magistris, Reymundo de Nogeriis Capellano nostro, & Petro de Auxonâ Ecclesiæ B. Martini Turon. Canonico, salutem, & Apostolicam Benedictionem. Labores, discrimina, & gravia onera Expensarum, quæ dilecti Filii Nobiles Viri, Edwardus Primogenitus, & Eadmundus natus Kariſſimi in Christo Filii nostri Regis Angliæ illustris, personaliter in Partibus Transmarinis Crucifixi prosequendo Negotium, subierint, pio pensantes Affectu, Venerabiles Fratres nostros Archiepiscopos & Episcopos, ac dilectos Filios Abbates, cæterosque Prælatos Regni Angliæ, super subventione faciendâ ipsis Nobilibus de Redditibus Ecclesiasticis per nostras sub certâ formâ Literas, de Fratrum nostrorum consilio, duximus requirendos; ad sollicitandos & monendos Prælatos eosdem, & sub certâ formâ tam Ipsos quam Alios in eodem Regno Redditus Ecclesiasticos obtinentes etiam Compellendos, Vobis dantes per Alias varias nostras Literas potestatem. Ideoque discretioni vestræ præsentium tenore mandamus, quatenus si memoratos Archiepiscopos & Episcopos, vel majorem partem Ipsorum, in Concessione subventionis hujusmodi contigerit consentire, Vos, vel Alter vestrum, Decimam Omnium Ecclesiasticorum Reddituum, Proventuum, & Obventionum Regni ejusdem, duorum Annorum, ad quoscunque (Templariis, Hospitalariis Cistercienſ. duntaxat exceptis) quoquo modo pertineant, ut ex eâ subveniatur eisdem Nobilibus, usque ad Quantitatem, & pro Portionibus quas duxerimus exprimendas auctoritate Apostolicâ deputantes Decimam ipsam sollicitè ac fideliter colligi faciatis, Omnia quæ de hujusmodi Decima provenire contigerit apud novum Templum London. vel alibi, prout expedire videritis, nostræ, & Ecclesiæ Romanæ nomine, donec Quantitatem & Portiones prædictas expresserimus, sub Authenticæ Scripturæ Testimonio deponentes, Scripturi nobis Quantitatem Pecuniæ quam, & apud Quos, eam duxeritis deponendam; Contradictores Auctoritate nostrâ, sublato Appellationis obstaculo compescendo; Non obstante si aliquibus Archiepiscopis, Episcopis, Abbatibus, vel Quibuscunq; Aliis cujusvis dignitatis vel conditionis existant à Sede Apostolicâ sit indultum, quòd Excommunicari, Suspendi, aut Interdici nequeant per literas Sedis ipsius non facientes plenam & expressam de Indulto hujusmodi mentionem. Dat. apud Urbem veterem Non. Octobr. Pontific. nostri Anno Iº. Cum igitur major pars Prælatorum Regni Angliæ, Archiepiscoporum videlicet, & Episcoporum consenserint, quòd de Decimâ duorum Annorum juxta Taxationem Norwyc. quondam Episcopi, & Collegarum suorum, subveniatur sereno Domino Edwardo nunc Regi Angliæ illustri, & Domino Eadmundo Germano Regis ejusdem, Nos Decimam Omnium Ecclesiasticorum Reddituum, Proventuum, & Obventionum Regni ejusdem duorum Annorum ad quoscunque (Templar. Hospitalar. & Cistercienſ. duntaxat exceptis) quoquo modo pertineant, ut ex eâ subveniatur eidem Domino Regi, & ejus Germano, juxta Mandatum Apostolicum deputantes, in Virtute Obedientiæ quâ Sedi Apostolicæ teneamini, Paternitati vestræ Eâdem Autoritate mandamus, quatenus Abbates, Ibid. fol. xxxvii, xxxviii.

A. D. 1272. bates, Priores, Decanos, Archidiaconos, & alios quoſcunque Exemptos, & non Exemptos, in veſtrâ Diœceſi Redditus Eccleſiaſticos obtinentes (Templar. Hoſpitalar. & Ciſtercienſ. duntaxat exceptis) peremptoriè moneatis, vel moneri faciatis, ut præſentis Anni Decimæ Medietatem ſecundum præfatam Taxationem ob dictæ ſedis Reverentiam, & prædictorum Regis & Fratris ſui neceſſitatem urgentem, in quam propter Crucifixi ſervitium inciderint, pro primo Termino in Octab. inſtantis Feſti Paſch. Aliam verò Medietatem in Feſto B. Johannis Baptiſtæ prox. ſubſequenti, apud Wygorn. nobis ſolvant, vel Illis quos ad hoc duxerimus deputandos. Quod ſi non fecerint Excommunicationis ſententiâ, quam in Non-ſolventes, & fraudem circa hoc committentes, proferimus, noverint ſe ligatos. Quicquid verò inde feceritis, Nobis per veſtras Literas harum ſeriem continentes, quantocyus poteritis ſignificare curetis. In cujus Rei Teſtimonium, ſigilla noſtra præſentibus duximus apponenda. Dat. London. die Mercur. in Feſto Purificat. B. Mariæ, Anno Dom. 1272.

1273.

NUM. XI.

Regiſtr. *Giffard.* Epiſc. Wigorn. fol. xli.

FRater Robertus miſeratione divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas, Venerabili in Chriſto Patri Godefrido Dei Gratiâ Epiſcopo Wygorn. Salutem in Salutis Auctore. Mandatum Domini Regis nuper recepimus in hæc Verba: "Edwardus, &c. Venerabili in Chriſto Patri Roberto eâdem Gratiâ Cantuarienſi Archiepiſco, &c. Salutem, & ſinceræ dilectionis affectum. Paci & Tranquilitati Scholarium providere ſalubriter cupientes, ut per hoc in Regno noſtro prudentum Virorum Numerus augeatur, Volumus, & Paternitati veſtræ mandamus, quatenus à Majoribus & Capitaneis Scholaribus veſtræ Provinciæ nuper Oxon. ſtudentibus; Quorum turbationibus affectu Regio compatimur, ac etiam condolemus; per Vos, vel per Eos, quibus duxeritis committendum, ſufficientem ſecuritatem recipere ſtudeatis, ut Scholares illuc ad ſtudendum de quibuſcunque partibus accedentes ſecurè veniant ſine Armis, & ad invicem morentur ibidem; ita quòd nulla eis à quoquam inferatur injuria, moleſtia, ſeu gravamen. Receptâ verò ſecuritate hujuſmodi, eiſdem Scholaribus nuntietis, ut ad idem Municipium ſecurè veniant ad ſtudendum; ſcientes quòd qui ſine juſtâ Cauſâ ſe abſentaverint, Eos contumaces reputabimus & ſuſpectos. Et ſi qui Contradictores inventi fuerint vel Rebelles, Nobis Eorum Nomina nuntietis. Valete. Dat. xii. die Auguſti Anno Regni noſtri primo." Cum igitur Dominus Rex pro ſtudio Oxon. conſervando ſit ſollicitus, Epiſcopi debent id ipſum multò ardentius adoptare. Propter quod Vobis mandamus firmiter injungentes, ac devotè rogantes, quatenus per Capitula veſtræ Diœceſeos denuntiari celeriter faciatis, quòd Scholares confidenter accedant Oxon. non ad pugnandum Armati, ſed præparati potius ad ſtudendum; quia credimus quòd Ordinante diſpoſitione Divinâ per Regiam ſollicitudinem, & Coepiſcoporum noſtrorum Auxilium, adeo tranquillabitur & ſecurabitur ſtatus Scholarium Oxon. quòd auferetur Malevolorum impetus, & ceſſabit ſolita moleſtia Turbatina. Valete. Dat. apud Aldinton. xi. Kal. Septembr. Anno Dom. 1273.

NUM. XII.

Mandatum pro Convocatione.

1273.

Ibid. fol. xli.

FR. Rob. miſeratione Divinâ Cant. Archiepiſcopus, totius Angliæ Primas, Venerabili in Chriſto Fratri Domino J. Dei Gratiâ Londin. Epiſcopo, Salutem; & fraternæ Dilectionis in Domino [1] ſempiternum Augmentum. Poſtquam Cura ſollicitudinis Paſtoralis Officii nobis fuit divinâ permiſſione commiſſa & injuncta, ad ſtatum Eccleſiarum & Eccleſiaſticarum Perſonarum ac Libertatum, quoad potuimus, noſtræ mentis intuitum dirigentes, multa circa ea Corrigenda & Reformanda comperimus, quòd de Fratrum & Coepiſcoporum noſtrorum ſalubri Conſilio neceſſe eſt ſine moræ diſpendio, per Dei Adjutorium dignè Corrigere, & in melius Reformare. Hinc eſt quòd Venerandæ Paterni-

[1] *Semper.*

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tati

tati veſtræ tenore præſentium Mandamus, quatenus Omnes Eccleſiæ noſtræ Cantuar. Suffraganeos Autoritate noſtrâ Vocetis quòd conveniant apud Novum Templum Lond. die Mercurii prox. poſt initium Feſti S. Dionyſii, ſuper Statu Eccleſiarum, & Eccleſiaſticarum Libertatum, ac Aliis quibuſdam Articulis neceſſariis Nobiſcum Tractaturi, Proviſuri & Ordinaturi, quòd ad Dei honorem, & Eccleſiæ ſuæ ſanctæ, viſum fuerit conveniens expedire. Et ut negotium [1] hujuſmodi ſaniori Conſilio fulciatur, injungatis ex parte noſtrâ ſingulis Epiſcopis Eccleſiæ noſtræ Suffraganeis, ut Quilibet Eorum vocet & ducat ſecum ad prædictam Congregationem Tres vel Quatuor Perſonas de Majoribus Diſcretioribus, & Prudentioribus ſuæ Eccleſiæ & Diœceſeos, ut Eorum mediante Conſilio tantum Eccleſiæ Dei negotium, ipſius miſericordiâ ſuffragante, felicem ſortiatur Effectum. Vos etiam ſub formâ conſimili dictis die & loco compareatis & faciatis; Nos per Literas veſtras Patentes, præſentium tenorem continentes, de hujus Mandati noſtri executione diligenter certificantes. Dat. apud Aldington vii°. Idus Septembr. Conſecrationis noſtræ Anno I°.

A. D. 1273.

[1] *Hujuſ.*

NUM. XIII.

Breve Reg. pro Parliamento Prorogando.

1274.

EDwardus Dei Gratiâ Rex Angliæ, Dominus Hyberniæ, & Dux Aquitaniæ, Venerabili in Chriſto Patri Godefrido, eâdem Gratiâ Wygorn. Epiſcopo, Salutem. Quia Generale Parliamentum noſtrum quod cum Prælatis, & Magnatibus Regni noſtri propoſuimus habere London. ad Quindenam Feſti Purificat. B. Mariæ prox. futuram, quibuſdam certis de Cauſis Prorogavimus uſque ad Craſt. Clauſ. Paſch. prox. ſequent. Vobis Mandamus rogantes quatenus eidem Parliamento in eodem Craſtino Clauſ. Paſch. interſitis ad Tractandum & Ordinandum unà cum aliis Prælatis & Magnatibus Regni noſtri de Negotiis ejuſdem Regni; Et hoc nullatenus Omittatis. Teſte Meipſo apud Wodeſtock xxvii. die Decembr. Anno Regni noſtri tertio.

Regiſt. *Giffard.* Epiſc. Wigorn. fol. 1. a.

NUM. XIV.

1275.

EXcellentiſſimo Domino ſuo Edwardo Dei Gratiâ illuſtri Regi Angliæ, &c. W. permiſſione Divinâ, &c. In Negotiis quæ veſtra Dominatio in inſtanti Parliamento cum Regni veſtri Proceribus & Prælatis decreverit Ordinanda, & etiam pertractanda dilectum nobis Magiſtrum W. Officialem noſtrum præſentium Portitorem Attornatum noſtrum, ſeu Procuratorem Conſtituimus per Præſentes: Ea quæ in hâc parte Nomine noſtro duxerit facienda Rata habituri pariter & Accepta, &c. Dat. apud Boulton in Craven, Non. Octobr. Anno Dom. 1275.

Regiſt. *Giffard.* Arch. Ebor. fol. cxxxiii. a.

NUM. XV.

Mandatum pro Convocatione.

1277.

FR. R. permiſſione Divinâ Cant. Archiepiſcopus, totius Angliæ Primas, Venerabili in Chriſto Fratri Domino J. Dei Gratiâ Londin. Epiſcopo, Salutem, & ſinceram in Domino Charitatem. Meminimus in Congregatione noſtrâ Communi dudum habitâ Northampton. Negotia varia, Utilitatem pariter & Honorem totius Eccleſiæ Anglicanæ tangentia, in medio fuiſſe propoſita. In Quorum Executione licet Viæ de Communi Conſilio excogitatæ fuiſſent, & Executores Viarum ipſarum Varii deputati, quia tamen in quibuſdam Negotiis ſeu Executionibus Eorundem, Nobis adhuc exitus eſt incertus; Quædam etiam penitus inconſummata exiſtunt, emerſerunt autem quædam Nova, quæ ad Everſionem Jurium, Conſuetudinum, Libertatum, & grave Periculum Eccleſiæ Anglicanæ redundant, Fraternitati veſtræ per præſentia ſcripta mandamus, quatenus omnes Fratres & Coepiſcopos, ſeu Suffraganeos noſtros faciatis Autoritate noſtrâ peremptoriè, per veſtras Literas, evocari, quatenus Nobiſcum in

Regiſt. *Giffard.* Wygorn. fol. lxxi.

A. D. 1277. in Civitate London. in Craſtino B. Hilarii in propriis Perſonis conveniant, unà cum aliquibus Perſonis Majoribus de ſuis Capitulis, & locorum Archidiaconis, & Procuratoribus totius Cleri Diœceſium ſingularum, Nobiſcum ſuper Negotiis memoratis, tam præteritis quam inſtantibus, efficaciter tractaturi, ut Eiſdem, Eorundem mediante Conſilio, finis imponatur laudabilis: Ut & incerta Certitudinem, & Inconſummata Conſummationem, & Emergentia Novum Auxilium, Conſilium debitum ſortiantur. Qualiter autem hoc noſtrum Mandatum fueritis executi, Nos per Veſtras Literas Patentes, harum ſeriem continentes, Certificare curetis die & loco prædictis. Dat. apud [1] Mechlindon. xvi. Kal. Decemb. Anno 1277.

[1] *Sechlindon.*

NUM. XVI.

1279. FR. Jo. permiſſione divinâ Cant. Eccleſiæ Miniſter Humilis, totius Angliæ Primas, Venerabili in Chriſto Fratri J. eâdem Gratiâ Epiſcopo Londin. Salutem in veræ Salutis Autore. Cupientes, & Zelo nimio affectantes, Fratrum & Coepiſcoporum noſtrorum Suffraganeorum facies deſideratas videre, & Eorum perſonali frui Colloquio, ſuper quibuſdam Articulis totius Cant. Provinciæ, quæ & neceſſitatem important, & celeritatem deſiderant; Vobis in Virtute Obedientiæ firmiter injungendo Mandamus, quatenus Omnes præfatos Coepiſcopos & Suffraganeos noſtros Citari, ſeu Evocari, peremptoriè faciatis, ut iv°. Kal. Auguſti prox. ventur. apud Redyng ſe coram Nobis perſonaliter repreſentent, tractaturi Nobiſcum, atque Mandatum noſtrum ſuper ipſis Articulis recepturi. Vos quoque ipſi dictis die & loco, unà cum Aliis, perſonaliter accedatis: Et quid ſuper iſto Mandato noſtro feceritis, Nobis per veſtras Patentes Literas reſcribendo Certificare nullatenus omittatis. Dat. Dover. ii. Non. Junii Anno Dom. 1279, & Conſecrationis noſtræ primo.

Regiſtr. Pecham. fol. x. a.

NUM. XVII.

Quædam Tuitio Libertatum Scholarium Oxon. *per Archiepiſcopum* Cantuarienſ.

1279. FRater Johannes miſeratione divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas, dilectis ſibi in Chriſto, Cancellario ac Univerſitati Magiſtrorum & Scholarium Oxoniæ, Lyncoln. Diœceſ. Salutem, Gratiam, & Benedictionem. Quærentes in Agro Scholaſticæ Diſciplinæ Scientiæ Margaritam, non immeritò quo poſſumus favore proſequimur, Eaque libenter Eis concedimus, per quæ materiâ ſubmotâ Gravaminis ipſorum ſtatus tranquilitas Proſperetur. ¶ Hinc eſt quòd veſtris devotis precibus inclinati, Perſonas veſtras cum Omnibus Bonis ad Vos communiter pertinentibus, quæ in præſentiarum rationabiliter poſſidetis, aut in futurum juſtis modis, præſtante Domino, poteritis adipiſci, ſub Noſtrâ Protectione ſuſcipimus: Specialiter autem Libertates & Immunitates ab Epiſcopis, Regibus, Magnatibus, & Aliis Chriſti Fidelibus Vobis ritè conceſſas; ſicut ea omnia juſtè & rationabiliter Obtinetis, Vobis & per Vos veſtris Succeſſoribus, de Fratrum noſtrorum unanimi & expreſſo conſenſu, auctoritate præſentium Confirmamus, & præſentis ſcripti patrocinio Communimus. ¶ Ad hæc, quia intelleximus quòd nonnulli propriæ Salutis immemores, cum propter delicta in Univerſitate Oxon. perpetrata, Suſpenſionis vel Excommunicationis ſententiis per Cancellarium Univerſitatis ipſius, vel Judices inferiores deputatos ab Eo, vel per ipſum Cancellarium, unà cum totâ Univerſitate, quandoque ſolorum Regentium, quandoque Regentium & non Regentium, fuerint innodati, à Vobis & à veſtrâ Juriſdictione recedunt, Claves Eccleſiæ temerè contemnendo; ut dictæ ſententiæ Robur obtineant firmitatis, quotiens Nos, vel Fratres noſtri ſuper hoc à Vobis legitimè fuerimus requiſiti, quòd per Nos, vel Fratres noſtros, vel Eorum Officiales, in noſtrâ Provinciâ Executioni demandentur, de expreſſo & unanimi Conſenſu Fratrum noſtrorum Vobis tenore præſentium indulgemus. ¶ Volentes inſuper tranquilitati veſtræ uberius providere, ut veſtra Communitas in futurum in ſtatu

Regiſtr. *Giffard.* Wygorn. fol. xcii. Collat. cum Origin. in Turr. Schol. Oxon. pixid. JJ. num. 2.

pro-

proſpero & tranquillo valeat gubernari, Vobis concedimus, & de expreſſo & unanimi conſenſu Fratrum noſtrorum Ordinamus & Statuimus, ut ſiqui Clerici in noſtrâ Provinciâ Beneficiati, die aut nocte inventi fuerint in pacis perturbationem Arma deferentes, vel tranquillitatem ipſius Univerſitatis per modum alium perturbantes, & ſuper hoc convicti fuerint legitimè aut ritè, ſeu per Eorum fugam præſumptivè confeſſi, quòd Eorum Beneficia in manibus Prælatorum ſuorum, ad denuntiationem Cancellarii faciendam ipſis Epiſcopis ſub ipſius Univerſitatis Sigillo Communi, per Triennium ſequeſtrentur; & de fructibus Beneficiorum hujuſmodi percipiendis interim vel perceptis læſo vel læſis per convictos, vel confeſſos, aut fugitivos hujuſmodi, legitimè ſatisfiat. Quòd ſi Beneficium Eccleſiaſticum non habuerint per quinquennium ad receptionem Beneficiorum Eccleſiaſticorum inhabiles habeantur, niſi læſis ab eiſdem interim ſatisfecerint competenter, & Gratiam Univerſitatis meruerint obtinere; famâ Eorum nihilominus poſt ſatisfactionem integrâ conſervatâ. In quorum omnium Teſtimonium Sigillum noſtrum, una cum Sigillis Fratrum noſtrorum præſentium, huic ſcripto eſt appenſum. Dat. in Concilio noſtro apud Rading pridiè Kal. Auguſti Anno Gratiæ milleſimo ducenteſimo ſeptuageſimo nono. A. D. 1279.

Cantuar. Lincoln. Sarum. Winton. Exon. Ciceſtren. Wygorn. Bathon Landaven. Herfordenſ. Norwycen. Bangoren. Roffenſ.

NUM. XVIII.

E Regiſtro Peckham. fol. clxv. a.

VEnerabili in Chriſto Fratri— Epiſcopo Londin.— Frater J. &c. Salutem. Quam ſit decens, quamque expediens, Clerum Nobis commiſſum Regiis favore & Gratiâ conſolari docet experientia Contrarii nuper præteriti in Eccleſiarum ſpoliis, & Gravaminibus prophanis, quorum recens memoria perſeverat. Docet idem Evidentia periculi in januis imminentis, ſi, quod avertat Deus, diſſimulâret Majeſtas Regia quorundam Laicorum proterviam in Bona Eccleſiaſtica manum mittere; quorum audaciam Illuſtriſſimus, Dei Gratiâ, Rex Edwardus, Clementiæ ſuæ Legibus contra hujuſmodi editis, refrænavit. Cujus circa Nos ſollicitudini ſi ingrati fuerimus, non ſolum Ipſum ad Indignationem provocabimus, verum etiam Regem Regum pro Ingratitudinis Vitio offendemus. Sacro enim teſtante Eloquio, Majeſtatem Regiam tenentur Omnes Subditi gratâ Honorificentiâ prævenire; Et illi præcipuè qui Regali munificentiâ conceſſis olim Eccleſiæ Chriſti honoribus confoventur; Cum etiam Viliſſimi cenſeantur, qui cæteris honore præcellunt, niſi inſuper Eoſdem tranſcendant in Obſequiis Charitatis, ac per Nobiles & Plebeios Regni Angliæ dicto Domino Regi fuerit in quodam Temporalium Subſidio miniſtratum, ſub cujus Regimine Nos Omnes vivere oportet, & Gratiâ communiri, expedit non ſolum per Orationum Suffragia dictum Dominum ad Protectionis jocundæ Beneficia excitare, verum etiam corporalibus impendiis & muneribus ejus ſumptus immenſos, quantum poterimus, relevare. Cujus liberalitatis Exemplum Archiepiſcopos & Epiſcopos Angliæ recolitis cæteris in Clero Minoribus præſtitiſſe: Et certè ſatis eſt Canonicum, Eccleſias dotatas Patronibus indigentibus ſubvenire. Quapropter veſtram imploramus, & exhortamur in Domino Charitatem, in meritum Obedientiæ firmiter injungendo, quatenus Convocato quàm citius fieri poterit, per Vos, aut Veſtros, Clero veſtræ Diœceſeos, eidem ſtudeatis ad Dei Honorem, & Pacem Eccleſiæ, ſuadere, ut dicto Regi, hoc pro Gratitudinis indicio poſtulanti, ſtudeant elapſo tempore Decimæ ſic affluenter pro viribus ſubvenire, ut ipſe de devotione Clericali meritò gaudeat, & ad Ipſos excitetur favorabilius in poſterum gubernandos: Caventes inſuper, ne Obſequii exilitas Indignationem magis provocet, quàm excitet Clementiæ lenitatem. Hujus autem ſervitii vel ſubſidii Quantitatem per Vos, aut Procuratores veſtros, vel certe per Procuratores ipſos ad hoc, ſi expedire videritis, deſtinandos, Nobis intimare ſtudeant in Congregatione noſtrâ Londin. in Octav. S. Hilarii imminente. Et quia modus iſte in Congregatione iſtâ præviſus extitit prox. præteritâ, de Conſilio Epiſcoporum ibidem præſentium, & Procuratorum Epiſcoporum abſentium, Mandamus Vobis quatenus hanc deliberationem Paci Eccleſiæ, ut præſagimus non fallaciter, per-neceſſariam, ſtudeatis cæteris Coepiſcopis noſtris cum celeritate debitâ nuntiare. Quid autem ſuper hiis fa-

A. D. 1279. cere decreveritis, & ſub quâ formâ præmiſſâ duxeritis exequenda, Nobis cum quà poteritis celeritate per Literas veſtras Patentes harum continentes ſeriem, reſcribatis. Valete. Dat. apud Mortlake viii. Id. Novembr. Conſecrat. noſtræ Anno primo.

NUM. XIX.

Regiſt. *Giffard.* Wygorn. fol. ci.

EDvardus, Dei Gratiâ, &c. Venerabili in Chriſto Patri Godefrido, eâdem Gratiâ, Wygorn. Epiſcopo, Salutem. Veraci experimento ſcimus, & memoriter retinemus, quod Vos ſemper hactenus Zelo affectionis gratiſſimæ noſtrum voluiſtis & deſiderio deſideràſtis Commodum & Honorem, & Tranquillitatem concupiviſtis, & adhuc cupitis, Regni noſtri. Super quo veſtræ Benevolentiæ Gratitudinem non immeritò commendantes, Vobis aſtrictos nos eſſe reputamus ad exſolvenda ſpecialia Munera Gratiarum. Hinc eſt quòd nos pro eo quòd Paternitatem veſtram ſcimus non latere qualiter huc uſque Aliorum labores in Nos libenter aſſumpſimus, ut Reipublicæ pacem procurare poſſemus; Qualiter etiam nuper in Expeditione noſtrâ Walliæ in Noſtris & Noſtrorum Congreſſibus, & in diverſis Caſtrorum & Municipiorum Ædificationibus ibidem, ad Pacis firmitatem, & perpetuationem Incolarum Regni noſtri, & poſtmodum in Confæderatione dilectionis perpetuæ inter Nos & Dominum Regem Franciæ procurandà & firmandà, immenſos ſumptus fecimus, & Theſauri noſtri partem non modicam expoſuimus; Quorum Omnium recens memoria adhuc habetur apud Omnes. Propter quæ juſtius & rationabilius eſſe Cenſetur, quòd Cleri Communitas, quæ non minus quàm tota Plebs reliqua ſub noſtro Regimine vivit, & noſtrâ defenſione & protectione in Temporalibus, & plerumque in Spiritualibus, protegitur & munitur, in tantâ Curialitate Nobis interdum, cum Res poſtulat, ſubminiſtret, ut eo melius & potentius Regnum noſtro Regimini commiſſum Gubernemus, & Importunitates Malorum congruis Remediis refrænemus. Paternitatem [igitur] veſtram affectuoſè requirimus & rogamus, ut die ſtatuto, ſeu ſtatuendo à Vobis, Clero veſtræ Diœceſeos convocato, Ipſis adeò efficaciter ſuadere, & Eiſdem diligenter, ſecundum quod Venerabilis Patr. Jo. Cant. Archiepiſcopus totius Angliæ Primas per ſuas Literas Vobis ſupplicat & injungit, inducere ſtudeatis; quòd talem Curialitatem ſuâ Liberalitate Nobis ad præſens faciant, ut de ipſorum Affectione & Devotione gaviſi, ad Ipſorum Defenſionem & Tuitionem, ad Dei laudem, & Aliorum Regni noſtri publicam Utilitatem favorabilius excitemur in futurum. Quid autem die prædicto fieri contigerit in præmiſſis, Nobis indilatè poſtmodum reſcribatis. Teſte Meipſo apud Weſtm. 15 Novembr. Anno Regni vii°.

NUM. XX.

Conventus Cleri pro Subſidio.

Regiſtr. Wickwaine Arch. Ebor. fol. xi. b.

WILL. permiſſione, &c. dilecto in Chriſto Filio Archidiacono Clyveland, Salutem, &c. Quia Communi deliberatione noſtrâ, & Capituli noſtri Ebor. conformiter habit. proviſum eſt, quòd quilibet Archidiaconus pro ſubſidio Domino Regi faciendo, ſuos Subditos convocabit, Vota, & Liberalitates Ipſorum ſuper hoc, attentis & votivis inductionibus, ſcrutaturus; Ita quòd die Veneris prox. ante Feſtum S. Scholaſticæ Virginis quilibet Archidiaconus cum duobus dignæ Eminentiæ Viris, & unico ipſius Archidiaconatus Decano, Nobis apud Pontemfract. ubi perſonaliter erimus, Deo dante, Reſponſum pro Communitate totius Archidiaconatus faciat; Vobis denuntiamus, ut modis omnibus in Archidiaconatu veſtro cum · · · · · · celeritate ſimiliter idem fiât: Ita quòd apud Pontemfract. Reſponſum in formâ ſupradict. ſuper Quanto & Quantitatis Modo plenius habeamus; quod nullatenus omittatis. Val. Dat. apud Ebor. vi. Kal. Januarii Pont. noſtri Anno primo.

NUM.

NUM. XXI.

A. D. 1279.

Conceſſio facta Domino Regi de Decima *duorum Annorum.*

COram Vobis Reverendo Patre Domino W. Dei Gratiâ Eborum Archiepiſcopo, &c. Proponunt & dicunt Clerici Diœceſ. Eborum, excepto Archid. Rychemond, quòd in Contributione faciendâ Domino noſtro Regi Angliæ illuſtri, unanimiter Concedunt eidem Decimam Beneficiorum ſuorum Eccleſiaſticorum ſecundum Taxationem Norwycenſem prius factam, & non .... de novo faciendam, per duos Annos duntaxat; Ita quòd dicta Decima per Ordinarios locorum, vel ab iiſdem deputatos, & non per Alios Colligatur: Et quòd dicta decima ſolvatur ad duos terminos Anni, incipiente primo Termino, in Feſto Natalis Domini Anno Gratiæ 1280. Et alio Termino in Feſto Natalis B. Johannis Baptiſtæ prox. ſecuturo; & ſic Terminatim uſque ad ultimam Solutionem: Hoc adjecto, quòd Viri Eccleſiaſtici tam Majores quam Minores Poſſeſſiones Temporales habentes pro quibus prius unà cum Laicis ſolverunt Domino Regi xv^m. in hâc Contributione Domino Regi faciendâ eidem ſolvant Decimam pro mere Spiritualibus tantum, & non pro Temporalibus. Iſta erant facta & conceſſa per Clerum coram Domino, quinto Id. Febr. in Vigiliâ S. Scholaſticæ Virginis apud Pontemfract. Anno Domini ſupradicto.

Ibid. fol. xxxix. a. & fol. lxxxiii. b.

NUM. XXII.

1281.

JO. Permiſſione divinâ Cant. Eccleſiæ Miniſter humilis, totius Angliæ primas, Venerabili Fratri Domino R. Dei Gratiâ Londin. Epiſcopo, Salutem, & fraternæ Charitatis continuum Incrementum. Quia pro Neceſſitate Eccleſiæ manifeſtâ intendimus, Dei Ope & Gratiâ, juxta ſanctorum Canonum Sanctiones, inſtanti menſe Octobri apud Lambeth Concilium celebrare; Fraternitati veſtræ committimus, & in virtute Obedientiæ firmiter injungendo mandamus, quatenus Venerabiles Fratres, Coepiſcopos & Suffraganeos noſtros univerſos, nec non Abbates, Priores Electivos, Exemptos & non Exemptos, Decanos Cathedralium, & Collegiatarum Eccleſiarum, Archdiaconos, & Capitulorum Procuratores, citetis peremptoriè, per Vos, & per Alios, quòd ſeptimâ die dicti menſis coram Nobis apud Lambeth perſonaliter ſint præſentes, Concilium ibidem, ſecundum ſacros Canones, celebraturi Nobiſcum, facturi & recepturi quod ipſum ſacrum Concilium duxerit * Ordinandum; denuntiantes eiſdem, quòd contra Abſentes in formâ Canonicâ procedemus. Nec debilitatis Excuſationem ſufficere reputamus Illorum, qui per Maneria ſua intra Diœceſes ſuas, & extra, & ad alia loca per Cantuarienſem Provinciam, ſe faciunt pro familiaribus Negotiis in quibuſcunque Vehiculis deportari. Mandantes inſuper ſingulis Epiſcopis quòd ſecum deferant in ſcriptis Nomina Omnium in formâ prædictâ de ſuis Diœceſibus ad Concilium vocatorum. Denuntietis etiam cæteris Omnibus qui ſentiunt ſe gravatos, quod in Caſibus illis, quorum Correctio ad Concilium noſcitur pertinere, Audientia, per Dei Gratiam, eis in formâ debitâ concedetur. Vos autem prædictis die & loco, in formâ prædictâ, comparaturi, comite ſanitate, certificetis Nos per Patentes veſtras Literas quid feceritis in præmiſſis. Valete in Chriſto, & Virgine glorioſâ. Dat. apud Slyndon iii. Kal. Auguſti, Anno Conſecrationis noſtræ tertio.

Regiſtr. *Peckham*, fol. clxxv, clxxvi. collat. cum Regiſtr. *Giffard.* fol. cxviii. b.

* *Approbandum.*

NUM. XXIII.

The Archbiſhop's *Mandate againſt the* Prelates *who refuſed to come to this* Council, *is in* Mat. Weſtm. ad Ann. 1281. *adding only what follows.*

"NOmina verò Eccleſiarum ipſarum quarum fructus taliter ſequeſtraſtis, & qualiter hoc Mandatum noſtrum fueritis executi, Nobis proximo die Juridico poſt Feſtum S. Thomæ Apoſtoli ſignificare curetis per veſtras Literas

Regiſtr. *Giffard.* Wigorn. Epiſc. fol. xxx. b.

"teras

A. Ds 1281. " teras Patentes, harum ſeriem continentes. Val. in Chriſto & Virgine gloriosâ. Dat. apud Merton. iii. Non. Novembr. Ann. Dom. 1281.

Ibid. fol. cxxii. b. Hujus igitur ratione Mandati, Majoris Malvern. & S. Martini de Billeſwyke, Briſtol, per Vos, ob Eorum Contumaciam ab ingreſſu Eccleſiæ ſuſpenſos, publicè fecimus nunciari; & Portionum Proventus Abbatis & Conventus Eveſham. in Eccleſiis de Bradewel, & Swell, & Bernynton; Item Abbatis & Conventus de Bordeſleya, fructus Eccleſiæ de Terdbigge; Item Abbatis & Conventus de Hayles, fructus Eccleſiæ de Dydebroke; Item Abbatis & Conventus de Hales, fructus Eccleſiæ de eâdem; Et Prioris & Canonicorum S. Oſwaldi Glouceſter. loci ejuſdem de Chirchedon, & de Norton fructus Eccleſiarum (quas tamen idem Prior de facto prætendit exemptas) noſtræ Diœſ. fecimus ſequeſtrari, & ſequeſtratas tenemus, ſecundum Tenorem veſtri Mandati præſcripti. Inſuper ipſum Priorem, quem Exemptione munitum eſſe penitus ignoramus, ne Eccleſiæ Cant. vel noſtræ Wigorn. quale-quale præjudicium inde fieri videretur, tanquam non exemptum, & propter ſuam contumaciam, ab ingreſſu Eccleſiæ per Vos ſupenſum fecimus publicè nunciari. In quorum Teſtimonium noſtrum Sigillum præſentibus eſt appenſum. Dat. apud Boyton quinto Id. Decembr. Anno Dom. ſupradicto.

NUM. XXIV.

Mandatum pro Concilio Provinciali.

Regiſtrum *Peckham.* Arch. Cant. fol. 64. collat. cum Regiſt. *Giffard.* Wigorn. fol. 125. a. FR. Jo. &c. Epiſcopo London. &c. Noveritis Nos Mandatum ſanctiſſimi Patris Domini Martini Papæ IV. Cujus tenorem de verbo ad verbum Vobis ſub Sigillo noſtro tranſmittimus, recepiſſe. Et quia in eodem Mandato noſtræ ſollicitudinis ſtudium circa liberationem Domini Almarici de Monteforti multipliciter excitatur, Paternitati veſtræ tenore præſentium committimus, & firmiter injungendo mandamus, quatenus idem Mandatum venerabilibus Fratribus & Coepiſcopis noſtris per veſtras Literas notificetis cum celeritate quâ decet; citantes eoſdem nihilominus peremptorie, quòd die tertiâ poſt inſtans Feſtum Purificationis B. V. apud Novum Templum London. conveniant, unà Nobiſcum, juxta formam in prædicto Mandato contentam, in jam tacto Negotio proceſſuri. Vos etiam die prædictâ ibidem unà cum aliis interſitis. Quid autem circa hoc feceritis Nobis dictis die & loco per veſtras Patentes Literas fideliter nuncietis. Valete. Dat. apud Lameth v. Kal. Januarij Ann. Dom. 1281.

NUM. XXV.

1282.

Ex MS. Epiſt. Peckham. Oxon. Et ex Regiſtro Peckham. fol. xcix. a. EXcellentiſſimo Principi, &c. Frater Jo. &c. Cum totius Hominis ſalute Reverentiam in Omnibus & Honorem. Cauſam ſuborti periculi in partibus Walliæ noſtram non minus quam veſtræ Excellentiæ reputantes, ſcribimus in formâ Nobis Dominationis veſtræ Literis inſinuatâ, & rigidius, noſtræ Provinciæ Epiſcopis univerſis; parati in hoc Negotio, & ſimilibus, Opem omnem & Operam impendere, quam Vires noſtræ quæcunque coram Deo & Hominibus ſufficiant exhibere. Et quamvis ea quæ Communitati proficiunt per Londin. Epiſcopum noſtris ſoleant Coepiſcopis demandari, qui Epiſcoporum Decanus eſſe dinoſcitur; Nos tamen celeritatis majoris Proceſſum eſſe in hâc parte neceſſarium æſtimantes, Majeſtati veſtræ potius decrevimus, ad præſens, Literas hujuſmodi deſtinare, per Imperii veſtri Nuntios Epiſcopis aſſignandas, quos jam à ſuis Sedibus (* ut), credimus receſſiſſe, juxta præfixionem quam eis fecimus, ut Nobis occurrant Londin. trium Ebdomadarum poſt Paſcha periodo revolutâ, quam vagis nunciis eoſdem requirere, præſertim quia indubitanter credimus ipſos ex Juſſu veſtro mandatis noſtris expeditius parituros. Valeat igitur, & vigeat Dominatio veſtra, pro quâ ſumma Imperatori Domino die noctuque aſſiſtimus, ei preces licet fragiles & indignas, nec dignas memoriâ, tamen quas [1] poſſimus in peccatoris ſpiritu offerentes. Dat. &c. [[2] apud Clyſt juxta Exon. Kal. April.]

* *Deeſt in Regiſtro.*

[1] *Poſſumus. Regiſtro.*

[2] *Deeſt in MS. Oxon.*

†

NUM.

NUM. XXVI.

A. D. 1282.

FR. Jo. permiſſione divinâ Cantuar. Archiepiſcopus, totius Angliæ Primas, Venerabili in Chriſto Fratri Domino R. Dei Gratiâ, Londin. Epiſcopo, Salutem, & ſinceram in Domino charitatem. Literas Domini Regis die Mercurii proximè poſt Feſtum S. Nicholai apud Herford. recepimus, in hæc verba: Edwardus, Dei Gratiâ, Rex Angliæ, Dominus Hyberniæ, & Dux Aquitaniæ, Venerabili in Chriſto Patri Jo. eâdem Gratiâ, Cant. Archiepiſcopo, totius Angliæ Primati, Salutem. Quia Lewelinus filius Griffini & complices ſui, Inimici & Rebelles noſtri, totiens temporibus noſtris, & Progenitorum noſtrorum Regum Angliæ, Pacem Regni turbârunt, & Rebellionem ſuam, & Malitiam jam reſumptam continuare non deſiſtunt, Animo indurato, propter quod Negotium quod ad ipſorum Malitiam reprimendam jam incepimus de Conſilio Prælatorum, Procerum & Magnatum Regni noſtri, necnon & totius Communitatis ejuſdem, ad præſens proponimus ad Noſtram, & totius Regni Pacem & Tranquillitatem perpetuam, Domino concedente, finaliter terminare, commodius & decentius eſſe perpendimus, quòd Nos, & Incolæ Terræ noſtræ, ad ipſorum malitiam totaliter deſtruendam pro Communi Utilitate Laboribus & Expenſis fatigemur hâc vice; licet Onus difficile videatur, quàm hujuſmodi Turbatione futuris Temporbius cruciari, prout tempore noſtro & Progenitorum noſtrorum contigit manifeſtè: Vobis mandamus rogantes, quatenus Suffraganeos veſtros, Abbates, Priores, ac alios ſingulos Domibus Religioſis Præfectos, necnon & Procuratores Decanorum & Capitulorum Eccleſiarum Collegiatarum veſtræ & Suffraganeorum Diœceſ. venire faciatis coram Nobis apud Northampton. in Octab. S. Hilarii, vel coram Fidelibus noſtris, quos ad hoc duxerimus deputandos; Et Vos eiſdem die & loco interſitis ad Audiendum & Faciendum ea quæ pro Republicâ, Vobis & Eis, ſuper hiis oſtendi faciemus, & ad præſtandum Nobis Conſilium & Juvamen; præſertim cum Veſtra, ſicut Aliorum, interſit, per quod dictum Negotium jam inceptum, ad Laudem & Honorem Dei, & Magnificentiæ noſtræ famæ, ac totius Regni noſtri & Populi Pacem & Tranquillitatem perpetuam valeamus hâc vice, prout intendimus, feliciter conſummare. Teſte Meipſo apud Rothelan xxii°. die Novembr. Anno Regni noſtri xi°. Quia igitur Regiæ Majeſtati tenemur, quantum, ſecundum Deum poſſimus, obedire, quamvis viarum & temporum, & aliorum Gravaminum, multiplex importunitas videatur huic Negotio plurimum adverſari, Vobis, hiis non obſtantibus, dolentes, & inviti in Virtute Obedientiæ, diſtrictius ut poſſimus præcipiendo mandamus, quatenus in formâ Mandati Regii ad præfixos diem & locum venire curetis; citantes nihilominus ad hoc ipſum Abbates, Priores, & alios ſingulos Domibus Religioſis Præfectos, Exemptos quidem in locis non exemptis, ſi talia loca habeant, * & ſi non habent per viam aliam efficacem; & eodem modo Decanos & Capitula, non exempta pariter & exempta, veſtræ Diœceſeos, ut dictis die & loco compareant, ob Reverentiam Regiæ Majeſtatis, de Expedientibus Reipublicæ tractaturi. Citetis inſuper Omnes Suffraganeos noſtræ Provinciæ ad hoc ipſum, quibus Omnibus diſtrictè præcipimus, ut in eâdem formâ ſubditos ſuos in eiſdem die & loco faciant convenire. Quod Perſonis Epiſcoporum eò debet eſſe facilius, quo, ut ſperamus firmiter, circa idem tempus electus Herefordenſis poterit in Eorum præſentiâ, favente Altiſſimo, Conſecrari. Quid autem feceritis in præmiſſis nos dictis die & loco, per veſtras Patentes Literas harum ſeriem continentes, curetis reddere certiores. Valete. Dat. Hereford. iv. Id. Decembr. Anno Dom. 1282. Ordinationis noſtræ iv°.

Regiſtr. *Peckham* fol. lxxxii. b. Regiſtr. *Gifard.* Wygorn. fol. clxvi.

* *Vel.*

NUM. XXVII.

EDwardus, Dei Gratiâ, Rex Angliæ, Dominus Hyberniæ, & Dux Aquitaniæ, Venerabilibus in Chriſto Patribus Jo. eâdem Gratiâ Cant. Archiepiſcopo totius Angliæ Primati, Epiſcopis, Abbatibus, Prioribus, & aliis Domorum Religioſarum Præfectis; Decanis, Capitulis Eccleſiarum Cathedralium & Collegiatarum, de Provinciâ Cant. & eorum Procuratoribus apud Northampton in inſtantibus Octabis S. Hilarii conventuris, Salutem. Cum mittamus ad Vos dilectum Conſanguineum & Fidelem noſtrum Edmundum Comitem

Regiſtr. *Peckham.* fol. ci. b

A. D. 1282. Cornubiæ, & dilectos Nobis in Chriſto Abbatem Weſtmonaſterii Theſaurarium noſtrum; & Jo. de Kyrkeby Archidiaconum Coventr. ad quædam ardua & ſpecialia Negotia, Nos, & Vos, & totum Regnum noſtrum, tangentia, Vobis Nomine noſtro exponenda, dilectiones veſtras affectuosè requirimus & rogamus, quatenus eidem Comiti, Abbati, & Johanni, vel duobus eorum, quos præſentes eſſe contigerit, firmam fidem adhibentes, ea quæ ipſi Omnes, vel eorum, Vobis nomine noſtro dicent efficaciter explere & expedire curetis Amore Noſtri, prout Vobis ſcire facient ex parte noſtrâ. In cujus Rei Teſtimonium, has Literas noſtras fieri fecimus Patentes. Teſte Meipſo apud Rothelan v°. die Januarii Anno Regni noſtri xi°.

NUM. XXVIII.

1283. *Mandatum pro Convocatione.*

Regiſtr. *Peckham.* fol. Lxxxiii. collat. cum Regiſtro *Giffard.* fol. clv.
* *Tamen.*

FRater Jo. Archiepiſcopus Cant. &c. Epiſcopo Lond. &c. Quoniam in Congregatione ad inſtantiam Domini Regis habitâ Northampton. in Octab. S. Hilarii Nunciis ejuſdem Domini Regis ſuper quibuſdam Nobis, & Suffraganeis noſtris, ac Clero præſenti ibidem ex parte ipſius exponentibus, * tum propter abſentiam maximæ partis Cleri, * tunc temporis modo debito non vocati, tum propter alia diverſa ad plenum non potuit reſponderi, de Communi Omnium tunc præſentium Conſilio extitit ordinatum, ut noſtris, quòd Clerus totus Cant. Provinciæ ad certos diem & locum pro dandâ Reſponſione hujuſmodi congregetur: Quocirca Fraternitati veſtræ tenore præſentium præcipiendo mandamus, quatenus Confratres noſtros Epiſcopos Cant. Eccleſiæ Suffraganeos omnes & ſingulos, necnon Abbates, Priores, ac Alios quoſcunq; Domibus Religioſis Præfectos, Exemptos & non Exemptos; Decanos Eccleſiarum Cathedralium & Collegiatarum; ac Archidiaconos univerſos per Cant. Provinciam conſtitutos, citetis, vel citari faciatis peremptoriè, quòd compareant coram Nobis per Se, vel per Procuratores ſufficienter inſtructos, ſeu conveniant apud Novum Templum Lond. à die Paſch. in tres Septimanas, ſuper hiis quæ ex parte Domini Regis in Congregatione prædictâ expoſita * fuerant tractaturi, ac ulterius facturi quod Dominus inſpirabit. Singuli inſuper Epiſcopi, ſicut in dictâ Congregatione proviſum fuerat, citra diem prædictum Clerum ſuæ Diœceſ. in aliquo loco certo congregari faciant, & eidem quæ ex parte Regis Nobis propoſita fuerant, diligenter exponi procurent, ita quòd ad dictos diem & locum Londin. de quâlibet Diœceſi duo Procuratores nomine Cleri, & de ſingulis Capitulis Eccleſiarum Cathedralium & Collegiatarum, ſinguli Procuratores ſufficienter inſtructi, mittantur, qui plenam & expreſſam poteſtatem habeant unà Nobiſcum & Confratribus, ſuper præmiſſa Tractandi, & Conſentiendi hiis quæ ibidem ad Honorem Eccleſiæ, Conſolationem Domini Regis, & Pacem Regni, Cleri Communitas providebit. De nominibus verò Abbatum, Priorum, & Aliorum Religioſorum, Decanorum, Archidiaconorum, Procuratorum tam Cleri cujuſlibet Diœceſ. quam Capitulorum, ſinguli Epiſcopi pro ſuis Diœceſibus ad dictos diem & locum per ſuas Literas diſtinctè Nos certificent & aperte. Vos autem, quos tunc præſentes adeſſe volumus, Nobis reſcribatis per veſtras Literas Patentes, harum ſeriem continentes, qualiter preſens Mandatum noſtrum fueritis executi. Val. in Chriſto & Virgine Glorioſâ. Dat. Northampton. xii. Kal. Febr. Anno Dom. 1282. Ordinationis noſtræ iv.

NUM. XXIX.

Mandatum pro Convocatione.

Regiſtr. *Peckham.* fol. Lxxxiv, Lxxxv.

FRater Jo. &c. Venerabili Fratri Domino R. Dei Gratiâ Lond. Epiſcopo Salutem, Gratiam & Benedictionem. Satis memoriam veſtram credimus retinere qualiter nuper ultimâ die Congregationis noſtræ apud Lameth per Procuratores Cleri Provinciæ noſtræ poſt datam Eorum Reſponſionem in ſcriptis ſuper Petitione Domini Regis factâ Northampton. de Decimâ Triennali,

† Nobis

Nobis, & Confratribus noſtris extitit ſupplicatum, ut novas eis concederemus inducias, ad tractand. & deliberand. ſuper ſecundâ Petitione Domini Regis, de concedendo ſibi à Clero, pro Utilitate publicâ aliquo ſubſidio liberali, præſertim cum ſuper ipſâ Petitione, quæ nova fuit, prius non tractaverant, nec ſe ad hoc eorum poteſtas, quæ limitata fuerat, extendebat; Nos autem, eorum juſtis & rationabilibus in hâc parte Petitionibus annuentes, de Veſtro, & aliorum Confratrum noſtrorum ibidem præſentium Conſilio, vivâ voce præcepimus & injunximus, ſicut ſcitis, ut Vos, & ſinguli Fratrum eorundem, Abbates, Priores, ac alios quoſcunque Domibus Religioſis Præfectos, Exemptos & non Exemptos; Decanos Eccleſiarum Cathedralium & Collegiatarum; Archidiaconos, & Omnes in ſuis Diœceſibus conſtitutos, citetis, & citent, vel citari faciant peremptoriè, quòd compareant ſeu conveniant coram Nobis per ſe, vel per Procuratores ſufficienter inſtructos, apud Novum Templum London. à die S. Michaelis prox. ventur. in tres Septimanas, ſuper dictâ Petitione ult. factâ ex parte Domini Regis reſponſuri, & facturi ulterius quod Altiſſimus inſpirabit. Et ut in præmiſſis expeditius & commodius procedatur, Volumus & Mandamus, ut de ſingulis Diœceſibus noſtræ Provinciæ, duo Procuratores nomine Cleri, & de ſingulis Capitulis Eccleſiarum Cathedralium & Collegiatarum ſinguli Procuratores ſufficienter inſtructi, mittantur, prout aliàs extitit demandatum. Quia verò nonnulli Fratrum & Coepiſcoporum noſtrorum in præfatis præcepto & Injunctione noſtrâ non fuere præſentes, Fraternitati veſtræ committimus, & firmiter injungendo mandamus, quatenus omnibus & ſingulis Coepiſcopis & Suffraganeis noſtris, ibidem tunc abſentibus, præſcripta omnia & ſingula faciatis per veſtras Patentes Literas harum continentes ſeriem, nuntiari, ut ea fideliter in ſuis Diœceſibus exequantur. Vos inſuper, & cæteri omnes Coepiſcopi noſtri prædicti, dictis die & loco præſentes ſitis, & conveniatis, Nobiſcum ſuper hiis & aliis, quæ Honorem Dei, & Animarum Salutem, reſpiciunt, tractaturi. Qualiter autem præmiſſa fueritis executi, Nobis dicto die, veſtris Patentibus Literis, harum ſeriem continentibus fideliter intimetis. Valete. Dat.

The Date is wanting, but it muſt have been dated between the iv. Id. Apr. *and* iii. Id. Maii, *ſoon after the End of the* Convocation *which met after* Eaſter, *a little before.*

A. D. 1213

NUM. XXX.

Mandatum pro Convocatione.

FRater Jo. permiſſione divinâ Cant. Eccleſiæ Miniſter humilis, totius Angliæ Primas, Venerabili in Chriſto Fratri, Domino R. Dei Gratiâ, Londin. Epiſcopo, Salutem, & ſinceram in Domino Charitatem. Quia nonnulla Nobis occurrunt pro Utilitate communi in proximâ noſtrâ Congregatione Londin. pertractanda, quæ ſine Fratrum, & Coepiſcorum noſtrorum Præſentiâ perſonali nequeunt feliciter expediri; Fraternitati veſtræ tenore præſentium committimus, & firmiter injungendo mandamus, quatenus prædictos Fratres & Coepiſcopos noſtros, Omnes & Singulos, citetis peremptoriè, quòd ad Tres Septimanas poſt Feſtum S. Michaelis prox. ventur. apud Novum Templum Londin. ſuam Nobis exhibeant præſentiam, Nobiſcum ſuper hiis quæ ad Dei, & Eccleſiæ ſuæ cedunt Honorem & Gloriam, tractaturi. Exequentes nihilominus quod Vobis tam de noſtrorum Fratrum Convocatione, quam Cleri noſtræ Provinciæ, ſeu Procuratorum ſuorum, aliàs duximus noſtris Literis demandandum. Et quia prædictum Clerum, ſeu ipſius Procuratores, nolumus inanibus & ſupervacuis vexari laboribus, nec noſtrum etiam in hâc parte conatum inutilem reputari, præcipimus & mandamus tenore præſentium, ut interim ſinguli Epiſcopi noſtræ Provinciæ Clerum ſibi ſubjectum in aliquo certo loco convocari faciant, ad tractandum ſuper ultimâ Petitione Domini Regis factâ London. in ultimâ Congregatione noſtrâ, de liberali Subſidio ſibi à Clero præſtando, ut in dictâ Congregatione noſtrâ futurâ inde per ipſius Cleri Procuratores certa detur Reſponſio, ſine dilationis tædio longioris. Vos inſuper eadem in veſtrâ Diœceſi facientes præfatæ Congregationi perſonaliter interſitis; Certificantes Nos per veſtras Patentes Literas, harum ſeriem continentes, qualiter tam primum, quam præſens Mandatum noſtrum, in hâc parte fueritis executi: Hoc idem & cæteris

Regiſtr. *Peckham.* fol. Lxxxvii. a. collat. cum Regiſt. *Giffard.* Wigorn. fol. clxxxvii.

A. D. 1283. cæteris Coepiſcopis noſtris, & Fratribus, injungentes. Valete. Dat. apud Aldington viii. Id. Auguſti Anno Dom. 1283. Ordinationis noſtræ v°.

NUM. XXXI.

1287. *Procuratorium pro Concilio Provinciali.*

Regiſt. *Ric.* de *Swinfield.* Epiſc. *Hereford.* fol. xl.

REverendo in Chriſto Patri Domino Jo. Dei Gratiâ, Cantuarienſi Archiepiſcopo, totius Angliæ Primati, Ricardus, ejuſdem Dei miſeratione, humilis Herefordenſis Eccleſiæ Miniſter, ſeipſum omni Devotione, Obedientiâ, Reverentiâ & Honore. Quia adverſâ corporis Valetudine hiis diebus detenti graviter, & vexati, ſanctæ Congregationi veſtræ, & Fratrum Coepiſcoporum noſtrorum, hâc ſecundâ die Maij, ad Honorem Dei, & Utilitatem totius Eccleſiæ Anglicanæ apud Novum Templum London. celebrandæ, intereſſe perſonaliter non valemus; dilectos Nobis in Chriſto Magiſtros Jo. de Weſtane, & Ricardum de Herteforde, Procuratores noſtros, ad noſtram Abſentiam coram Vobis ipſis die & loco legitimè excuſandam, quos ſimul, vel eorum alterum, quem præſentem eſſe contigerit, ad hoc conſtituimus per Præſentes, veſtræ Paternitati mittimus Reverendæ; Ut & alter eorum qui præſens fuerit veſtro ſancto Tractatui interſit, & noſtro nomine hiis conſentiat, quæ in ipſâ Congregatione ad Honorem Dei, & Utilitatem Eccleſiæ, per Vos, & Fratres noſtros, ordinata fuerint & ſtatuta: Ratum & Firmum habituri quicquid per dictos Procuratores noſtros, ſeu eorum alterum pro Nobis actum fuerit in præmiſſis. Conſervet Vos Altiſſimus ad Regimen Eccleſiæ ſanctæ per Tempora diuturna. Dat. x°. Kal. Maii Anno Dom. 1287.

NUM. XXXII.

1290.

Regiſtr. Eccl. *Cant. H.* fol. xxvii. b.

PArchidiaconus Cant. diſcreto Viro Decano Cant. Salutem in Domino. Mand. ven. Patris Domini J. Dei Gratiâ Cant. Archiepiſcopi, &c. recepimus in formâ quæ ſequitur. Frater J. permiſſione divinâ, &c. Archidiacono Cant. Salutem, &c. Quia pro Utilitate Eccleſiæ, & totius Reipublicæ ſuper quibuſdam arduis Negotiis habemus cum Clero veſtræ Diœceſ. neceſſariò pertractare, Mandamus Vobis, quatenus Abbatibus, Prioribus, & Capitulis omnibus & ſingulis Conventualium Eccleſiarum & Monaſteriorum, ac alias etiam toto prædicto Clero ex parte noſtrâ firmiter injungatis, ut duos aut tres Procuratores ſufficienter inſtructos, cum pleno & ſufficienti Mandato, coram Nobis comparere faciant in Craſtino Dominicæ primæ menſis Octob. in Civitate Elyenſ. in Eccleſiâ parochiali Beatæ Mariæ, ubi, Domino concedente, tunc erimus cum Fratribus & Coepiſcopis noſtris Provinciæ Cant. ac totius Cleri ejuſdem Procuratoribus, quos ad eoſdem diem & locum vocari fecimus occaſione præmiſſâ, ad tractandum Nobiſcum & ipſis, ſuper hiis quæ Dei Honorem, & publicam Utilitatem reſpiciunt, & ad conſentiendum etiam hiis, quæ ibidem ad Pacem & Conſolationem Eccleſiæ, Dominique Regis & Regni, Cleri communitas, inſpirante Domino, providebit; & de Executione hujuſmodi Mandati noſtri Nobis dictis die & loco fideliter conſtare faciatis per veſtras Literas Patentes harum ſeriem continentes. Dat. apud Wyngham octavo Kal. Auguſti Anno Dom. 1290. Ordinat. noſtræ duodecimo. Cujus Autoritate Mandati, Vobis mandamus firmiter injungentes, quatenus Abbatibus, Prioribus & Capitulis omnibus & ſingulis Conventualium Eccleſiarum & Monaſteriorum, ac etiam univerſis & ſingulis Rectoribus & Vicariis in Diaconatu veſtro exiſtentibus demandetis, quod compareant coram Nobis in Eccleſiâ Chriſti Cant. in Craſtino Nativitatis Beatæ Mariæ Virginis ſuper Articulis in Mandato dicti Domini noſtri contentis, Nobiſcum tractaturi; & quid inde feceritis, Nos dictis die & loco per veſtras Literas Patentes, harum ſeriem continentes, certificetis. Dat. apud Winton. ii°. menſ. Auguſti Anno Domini ſupradicto.

Pro-

A. D. 1290.

Procuratorium pro Convocatione Elienſi.

VEnerabili in Chriſto Patri Domino Jo. Dei Gratiâ Cant. Archiepiſcopo,&c. devoti ſui H. permiſſione divinâ Prior Eccleſiæ Chriſti Cant. & ejuſdem loci Capitulum, Salutem, Reverentiam, cum Honore tanto Patri debito. In omnibus Cauſis & Negotiis Nos & Eccleſiam noſtram quocunque modo tangentibus, dilectos Nobis in Chriſto Fratres G. de Romenal Præcentorem noſtrum; & R. de Elham, Com-monachos * noſtros conjunctim & diviſim facimus, conſtituimus ac ordinamus. Dantes eiſdem, & eorum alteri, Poteſtatem & Mandatum ſpeciale ad tractandum Vobiſcum & aliis venerabilibus Patribus Suffraganeis Provinciæ Cant. ac etiam totius Cleri ejuſdem Procuratoribus in Civitate Elienſi, ſuper hiis quæ Dei Honorem, & publicam Utilitatem reſpiciunt; & ad conſentiendum hiis quæ ibidem ad Pacem & Conſolationem Eccleſiæ, Dominique Regis, & Regni Angliæ, Cleri Communitas, inſpirante Domino, providebit. Ratum habituri & gratum quicquid per eoſdem Procuratores noſtros, vel eorum alterum, actum fuerit & conſenſum in præmiſſis. Dat. in Capitulo noſtro xi. Kal. Octobr. Anno quo ſupra (ſc. 1290.)

Regiſtr. *Henr.* Prior *Cant.* fol. xiv. b.

* *Procuratores*

NUM. XXXIII.

Breve & Mandatum pro Convocatione Cleri.

OFficiali Ebor. Salutem. Literas Sereniſſimi Principis Domini noſtri Domini Edwardi Dei Gratiâ, &c. recepimus, continentiæ infraſcriptæ.

Edwardus, Dei Gratiâ, &c. Venerabili in Chriſto Patri, &c. Salutem. Cum Venerabilis Pater Johannes Cantuarienſis Archiepiſcopus, & ejuſdem Provinciæ Clerus totus Decimam de Anno præſenti Nobis liberaliter conceſſerint, ſubſcriptis terminis perſolvendam, unam, *viz.* Medietatem in Feſto Paſch. prox. futur. & aliam Medietatem in Feſto S. Michael. prox. ſubſequent. Paternitatem veſtram affectuoſè requirimus & rogamus, quòd Nobis, ſi placet, Curialitatem conſimilem, vel aliam honorabilem & decentem, concedere, & veſtræ Provinciæ Clerum ad eam Nobis ſimiliter concedendam, modis quibus melius expedire videritis, inducatis. Et hoc ſicut de Vobis confidimus nullatenus omittatis. Teſte Meipſo apud Kings-Clipſton iv. die Novembr. Anno Regni noſtri xviii°. Devotioni veſtræ igitur injungendo mandamus quatenus Clerum noſtræ Diœceſeos, &c. quòd compareant coram Nobis in noſtrâ Eborac. Eccleſiâ — in Craſtino S. Nicholai prox. futur. ad tractandum nobiſcum, &c. Dat. apud Thorpe 16 Kal. Decembr.

Regiſtr. *Jo. Romani* Arch. Ebor. fol. v.

NUM. XXXIV.

Breve Regis pro Conventu Cleri Weſtmonaſter.

1294.

JO. permiſſione divinâ, &c. Archidiacono Ebor. vel ejus Officiali, Salutem, Gratiam, & Benedictionem. Mandatum Domini noſtri Regis ii. Non. Septembr. apud Hundon in Lyndeſey, recepimus in hæc Verba.

Edwardus, Dei Gratiâ, Rex Angliæ, Dominus Hyberniæ, &c. Venerabili in Chriſto Patri, &c. Salutem. Qualiter Rex Franciæ Nos de terrâ noſtrâ Vaſconiæ malitioſè decepit, & inde fraudulenter ejecit eam nequiter detinendo, Paternitatem veſtram credimus non latere. Cum igitur ad Terram illam recuperandam à manibus dicti Regis, veſtrum Conſilium & Auxilium, ſicut & cæterorum Prælatorum ac Cleri de Regno noſtro, quos communiter Negotium iſtud tangit, Nobis per-plurimum proſpeximus profutura, ob quod apud Weſtmonaſter. in Feſto S. Matthæi Apoſtoli & Evangeliſtæ, prox. futur. perſonaliter eſſe diſpoſuimus, Deo dante, ad Tractandum unà Vobiſcum, & cæteris Prælatis, ac Clero ejuſdem Regni; & ad Ordinandum tunc ibidem ſuper Statu dictæ Terræ noſtræ Vaſconiæ, & Remedio in hoc contra hujuſmodi

Regiſtrum *Jo. Romani* Arch. Ebor. fol. 27. a. Et *Olivert Sutton* Epiſc. *Lincoln.* fol. 107. &c.

A. D. 1294.

malitiam adhibendo, Vobis mandamus in Fide & Dilectione, quibus Nobis tenemini injungentes, quatenus dictis die & loco perſonaliter interſitis: Vocantes prius Decanum & Capitulum Eccleſiæ veſtræ, Archidiaconos, totumque Clerum veſtræ Diœceſ. facienteſque quod iidem Decanus & Archidiaconi in propriis perſonis ſuis, & dictum Capitulum per unum, idemque Clerus per duos Procuratores idoneos, plenam & ſufficientem Poteſtatem ab ipſis Capitulo & Clero habentes, unà Vobiſcum interſint modis omnibus tunc ibidem ad Tractandum, Ordinandum, & Faciendum pro ipſis Capitulo & Clero, ac eorum Nomine, quod de veſtro, & aliorum Prælatorum, Decanorum, Archidiaconorum, Procuratorumque prædictorum communi Conſilio providebitur in præmiſſis. Teſte Meipſo apud Portſmouth 19 die Auguſti Anno Regni noſtri xxii°.

E Regiſtro *Giffard.* Wigorn. fol. 381. a. Et Regiſt. *Hen.* Prior. *Cant.* fol. 63. a. &c.

Vocantes prius Archidiaconos, totumq; Clerum veſtræ Diœceſeos, facienteſque quod iidem Archidiaconi in propriis perſonis ſuis, & Clerus per duos Procuratores idoneos, plenam & ſufficientem Poteſtatem ab ipſo Clero habentes, una Vobiſcum interſint modis Omnibus tunc ibidem, ad Tractand. Ordinand. & Faciend. pro ipſo Clero ac ejuſdem Nomine, quod de veſtro, & aliorum Prælatorum, Archidiaconorum, Procuratorumq; prædictorum Conſilio providebitur in præmiſſis. Teſte, &c.

Quia igitur Clerum noſtrum ad Cathedralem Eccleſiam noſtram convocare non poſſumus, velut deceret, propter brevitatem temporis, ut videtis; Devotioni veſtræ firmiter injungimus & mandamus, quatenus convocatis cum celeritate omnimodà toto Clero Archidiaconatus veſtri, & Spiritualitatis cujuſlibet, unà cum Collegiatis Capitulis, ad certos diem & locum in Archidiaconatu eodem, coram Vobis, conſtituantur duo Procuratores idonei pro Clero ipſo, quos, ut parcatur laboribus & ſumptibus Cleri prædicti, mittatis apud Blidam, ita quòd tempeſtivè in Conventuali Eccleſiâ ibidem compareant coram Nobis die Lunæ prox. ante Feſtum Exaltationis S. Crucis, cum plenâ & ſufficienti poteſtate ad Conveniendum, & Conſentiendum, cum cæteris Procuratoribus totius Cleri noſtræ Diœceſeos, in duos Procuratores idoneos pro toto Clero ejuſdem Diœceſ. deſtinandos, qui ſint unà Nobiſcum, & cæteris, in dicto Mandato contentis, apud Weſtm. die S. Matthæi prædicti, ut ſuperius eſt expreſſum. In hujuſmodi executione Mandati diligenter Vos habere curetis, &c. Dat. apud Hundon. 2 Non. Septembr. Pontificatus noſtri Anno ix°.

NUM. XXXV.

Regiſtr. *Hen.* Prior fol. Lxiii. b.

HEnricus, &c. diſcreto Viro Officiali Domini Archidiaconi Cant. Salutem in Domino. Cum nuper Clerus Cant. Diœceſ. coram Nobis fuiſſet congregatus juxta Mandatum Regium [&] communi Aſſenſu & Conſenſu duos conſtituiſſet Procuratores plenam & ſufficientem poteſtatem habentes ad Tractand. Ordinand. & Faciend. pro ipſo Clero ac ejuſdem nomine quod de Prælatorum, Archidiaconorum, Procuratorumque totius Cleri Regni Angliæ, in Feſto B. Matthæi Apoſtoli prox. præterito, apud Weſtmonaſter. providenter fuiſſet legitimè conſtitut. Ac quædam ibidem, per Prælatos ac Cleri Procuratores ſint ordinata, quæ ad notitiam dicti Cleri Cant. nondum pervenerunt, quæ cum celeritate eidem notificari oporteat, ac per eundem Clerum expediri: Vobis mandamus firmiter injungentes, quatenus peremptoriè citetis, ſeu citari faciatis Omnes Abbates, & Priores, & præcipuè Omnes & Singulos Eccleſias in proprios Uſus habentes; Rectores etiam & Vicarios, ac alios Omnes quoſcunque Beneficiatos in Archdiaconatu Cant. quòd compareant coram Nobis, vel Commiſſariis noſtris, in Eccleſiâ noſtrâ Cant. prædict. die Veneris prox. poſt Feſtum S. Fidis Virg. Audituri, Recepturi, & Facturi cum effectu, quod per dictos Prælatos, Archidiaconos, & Procuratores, Ordinatum extitit & factum. Vos etiam ibidem perſonaliter compareatis, quid ſuper præmiſſis feceritis Nos, vel Commiſſarios noſtros, dictis die & loco, per Literas veſtras Patentes harum ſeriem continentes certificaturi; ac quatenus dictum Mandatum Regium dictum veſtrum Archidiaconatum contingit, expleturi. Dat. vi. Octobr. Anno Dom. 1294.

NUM. XXXVI.

A. D. 1296.

Consultatio Archiepiscopi Cantuariensis de præstando Subsidio per Clerum Domino Regi, vel non.

Registr. *Gifford.* Episcop. Wygorn. fol. ccccv. a.

RObertus, permissione divinâ Cantuariensis Archiepiscopus, totius Angliæ Primas, Venerabili Fratri Domino Godefrido, Dei Gratiâ, Episcopo Wigorn. Salutem, & Fraternam in Domino Charitatem. Quia vestra Consultatio nobis missa de Statutis Decimæ non solvendæ, super eo fundari videtur, quod nos Bullam exinde creditis recepisse; Scire vos volumus, quòd nec per Bullam, aut publicum Instrumentum, vel alio modo legitimo, plenam habemus exinde Notitiam, ut per hoc nos artatos de Juris Efficaciâ reputemus; sed sufficienti Notitiâ super hoc Nobis factâ, Statutis ipsis ad plenam parebimus, ut tenemur; & tam Vobis quam cæteris nostris præcipuis Fratribus, quatenus poterimus, efficaciter super hiis consulemus. Val. semper in Christo. Dat. apud Magfeld iii. Kal. Junii Consecrat. nostræ Anno ii°.

NUM. XXXVII.

Excerpta e Chronico Anonym. MS. inter Codd. Laud. Bibl. Bodl. Oxon. K. 84.

Fol. 74. b. *Epistola Regi a Synodo missa.*

"Habito erga Consilio cum suis Archiepiscopus, misit per quosdam Episco-
"pos & Abbates, ad Dominum Regem Literas, hæc verba continen-
"tes.

De Synodo London. die S. Hilarii congregat.

EXcellentissimo Principi Domino Edwardo, Dei Gratiâ, Regi Angliæ, &c. Robertus permissione divinâ Archiepiscopus Cantuar. nec non ejusdem Episcopi Suffraganei, Abbates, Priores, Decani, Archidiaconi, Personæque aliæ in dignitate constitutæ, ac Clerus Civitatum, Diœcesi. & Provinciæ Cantuar. Salutem, in eo per quem Reges Regnant, & Principes Dominantur. Placet Excellentiæ vestræ, prout Literas vestras Nobis directas recepimus, ut Vobis Responsum nostrum de providendo ad defensionem Regni Subsidio per Viros discretos Dominos B. & A. vestros speciales Nuncios [1] intimamus. Volentes igitur facere super hoc quod mandâstis, Celsitudini vestræ veraciter intimamus, quòd Clerus totius Cantuariensis Provinciæ nuper in Festo S. Hilarii ad præmissa London. convocato, & [2] exponentes sæpius palam in publico coram eis tam per Nos Archiepiscopum antedictum, quam per vestros Nuntios memoratos, [3] periculo imminentibus Regno quibus oportet per Omnes Regnicolas obviare, totus Clerus in iv. partes dividebatur; In primâ parte collocabantur Episcopi præsentes, & Procuratores Episcoporum absentium: In secundâ verò parte Religiosi, tam Exempti quam non Exempti: In tertiâ, Omnes in Dignitatibus constituti: Et in quartâ, Omnes Procuratores Cleri antedicti: Eisq; Omnibus Nos dictus Archiepiscopus sub pœnâ Excommunicationis injunximus, ut de aliquâ Viâ idoneâ mediâ inter duo pericula, viz. Constitutionis Summi Pontificis, & Subversionis totius Regni, de quâ grande periculum imminere timetur, arctissimâ collatione tractarent, & quilibet super hoc diceret quod sentiret. Unde [4] idem gradus sæpius [5]..... & per plures dies, continuo & diligenti studio, super hoc meditantes, & per disputationes arduas cum magnâ Angustiâ & Labore Negotiorum hujusmodi [6] differentes; ac etiam ex unâ pensantes præfati Regni periculum, cui oportebit in Necessitatis Articulo fortiter obviare; ex aliâ Parte Statutum Apostolicum, quàm gravissimis Pœnis totum Clerum ne Contributiones Laicis quocunque colore concedant, & alios ne Contributiones exigant, ligat fortiter & restringit; perpaucis exceptis, responderunt finaliter, quòd certam Viam subveniendi ad præsens sine evidenti periculo sui status, viz. Excommunicationis, Depositionis, quoad præmissa pericula nesciebant aliqualiter invenire; ad obviandum tamen inevitabili

[1] *Intimemus.*
[2] *Expositis.*
[3] *Periculis.*
[4] *Idem.*
[5] Forte *Convenientes.*
[6] *Differentes.*

A. D. 1296. vitabili periculo [1] ſubverſioni Regni, ſi, quod abſit, evidenter appareat, in futurum, Omnes unanimiter per omnem modum eis licitum unanimiter ſe opponent; dum tamen ad id per Laicalem poteſtatem non cogantur. Placeat igitur Clementiæ Regiæ hanc Reſponſionem, tam neceſſariâ Occaſione fulcitam, admittere, penſando intimiuſque [2] incomparabiliter majus periculum Clericis imminet, ſi ſacras Eccleſiæ Conſtitutiones offendant, quam ſi omnia Bona, & etiam Vitam amitterent temporalem. Cogitet etiam Regia Celſitudo, * cujus totius Regni Regimen, & totius Eccleſiæ Anglicanæ Defenſio conjungatur, quam prono Animo Clerus ejuſdem, dum licitè poterat, ſuum Principem de facultatibus Eccleſiarum per Contributiones varias honorabat: Et quòd Clerum in præſenti excuſat Neceſſitas, non Voluntas. Licet autem Papale Statutum impedire non debeat quo minus Regnum in tam grandi Periculo defendatur, impedit tamen ne ..... alis promiſſio de Bonis Eccleſiæ ad id fiat. Advertat inſuper Clementiæ Regiæ Celſitudo, quòd quidam ſeſe Miniſtros Regios aſſerentes, Bona noſtra Eccleſiaſtica adeò diebus iſtis violenter occupant, & invadunt, & maximè Blada noſtra triturant & conſumunt pro ſuæ libito Voluntatis, quòd nec etiam vitæ Nobis neceſſaria dimittunt; & ad tantam inopiam quamplures Viros Eccleſiaſticos deducunt, quòd oportebit Eos, licet non demeritos, in Opprobrium ſui & Cleri miſerabiliter mendicare, niſi Pietas Regiæ Majeſtatis celeri Remedio dignetur occurrere in hâc parte, &c. ——

[1] *Subverſionis.*

[2] *Quod.*

*

"Hiis auditis, Rex motus eſt, & omnis Militia cum Eo; & convocans Prin-
"cipes Concilii ſui, ſciſcitabatur ab eis quomodo de Perſonis Eccleſiaſticis
"vindicaretur? At illi dixerunt Ei, ut faceret vocare Comites, & Barones,
"Milites, & alios Fideles ſuos, ut venirent ad Parliamentum ſuum in aliquo
"certo loco, excluſis omninò Perſonis Eccleſiaſticis, & quòd ipſi judicarent,
"ſine Contradictione alicujus, Judicio eorum ſtaret. Ait ergo Rex, ita ſe velle
"facere non obſtante Interdicto, aut alio aliquo Mandato Apoſtolico. Vocati
"ſunt ergo Laici tantum apud Novum Sarum ad diem S. Matthiæ.—

De Parliamento Sarum.

"In Parliamento ſuo ſupradicto apud Sarum, ſtatuit Dominus Rex, ut di-
"cebatur, ſubſcripta; ut ſaltem hujuſmodi Comminationibus Clerum terreret,
"ut ſibi, & ſuis Voluntatibus maturius conſentiret." De Prælatis & Religioſis Laica Feoda habentibus, licet Eccleſiaſticis annexa, & aliis Clericis quibuſcunque Beneficiatis hujuſmodi Feoda vel Tenementa ratione Eccleſiarum, vel ex perquiſito, vel ex hæreditate habentibus, per ipſum Regem, Militiâ non contradicente, fuit enormiter Ordinatum, ut dicebatur, quòd quicunque ſupradictorum infra certum tempus per ipſos [3] Baronum & [4] Militia limitandum, viz. citra Paſcha, Regis Protectionem non redemerit, Mobilia ejuſdem ex tunc, quæ nunc ſunt ſeiſita, perdat, & eo ipſo ſint commiſſa, & Rex— inde habeat Annum, & Diem, & Vaſtum, & Dominus Feodi, ſive Patronus Eccleſiæ poſtmodum ea recuperet per Breve de Eſcaetâ, quaſi per Tranſgreſſionem [5] foriſfactam. Et quòd ex tunc Omnes & Singuli, de fide Regis exiſtentes, ſub gravi Pœnâ prohibeantur ne cum talibus Contumacibus, Inobedientibus, Infidelibus & Perjuris .... emendo, vendendo, ſerviendo [6] ſe alias communicent quoquo modo. ——

[3] *Barones.*

[4] *Militiam.*

[5] *Foriſfacta.*

[6] *Seu.*

—"Auditis præmiſſis Comminationum generibus contra Clerum Angliæ
"excogitatis, Dominus Archiepiſcopus perſonaliter Dominum Regem adivit,
"ut per aliquam viam idoneam, co-operante Spiritu Sancto, ipſum à concepto
"propoſito deſiſtere faceret [7] quomodo. Interim verò citari fecit totum Cle-
"rum Provinciæ Cantuarienſ. London. ad diem Dominicam Mediæ XLæ ad
"Tractandum ſuper Vexationibus & Violentiis eidem Clero tam illatis quam
"comminatis, ac etiam ſuper aliis Circumſtantiis dictum Clerum communiter
"contingentibus. Interim prædictus Archiepiſcopus quandam ſententiam
"fulminavit, ut dicebatur, perſonaliter in ſingulos Tranſgreſſores Eccleſiaſticæ
"Libertatis, & maximè contra ſingulos de Clero qui Salutis ſuæ immemores,
"in Contemptum Conſtitutionis Papæ, ad Vetita convolârunt. Quam qui-
"dem ſententiam promulgandum Omnibus & Singulis Epiſcopis totius Pro-
"vinciæ Cantuarienſis tranſmittendam, ſuo Suffraganeo Londinenſi deſtinavit.
"Quo comperto, Dominus Rex, ut dicitur, per prædictum London. præ-
"munitus, ſuper hiis Executionem ſententiæ prædictæ ſuâ Prohibitione præ-
"veniebat.

[7] *Quoquo modo.*

Edwardus,

Edwardus, Dei Gratiâ, &c. Venerabili in Chriſto Patri, &c. Salutem. Intellecto quòd Venerabilis Pater, Robertus Cantuarienſis Archiepiſcopus, contra Miniſtros noſtros Clericos & Laicos, & maximè contra illos quos in protectionem noſtram ſuſceperimus, quaſdam Excommunicationum Sententias proponebat, promulgavit, & per ſuam Provinciam faceret promulgari, quæ ſi latæ & promulgatæ eſſent, in Coronæ & Dignitatis noſtræ læſionem & præjudicium redundaret, eidem Archiepiſcopo prohibuimus ne aliquas hujuſmodi ſententias promulgaret, ſeu faceret promulgari. Et quia noſtra Exhæredatio, & totius Regni ſubverſio poſſit veriſimiliter ex hoc ſequi, Vobis ſimiliter prohibemus, ne aliquas ſententias, quæ in Coronæ vel Dignitatis noſtræ læſionem & præjudicium poſſint cedere quoquo modo prætextu alicujus Mandati Vobis à quocunque directi, vel dirigendi denunciare ſeu publicare aliquatenus præſumatis. Teſte Meipſo apud Clarindon xxvii°. die Februarii Anno Regni noſtri xxv°. A. D. 1296.

"Nonis igitur Martii Dominus Archiepiſcopus Iter arreptum perficiens, "venit Sarisburiam (&) invenit Dominum Regem Miſſam ſuam in Cathedrali "Eccleſiâ audientem: Et cum per quendam de Capellanis ſuis requireretur "per quem vellet in Miſſâ ſuâ Pacis Oſculum ſibi dari, dixit, quòd per Archi-"epiſcopum; quia contra ipſum guerram non habuit, ſed contra Conſilium "minus providum quod habebat. Finitâ verò Miſſâ, Dominus Rex dictum "Archiepiſcopum ſecum in [1] Miſſâ ipſo die ſtare fecit. Finito prandio, præ-"fixit Rex Archiepiſcopo diem ſequentem, ut eidem diceret quicquid vel-"let, & Cauſas ſui Adventus exponeret publicè, vel occultè; unde in Cra-"ſtino mirâ Devotione à Rege receptus, ut videbatur, audaci Conſtantiâ "dixit Regi quicquid voluit, in privato tamen. Nec propter Suaſiones ſeu "Inductiones factas eidem aliquatenus movebatur, ſed patienter audivit Om-"nia dicta ſibi. Demum dixit Rex; Quòd ſi Papa haberet in Anglià Tem-"poralia, ſicuti Archiepiſcopus, licenter de eiſdem caperet, & capere poſſet "pro defenſione Regni ſui, & Eccleſiæ Anglicanæ: Adjungens, quòd in "Cauſâ ſuâ quam habuit mori auderet; nec credebat aliquod illicitum per-"petrare." Reſpondit Archiepiſcopus; "Quòd adhuc non vidit, nec videre "potuit tantam Neceſſitatem, quæ Regem, nec ipſum, aut cæteros à Conſtitu-"tionis Pœnâ poſſet, ſi contribuerent, excuſare." Unde rogavit Regem, "quòd placeret Ei ſuper qualitate Neceſſitatis, & aliis dubiis dictam Conſti-"tutionem contingentibus, declarationem Summi Pontificis petere, ac etiam "expectare." Qui reſpondit, "Quòd viam illam prius non audivit:" Et vo-"luit, quòd inito Communi Conſilio utriuſque plenius diſcuteretur quid tutius "fieri poſſet. Et quia Archiepiſcopo ſanum non videbatur, quod ante Con-"cilium quod [2] præmittitur, [3] provocatum, negotium hujuſmodi potuit fina-"liter expediri, unanimiter conſenſerunt, quòd Rex aliquos de Concilio ſuo "ad dictum Concilium mitteret, circumſpectos, ſuper dictâ Viâ, vel aliâ ſeu "aliis, prout Deus dederit, cum Prælatis Eccleſiæ & Clero, quantum poſſent, "efficacius tractaturos. Rex nihilominus per Archiepiſcopum humiliter re-"quiſitus Rigorem conceptum contra Clerum voluit medio tempore tempe-"rare. Et ſic [4] petita omnia & obtenta illâ vice ab invicem receſſerunt.—

[1] *Menſâ.*

[2] *Ut.*

[3] *Convocatum fuit.*

[4] *Petitis omnibus obtentis.*

—"Circa Feſtum Annuntiationis [5] Dominicæ, vocavit Archiepiſcopus Suf-"fraganeos ſuos cum Clero apud London. ut tractarent de variis & diverſis, "ac à ſæculo inauditis Eccleſiæ Oppreſſuris & Anguſtiis. Ad quam vocatio-"nem mandavit Rex quoſdam de ſuis ut prohiberent ex parte ipſius, ne ali-"quam Sententiam promulgarent aut fulminarent contra Dignitatem Coronæ "& Regni ſui, necnon contra Miniſtros ſuos Mandatum ſuum exequentes; "nec inſuper contra illos Epiſcopos, Abbates, Priores, ſeu quaſcunque alias "Perſonas Eccleſiaſticas Protectionem ſuam habentes, ſeu habere volentes.

[5] *Die Dominic.*

"Hiis auditis, Ordinatum inter Eos, ut quinta pars omnium Bonorum ſuo-"rum quam Rex exigebat ab eis per manus ipſorum in ſingulis Epiſcopatibus "ſuis colligerentur, & in tuto loco cuſtodirentur, & hoc ad Defenſionem "tantum Terræ Angliæ, ita ut Miniſtri Regis non ſe intromitterent de Bonis "Eccleſiaſticis. Super hiis Epiſcopi Conſilium inierunt, & unanimiter reſpon-"dentes, dixerunt, Se nullo modo ſe velle de hujuſmodi [6]....onerare, tum "propter læſionem Conſcientiæ, tum propter periculum quod frequenter con-"tigit in tali Collatione ſeu diſpoſitione pecuniæ. Hoc audiens Archiepiſco-"pus, cum cæteris, moti ſunt eorum Reſponſionibus, & ſtatim reliquit omnes

[6] *f. Collectione.*

A. D. 1296. "& ſingulos Conſcientiis ſuis, ut qui vellent Protectionem Regiam petere, pe-
"terent; qui verò nollent, quicquid ſibi viderint expedire, expectarent, di-
"cens, nullo modo ſe velle petere, aut aliquid contra Conſcientiam ſuam præ-
"ſtare. Et ſic datâ Benedictione, receſſerunt omnes, ſicut Oves errantes ſine
"Paſtore.—

NUM. XXXVIII.

1297.

Mandatum pro Convocatione Cleri Ebor. Provinciæ.

Regiſtr. *Newark.* fol. ii. HEnricus, permiſſione divinâ, Ebor. Electus, Venerabili in Chriſto Patri Domino J. eâdem Gratiâ Carliol. Epiſcopo, Salutem, & ſinceræ Charitatis continuum Incrementum. Cum Sereniſſimus Princeps Dominus noſter Rex Angliæ Illuſtris Magnam Cartam de Libertatibus, & Cartam etiam de Foreſtâ, ac omnia & ſingula in eiſdem contenta, in perpetuum & inviolabiliter Obſervanda Clero & Populo Anglicano conceſſerit pro Subſidio ab eiſdem habendo; Regnumque Angliæ tot & tantis expoſitum ſit Periculis circumquaque, & maximè in noſtris Partibus Borealibus, ut eſt notum, quòd pro Defenſione ipſius idem Dominus Rex hujuſmodi Subſidio multum indiget, ac Laici in Subſidium ſibi gratanter Bonorum ſuorum jam conceſſerint Nonam partem; fuiſſemuſque unà cum Domino Cantuarienſi, & Aliis Regni Prælatis, ex parte ejuſdem Domini Regis, ut pro Nobis, & Clero noſtro, hujuſmodi concederemus Subſidium, requiſiti; Quanquam Domino Cantuarienſi, & Prælatis aliis viſum fuerit licitè poſſe fieri in hoc caſu Subſidium, & concedi, ad evitandum imminens periculum quod communiter tangit omnes, quod eodem Clero noſtro facere noluimus inconſulto; ob quod unanimi eorundem Cantuar. & aliorum Prælatorum, ac noſtro concurrente Aſſenſu proviſum extitit, quòd Cleri Provinciæ Convocatio fieret utriuſque; Vobis mandamus quatenus totum Clerum veſtræ Civitatis & Diœceſeos, & tam Abbates quam Priores, Exemptos & non Exemptos, ad certos diem & locum in eâdem Diœceſi coram Vobis faciatis celeriter convocari; duoque de Clero ipſo Procuratores conſtituantur idonei pro eodem, qui cum plenâ & ſufficienti Poteſtate die Veneris in Vigiliâ B. Andreæ Apoſtoli coram Nobis, vel Officiali noſtro, ſeu aliis Commiſſariis noſtris, quos duxerimus deputandos, in noſtrâ Ebor. Eccleſiâ compareant tempeſtivè Nobiſcum, vel cum dicto Officiali, aut aliis noſtris Commiſſariis, ſuper præfato Subſidio tractaturi, & facturi ulterius circa illud quod pro Regni Defenſione, & Utilitate communi conſultius fuerit faciendum. Ad quos diem Veneris, & locum Eborum, Vos ipſi, ſi poteritis, alioquin per veſtrum Officialem, præſenti aliter interſitis; Nos, Officialem noſtrum, ſeu Commiſſarium antedictos, ſuper hujus Executione Mandati tunc certificantes diſtinctè per veſtras patentes Literas harum ſeriem, & Procuratorum nomina, continentes. In proſperitate longævâ Altiſſimus Vos conſervet. Dat. apud Buntingford x°. Kal. Novembris Anno Gratiæ 1297.

NUM. XXXIX.

De Conceſſione Subſidii in Convocat. apud Novum Templum London. die S. Edmund. R.

Regiſt. *Giffard.* Wigorn. Epiſc. fol. 419, 420. OFficiali ſuo, Salutem, Gratiam & Benedictionem. Cum nuper in Congregatione Venerabilis Patris Domini Roberti, Dei Gratiâ, Cantuar. Archiepiſcopi, totius Angliæ Primatis, Suffraganeorumque ſuorum, & aliorum Prælatorum & Cleri ſuæ Provinciæ, apud Novum Templum London. die S. Edmundi Regis & Martyris prox. præterito, cum diebus ſequentibus, audito quòd Scotorum exercitus, cum ſtrage maximâ, Regnum Angliæ ſunt ingreſſi, maximamque partem Regni prædicti hoſtiliter invaſerunt, Eccleſiæ, Eccleſiaſticiſque Perſonis, Ætati, aut Sexui, non parcendo, ex quibus totius Regni timetur Invaſio, & Incolarum Subverſio formidatur, præfatus Archiepiſcopus, & Prælati, ac Clerus Provinciæ Cantuarienſis antedictæ, ſollicite pertractantes qualiter

qualiter hujuſmodi Periculis & Hoſtilibus Scotorum Aggreſſibus, pro communis Defenſionis Auxilio, in quo proprium Intereſſe cujuſlibet conſpicitur, abſque metu Conſtitutionis Domini Bonifacii Papæ IV. licitè poſſet obviari; attendentes quòd propter Pericula, & Diſcrimina Viarum, propter Guerram inter Regem Francorum, & Regem Angliæ, & propter præſentem Aggreſſionem Scotorum, in quo Caſu licitum eſt cum moderamine inculpatæ Tutelæ Aggreſſionibus hujuſmodi obviare, Dominus Papa infra tam breve tempus conſuli nequeat; Ordinatum extitit concorditer & Conſenſum, quòd præfati Archiepiſcopus, ſuique Suffraganei, Decani quoque & Priores Eccleſiarum Cathedralium, necnon Abbates & Priores, tam Exempti quam non Exempti, ac eorum Capitula & Conventus, cæterique in Dignitate conſtituti, de Bonis ſuis Eccleſiaſticis tam Temporalibus quam Spiritualibus, ſecundum Taxationem ultimam veri Valoris, [1] ſicut Decima dabatur in Subſidium Terræ Sanctæ; Procuratores quoque totius Cleri reſidui Cantuarienſis Provinciæ, ſecundum Taxationem Norwycenſem, de Bonis ſuis Eccleſiaſticis in Subſidium, & pro Defenſione intrinſicâ Regni, Eccleſiæ Anglicanæ, & Cleri, dare conſenſerunt; Ita quòd per locorum Epiſcopos, abſque omni Exactione, Compulſione, ſeu Cohercione Laicorum, dictorum Epiſcoporum duntaxat Autoritate, in ſingulis Diœceſibus per aliquos Collectores per dictos Epiſcopos deputandos colligatur, & in Ædе Sacrâ deponatur, in dictoque periculo ſic, ut præmittitur, imminenti, pro Defenſione Eccleſiæ & Regni, et per dictos Epiſcopos ad mandatum præfati Domini Archiepiſcopi erogetur: Cujus Medietas in Feſto S. Hilarii, alteraque Medietas die Dominicâ, quâ cantatur *Lætare Hieruſalem*, prox. futur. integrè perſolvantur: Quocirca Vobis mandamus firmiter injungentes, quatenus Prælatos & Clerum antedictos, ad ſolutionem dictæ pecuniæ dictis Terminis faciendam in prædictâ formâ, Canonicâ Monitione præmiſſâ, compellatis: Exemptos quoque Præmuniri facientes, quòd Decimam hujuſmodi abſq; periculo Privilegiorum ſuorum ſimili modo exſolvi faciant, ut tenentur. Proviſo, quòd omnes illi de Archidiaconatu Wigorn. Camerario loci prædicti, & Rectori S. Nicholai ejuſdem; Alii verò de Archidiaconatu Glouceſtr. Camerario Eccleſiæ Conventualis Cirenceſtre, & Decano Chriſtianitatis ejuſdem, exſolvant Terminis antedictis: Et quid ſuper præmiſſis feceritis, Nos, unà cum Nominibus non ſolventium, cum opportunum fuerit, diſtincte certificetis. Dat. apud Kemes v. Id. Decembr. Anno xxx°.

A. D. 1297.

[1] *Decimam, ſcut.*

NUM. XL.

Hiſtoire du Differend d'entre le Pape Boniface VIII. *&* Philippes *le Bel Roy de* France. Fol. *Paris*, 1655.

Reſponſiones nomine Philippi *Regis, ad Bullam* Bonifacii PP. VIII. P. 21, 22.

—MUltæ ſunt Libertates ſingulares, non Univerſalis Eccleſiæ ſponſæ Chriſti, ſed ſolum ejus Miniſtrorum, qui Cultui Divino ad Ædificationem populi ſunt, vel eſſe debent, ſpiritualius deputati: Quæ quidem Libertates per ſtatuta Romanorum Pontificum, de Benignitate, vel ſaltem Permiſſione Principum ſæcularium ſunt conceſſæ. Quæ quidem Libertates ſic conceſſæ vel permiſſæ ipſis Regibus Regnorum ſuorum Gubernationem ac Defenſionem auferre non poſſunt; nec ea quæ dictæ Gubernationi & Defenſioni neceſſaria ſeu expedientia, deliberato Bonorum ac Prudentium Conſilio judicantur, dicente Domino Pontificibus Templi, *Reddite ergo quæ ſunt Cæſaris, Cæſari; & quæ ſunt Dei, Deo.* Et quia turpis eſt pars quæ ſuo non congruit Univerſo, & Membrum inutile, & quaſi Paralyticum, quod Copori ſuo [B.] ſubſidium ferre recuſat, quicunque ſive Clerici, ſive Laici, ſive Nobiles, ſive Ignobiles, qui Capiti ſuo vel Corpori, hoc eſt, Domino Regi & Regno, imò etiam ſibimet Auxilium ferre recuſant, ſemetipſos Partes incongruas, & Membra inutilia, & quaſi Paralytica eſſe demonſtrant: Unde ſi à talibus pro rata ſua ſubventionum auxilia requiruntur, non Exactiones, vel Extorſiones, vel Gravamina dici debent; ſed potius Capiti, & Corpori, & Membris, debita Subſidia; ſed & pro Defenſoribus & Pugilibus ipſorum quibus non licet, vel qui non poſſunt pugnare per ſeipſos, ſtipendia preparata. Nemo ſiquidem tenetur pro aliis propriis ſti-

B. p. 22.

pendiis

A. D. 1297. pendiis militare : Et quòd, ſi inimicorum rabies invaleſceret contra Regnum, conſtat quòd Bona Clericorum penitus diſſiparentur ; quare, multò plus aliis indigent ab hoſtili impugnatione defendi : Ideoque in Naturalis Juris injuriam eſſe videtur prohibere cuicunque Servo vel Libero, Clerico vel Laico, Nobili vel Ignobili, Clypeum defenſionis objicere contra hoſtilem Gladium, aut ſtipendia ſolvere Defenſori. Nonnè meritò Deus tales tradidit in reprobum ſenſum, qui Jus Naturale & Antiquum nituntur ſubvertere pro ſuæ libito Voluntatis ? Et quis ſapiens & intelligens hæc non incidit in vehementem ſtuporem, audiens Vicarium Jeſu Chriſti prohibentem Tributum dare Cæſari, & ſub Anathemate fulminantem, ne Clerici contra iniquæ & injuſtæ Perſecutionis Incurſus, Domino Regi & Regno, imò ſibimet ipſis pro Rata ſua manum porrigant adjutricem ? Dare verò Hiſtrionibus, & Amicis carnalibus, & neglectis pauperibus, expenſas facere ſuperfluas in Robis, Equitativis, Comitativis, Comeſſationibus, & aliis Pompis ſæcularibus permittitur eiſdem, imò conceditur, ad perniciosæ imitationis Exemplum. Hoc enim Natura & Ratio, Jus divinum & humanum, pariter deteſtantur, ad illicita fræna laxare, & licita imò neceſſaria cohibere. Quis enim ſanæ mentis judicaret licitum & honeſtum, ſub Anathemate cohibere, ne Clerici, ex devotione Principum incraſſati, impinguati, & dilatati, pro modulo ſuo eiſdem Principibus aſſiſtant, contra ingruentes injuſtarum Perſecutionum adverſitates, quocunque colore excogitato, doni, vel mutui, vel ſubventionis, pro ſeipſis, pro Rege, & Regno, pugnantibus, & reſiſtentibus Inimicis vi armorum, alimenta præbendo, vel ſtipendia perſolvendo? Non enim prudenter attendunt, qui talia prohibent vel renuunt, quòd hoc nihil aliud eſt quam Inimicos juvare, & crimen læſæ Majeſtatis incurrere, & quaſi velle prodere ipſum Reipublicæ Defenſorem : Ad quod Crimen puniendum intendimus plus ſolito, volente Deo, Oculos aperire. Deum ſiquidem fide & devotione colimus, & Eccleſiam Catholicam, ac Miniſtros ejus, multipliciter veneramur in terris, ſicut & omnes Patres noſtri ; ſed Hominum minas, minus rationabiles & injuſtas, minimè reformidamus.

Ibid. pag. 26. *Supplicatio facta Papæ per Archiepiſcopum Rhemenſem, & Suffraganeos ſuos, & Abbates Provinciæ ſuæ, ut provideat ſuper quadam Conſtitutione per eum edita.*

SAnctiſſimo Patri ac Domino ſuo, Domino Bonifacio, Divinâ Providentiâ, Sacro-ſanctæ Romanæ ac Univerſalis Eccleſiæ Summo Pontifici, devoti ejus Filii, miſeratione divinâ, Petrus Rhemenſis Archiepiſcopus, & Epiſcopi Rhemenſi Eccleſiæ Suffragantes, & Abbates, cum humili ſui Recommendatione, devotiſſima pedum Oſcula Beatorum. In hâc terreſtri patriâ Eccleſiam Militantem conſtituens providentia Conditoris eam ex alto providit ſic commodâ ſubſtitutione Vicarii gubernandam, qui, ne ipſam tempeſtuoſæ hujus ſæculi fluctuationes confunderent, in turbatione ſibi Conſilium impenderet, in tribulatione ſolatium, & in adverſitate ſuccurſum ; ut ſic hujuſmodi ſalubri præſidio fulta Vicarii, Triumphanti Eccleſiæ, quæ eſt Chriſti, ad Salutem humani generis eò devotius, quò tranquillius deſerviret. Ad ipſius quippe Vicariatus apicem diebus noſtris, quod læti referrimus, divinæ Gratiâ Proviſionis aſſumpti, qualiter ad ſalubre Regimen, Statum proſperum, & Exaltationem felicem ipſius Eccleſiæ, deſideriis ſummis aſpirantes, paternam Curam, Studium efficax, & indefeſſæ Sollicitudinis Operam duxeritis impendendam, univerſalis jam notio publicat, & ipſa rei experientia manifeſtat. Ex hujus ſiquidem deſiderii fervente afflatu, quem ad felicem Statum univerſalis Eccleſiæ paterno more ſolliciti geritis, Beatitudinem veſtram novam noviter Conſtitutionem edidiſſe cognovimus ; per cujus Beneficium Eccleſiarum periculis remediare, ſalubriter obviare diſpendiis, & Eccleſiaſticæ Libertati voluit utiliter providere. Verum quia Exceſſentiſſimus Princeps Dominus noſter Rex, ac Principes, Barones, & Domini Temporales, cæterique Regnicolæ Franciæ, occaſione ipſius Conſtitutionis, quam oneroſam, gravem & præjudicialem nimis aſſerunt juri ſuo, cum omnes, tum ſingulos Incolas dicti Regni, ad defenſionem Regni & Patriæ, omni Privilegio, Excuſatione, & Exceptione ceſſantibus, vocare prætendunt, præſertim Feodatarios, & Fideles Regis ejuſdem, Noſq; & alios Prælatos de Regno, quorum quidam per Homagium, & ferè Omnes

Jura-

Juramento ſumus Fidelitatis aſtricti, eidem Domino noſtro Regi, ad Jus & Honorem ipſius & Regni ſervandum, abſque cujus neceſſario Defenſionis præſidio, vivere tutè non pòſſumus, nec defendi à noſtrorum, quorum non deeſt Copiâ, Perſecutione continuâ æmulorum, & durâ Turbatione commoti, per Majores in [B.] unum Conſilio inito, quoad Remedium utile Benevolentia paterna provideat, irreparabilis Cauſæ præjudicium, quod non ſine multâ Cordium Amaritudine recitamus, retorquere diſponunt: Sicq; Gallicana Eccleſia, quæ retroactis temporibus in Pacis pulchritudine, & Libertatis plenitudine conquievit, diverſis jam exponitur fluctuationibus tempeſtatum, fremunt ſcandala; excreſcunt Anguſtiæ, & finalis Ruinæ pericula ſunt in promptu. Ad Apoſtolicæ Sanctitatis providentiam circumſpectam, propterea duximus fiducialiter recurrendum, quantâ poſſumus devotâ & unanimi Inſtantiâ ſupplicantes, ut opportunè & ſalubriter proviſionis Remedium in hâc parte clementius adhibere dignetur, per quod ſedet Scandala, & cum præfato Domino Rege ſuiſq; Principibus, & cæteris Temporalibus Dominis dicti Regni, eadem Gallicana ſervet Eccleſia pacis & caritatis ſolitæ Unionem, ac ſub alarum ſuarum velamine, & protectionis opportunæ ſuffragio ſuo, noſtris temporibus, uni ſemper impendat Creatori devotè debitum famulatum. Et ecce, Venerabiles Patres, Epiſcopos, ad ſanctitatis veſtræ præſentiam propter hoc ſpeciale deſtinamus, qui frementia ſcandala & imminentia, imò inſtantia in januis hujuſmodi diſcriminoſa pericula, Senſibus veſtris perfectius explicabunt, Oraculo vivæ vocis. A. D. 1297. P. 27.

Ibid. Pag. 39.

Bonifacius Epiſcopus, ſervus ſervorum Dei, venerabilibus Fratribus Archiepiſcopis, Epiſcopis, ac dilectis Filis electis Abbatibus, Prioribus, Præpoſitis, Decanis, Archidiaconis, Capitulis, & aliis Perſonis, necnon & Nobilibus Viris, Ducibus, Comitibus, Baronibus, Militibus, & cæteris per Regnum Francorum conſtitutis, ad perpetuam rei memoriam. Etſi de Statu Regni cujuſlibet in quo Catholicæ Fidei Cultus viget, paternæ ſollicitudinis ſtudio cogitemus, ad ſtatum tamen Chriſtianiſſimi Regni Franciæ, in quo ſemper anteactis temporibus erga Romanam Eccleſiam Matrem viguit Devotionis integritas, Reverentiæ plenitudo reſplenduit, fervuit Obedientiæ promptitudo, tantò ſolertius aciem Conſiderationis extendimus, & circa illud Cogitationis noſtræ verſatur inſtantia, quantò ipſum uberiori favore proſequimur, & ſincerius gerimus in Viſceribus Caritatis. Dudum ſiquidem Paſtoralis Officii debitum exequentes in favorem Eccleſiarum, & Eccleſiaſticæ Libertatis, autoritate Apoſtolicâ duximus ſtatuendum, Ne Prælati, & Perſonæ Eccleſticæ cujuſcunque Dignitatis, Status, aut Conditionis exiſtant, ſub Adjutorii, mutui, vel doni nomine, Imperatoribus, Regibus, Principibus, aut Præſidentibus cæteris præſtent, abſque Apoſtolicæ Sedis Autoritate, ſubſidia, quocunque nomine cenſeantur: Neve Imperatores, Reges, Principes, aut aliter Præſidentes ea imponere, exigere, vel recipere, ab eiſdem Prælatis, & Perſonis Eccleſiaſticis audeant, certis pœnis adjectis nihilominus in hâc parte. Verum nonnulli noſtræ Intentionis ignari, ſuæque prudentiæ innitentes, hujuſmodi Conſtitutionem noſtram non rationabili, aut æquitati conſonæ, ſed voluntariæ Interpretationi ſubjicere moliuntur, non attendentes, quòd ad eum qui condidit Interpretatio noſcitur pertinere. Nos igitur huic Morbo congruam intendentes adhibere medelam, & ut cujuſlibet ambiguitatis ſcrupulus in hâc parte tollatur, & Veritatis puritas eluceſcat, auctoritate præſentium declaramus, quòd Conſtitutio ipſa, vel ejus prohibitio, ad Donaria, vel Mutua, ſeu quævis alia Voluntaria Prælatorum & Perſonarum Eccleſiaſticarum ejuſdem Regni cujuſcunque Status, Ordinis, vel Conditionis exiſtant, omni prorſus Tractione aut Exactione ceſſante, ſe aliquatenus non extendat, licet ad id forſitan Cariſſimi in Chriſto Filii noſtri Philippi Francorum Regis Illuſtris, vel Succeſſorum ſuorum qui pro tempore fuerint, aut Officialium eorundem, ſeu Ducum, Baronum, Nobilium, vel aliorum Dominorum Temporalium de Regno prædicto, Requiſitio Curialis & Amica præcedat, quodque Feudalia, Cenſualia, ſive Jura quælibet in rerum Eccleſiaſticarum datione retenta, vel alia ſervitia conſueta Regi ejuſque Succeſſoribus, Ducibus, Comitibus, Baronibus, Nobilibus, & aliis Temporalibus Dominis ſupradictis, tam de Jure quam de

A. D. 1297. Conſuetudine à Perſonis Eccleſiaſticis, debita, præfata Conſtitutio non includat, vel aliquatenus comprehendat, & quòd Perſonæ Eccleſiaſticæ pro Eccleſiarum ſuarum Utilitatibus, Compoſitionis, aut Tranſactionis [B.] titulo, vel alio quovis modo, ſeu pro Libertatibus acquirendis, cum Rege, ſuiſque Succeſſoribus, Ducibus, Comitibus, Baronibus, Nobilibus, & aliis Dominis Temporalibus prælibatis, prout Conſcientiis eorum videbitur, & ante Conſtitutionem eandem poterant, liberè valeant convenire, nec illas per ipſius Conſtitutionis vigorem in iis contingat aliquatenus impediri; Quodque Conſtitutio eadem Clericos clericaliter non viventes, ſeſe Mercatoribus & Mercimoniis, præſertim inhoneſtis, & vilibus, vel ſævis immiſcentes actibus non defendat. Adjicimus inſuper hujuſmodi Declarationi noſtræ, quòd ſi præfatis Regi, & Succeſſoribus ſuis pro Univerſali vel Particulari ejuſdem Regni Defenſione periculoſa Neceſſitas immineret, ad hujuſmodi Neceſſitatis caſum ſe nequaquam extendat Conſtitutio memorata; quin potius idem Rex, ac Succeſſores ipſius, poſſint à Prælatis & Perſonis Eccleſiaſticis dicti Regni petere ac recipere pro hujuſmodi Defenſione Subſidium vel Contributionem, illudque ad illam Prælati & Perſonæ prædicti, præfato Regi, ſuiſque Succeſſoribus inconſultò, etiam Romano Pontifice, teneantur & valeant, ſub Quotæ nomine, aut aliàs etiam, imperari, non obſtantibus Conſtitutione prædictâ, ſeu quovis Exemptionis, vel alio quolibet Privilegio, ſub quâcunque Verborum formâ confecto, à Sede Apoſtolicâ impetrato: Quodque Neceſſitatis Declaratio ſupradictæ ipſius Regis & Succeſſorum ſuorum Conſcientiis, dummodò Succeſſores ipſi Viceſimum ætatis annum exegerint, relinquatur, ſuper quo dictorum Regis & Succeſſorum Conſcientias onerari, eiſque innoteſcere volumus, quòd quicquid recipi ultra ipſius Defenſionis Caſum contigit, in ſuarum recipient periculum Animarum, ſub quo niſi ſalubriter providere aut attendere potuerunt, in quo periculo remanerent. Si verò Defenſionis prædictæ tempore hujuſmodi ætatis annum præfati non exceſſerint Succeſſores, Declaratio Neceſſitatis ejuſdem Prælatorum, Clericorum & Laicorum, qui de ipſorum Succeſſorum ſtricto Conſilio, ſeu majoris partis ipſorum, fuerint, Conſcientiis relinquatur, quorum ſimiliter Conſcientias onerari volumus, eiſque plenius aperiri, quòd ſiquid ultra Caſum Defenſionis reciperetur ejuſdem, in diſpendium ſalutis Conſiliariorum reciperetur ipſorum, illudque reſtituere teneantur: Quodq; præterea non exiſtit intentionis noſtræ, non extitit, nec exiſtit per Conſtitutionem prædictam, ſeu Declarationem præſentem, Jura, Libertates, Franchiſas, ſeu Conſuetudines, quæ præfatis Regi & Regno, Ducibus, Comitibus, Baronibus, Nobilibus, & quibuſvis aliis Temporalibus Dominis, editionis præfatæ Conſtitutionis tempore, ac etiam ante illud competere noſcebantur, tollere, diminuere, vel quovis modo mutare, aut eis in aliquo derogare, ſeu novas ſervitutes vel ſubmiſſiones imponere; ſed Jura, Libertates, Franchiſas, & Conſuetudines ſupradictas, prætactis Regi & aliis, illæſa & integra conſervare. Nulli ergo omninò hominum liceat hanc paginam noſtræ Declarationis infringere, vel ei auſu temerario contra-ire. Si quis autem hoc attemptare præſumpſerit, indignationem Omnipotentis Dei & Beatorum Apoſtolorum Petri & Pauli ejus, ſe noverit incurſurum. Datum apud Urbem veterem 11 Kal. Auguſti, Pontificatus noſtri Anno tertio.

P. 40.

NUM. XLI.

1304. *Procuratoria Prioris & Conventus Wigorn. pro Parliamento.*

Regiſtr. Magnum Prior. & Convent. Wigorn. fol. xxiii.

EXcellentiſſimo Principi & Domino, Domino Edwardo, Dei Gratiâ, Regi Angliæ Illuſtri, ſuus humillimus Prior Eccleſiæ Cathedralis Wigorn. cum omni Honore & Reverentiâ, Salutem in Eo per quem Reges Regnant, & Principes Dominantur. Ad excuſandum abſentiam noſtram in Parliamento veſtro hâc inſtanti Dominicâ prox. poſt Feſtum S. Matthæi Apoſtoli, cum diebus ſequentibus apud London. divinâ Providentiâ celebrando; & ad inibi faciendum quod nos facere deberemus, dilectos nobis in Chriſto Fratres A. & B. noſtros Procuratores & Nuncios ſpeciales conjunctim facimus & diviſim, ſalvâ in omnibus Eccleſiaſticâ Libertate: Ratum habituri & gratum, quicquid iidem, aut eorum alter, egerint, vel egerit in præmiſſis. In cujus Rei Teſtimonium

monium Sigillum noſtrum præſentibus eſt appenſum. Dat. Wigorn. xvi. Kal. Martii Anno Dom. 1304. A. D. 1304.

Excellentiſſimo, &c. ſui humiles Oratores Wigorn. Eccleſiæ Conventus, Salutem & Reverentiam Regiæ Majeſtati debitam in Eo, &c. Noverit Excellentia veſtra, quod nos dilectos noſtros in Chriſto Fratres N. & O. conjunctim & diviſim Procuratores noſtros facimus & Attornatos, ad omnia facienda quæ nos in inſtanti Parliamento veſtro apud London. ſuper formam Mandati veſtri, ad Eccleſiæ & Regni utilitatem facere deberemus, ſalvâ in omnibus Eccleſiaſticâ Libertate. In cujus rei Teſtimonium, &c. Dat. Wigorn. in Capitulo noſtro xvi. Kal. Martii Anno Dom. 1304.

Noverint Univerſi quòd nos Frater F. Prior Eccleſiæ Cathedralis Wigorn. Procuratorem, Actorem, & Negotiorum Geſtorem Ven. [Patris] Dom. Franciſci Neapoleonis, &c. Diacon. Cardin. & Archidiacon. Wigorn. noſtro & ipſius Card. nomine ſubſtituimus R. B. Commonachum noſtrum ad comparendum coram Excellentiſſimo Principe ſemper Illuſtri Domino Edwardo Rege Angliæ hâc inſtanti die Dominicâ prox. poſt Feſtum S. Matthæi Apoſtoli, cum diebus ſequentibus apud London. unà cum Clero Epiſcopatus Wigorn. ad Ordinand. Faciend. & Conſentiend. hiis quæ ibidem communi Tractatu ad Utilitatem Eccleſiæ atque Regni fieri tunc contingant. Ratum habituri & firmum quicquid idem fecerit in præmiſſis. In cujus rei Teſtimonium, &c. ut ſupra. *Ibid.*

Procuratorium Cleri de Diœceſ. Lincoln. pro Parliamento.

Tenore præſentium pateat Univerſis, quòd nos Clerus Diœceſ. Lincoln. dilectos nobis in Chriſto Magiſtros Henr. de Stock, Rectorem Eccleſiæ de Ravenyſtorp, & Jo. de Fletburg, Rectorem Eccleſiæ de Hawburn, ejuſdem Diœceſ. Procuratores noſtros ordinamus, facimus & conſtituimus per præſentes, dantes eiſdem plenam & ſufficientem Poteſtatem nomine noſtro comparendi die Martis in Quinden. Purificationis B. M. prox. futur. apud Weſtmonaſter. in Parliamento Domini Edwardi, Dei Gratiâ, Regis Angliæ Illuſtris, tunc ibidem tenendo, ad Tractand. unà cum Prælatis, Proceribus, & Procuratoribus Cleri tunc ibidem comparentibus, ſuper Negotiis quæ Regnum Angliæ ſpecialiter tangunt, nec non & ſtabilimentum Terræ Scotiæ, ac aliis diverſis Negotiis ibidem tractandis, atque ad adhibendum Conſilium & Conſenſum hiis quæ ibidem de communi Conſilio, favente Domino, ordinari contigerint, vel etiam pro Utilitate dicti Regni provideri. Ratum & firmum habentes, & habituri quicquid iidem Magiſtri Henricus & Johannes Procuratores noſtri egerint, geſſerint, conſulendo & conſentiendo fecerint, in præmiſſis. In quorum Teſtimonium Sigillum Venerabilis Patris Domini Johannis, Dei Gratiâ, Lincoln. Epiſcopi, præſenti Procuratorio apponi procuravimus. Dat. apud Lydington. Kal. Febr. Ann. Dom. 1304. Memorand. *Jo. Dalderby* Epiſc. *Lincoln.* fol. Lxxx.

NUM. XLII.

Mandatum pro Concilio Provinciali Ebor.

1310.

Willielmus, permiſſione divinâ, Ebor. Archiepiſcopus, Angliæ Primas, Venerabili Fratri noſtro J. Karl. Epiſcopo, Salutem, & fraternæ Charitatis in Domino continuum incrementum. Ut omnis Status Eccleſiaſticus, & ſacræ Regulæ diligenter valeant cuſtodiri, Statutum exiſtit, ut Provincialia Concilia convocentur, in quibus emergentia Negotia diſcutiantur, & debitè corrigantur. Quæ etſi ſecundum Jura fieri debeant omni Anno, tunc tamen eſt præcipuè circa ea diligentiori ſtudio laborandum cum emerſerint Negotia graviora, præſertim talia ex quibus in Chriſti populo enorme ſcandalum generatur. Sane quantus Clamor aſcenderit hiis diebus contra Ordinem Militiæ Templi, ipſiuſque Ordinis Singulares Perſonas, ſuper Hæreſi, Idololatriâ, perfidiâ, ac aliis enormibus, jam ſatis eſt per mundi Climata divulgatum. Pater ſiquidem Sanctiſſimus Dominus Clemens, divinâ providentiâ, P. P. Quintus hujuſmodi Clamore ſæpius excitatus a nonnullis Fratribus ipſius Ordinis coram ſe ad judicium evocatis, ſuper præmiſſis diligentius inquiſiverit. Quorum multi coram eodem Domino Papâ, Patribuſque Reverendis Dominis Cardinalibus Regiſtr. *Jo.* de *Halton.* Epiſc. *Carliol.* fol. Cxxxii.

A. D. 1310. libus, prædicta flagitiosa crimina sponte judicialiter sunt confessi. Idem quoq; Dominus P. P. super præmissis intendens ulterius procedere juxta Canonicas Sanctiones, cum commode nequeat à singulis Ordinis supradicti personis inquirere per seipsum, onera sua * partur volens cum aliis Prælatis inferioribus, qui in partem sollicitudinis sunt vocati, Nobis per Apostolica Scripta mandavit, ut sub certâ formâ contra supradictum Ordinem, & ipsius singulares Personas judicialiter procedamus. Ut igitur tam prædicta, quam alia quæ nostro incumbunt Officio, cum Consilio saniori plenius exequi valeamus, dispositimus, Deo Duce, vicesimo die Mensis Maii in Ecclesiâ nostrâ Ebor. Provinciale Concilium celebrare. Quocirca Fraternitati vestræ injungimus & mandamus, quatenus tam in Ecclesiâ vestrâ, quam in aliis Collegiatis Ecclesiis, necnon & Monasteriis Conventualibus per totam vestram Diœcesi. constitutis, hæc faciatis solempniter publicari. Citamus etiam Vos peremptoriè, & per Vos, universos Abbates, Priores; Abbates proprios non habentes, ac tam Ecclesiæ vestræ, quam aliarum Collegiatarum vestræ Diœcesi. Decanos, Archidiaconos, & Præpositos, necnon Capitula; quod tam Vos quam prædicti Abbates, Priores, Decani, Archidiaconi & Præpositi personaliter, Capitula verò per Procuratores sufficienter instructos dictis die & loco, cum diebus continuandis, & prorogandis, coram Nobis compareatis, compareant, super proponendis in Concilio tractaturi, salubre Consilium impensuri, necnon ea quæ statuta, ordinata, & facta fuerint humiliter admissuri, ac etiam efficaciter impleturi, facturi & recepturi quod consonum fuerit Canonicis institutis. Vos enim præmunimus, & cæteros per Vos citandos præmuniri mandamus, quòd absentes in Termino supradicto, nisi propter evidentes Causas & rationabiles, de quibus fidem faciant, legitimè fuerint impediti[1], tanquam inobedientes & contumaces, juxta Juris exigentiam puniemus. Qualiter autem hoc nostrum Mandatum fueritis executi, nos dictis die & loco distinctè & apertè certificare curetis per vestras Literas Patentes, harum seriem continentes. Dat. apud Lann. xxvi°. die Martii, Anno Gratiæ MCCCX. & Pontific. nostri quinto.

* *Partiri.*

NUM. XLIII.

Mandatum pro Convocatione.

Lib. Memorand. *Jo. Dalderby Lincoln.* Episc. fol. Clxx. b.

RObertus, &c.— Cum nuper ad nostram notitiam perveniisset, quòd Serenissimus Princeps & Dominus, Dominus Edwardus, Dei Gratiâ, Rex Angliæ Illustris, pro sustentatione suâ & Exercitus sui in Terrâ Scotiæ obtinendâ, Bona & Victualia Incolarum hujus Regni capi ad opus suum per Brevia Regia demandâsset, ut in eisdem Brevibus super hoc certis personis directis, plenius continetur, id nequeuntes quomodolibet tolerare cum [1] Vobis & aliis Venerabilibus Fratribus nostris in Concilio Provinciali præsentibus, & quibusdam Proceribus hujus Regni erga Nobilem Virum Dominum Henricum Comitem Lincoln. Custodem Regni, & Domini Regis Concilium [2] institimus pro Revocatione Mandati, & Brevium hujusmodi obtinendâ. Cæterum cum idem Custos Nobis ad faciendum quod petivimus se exhibuisset, prout decuit, satis pronum, & præmissum Mandatum decrevisset totaliter revocari, prout in aliis Brevibus Regiis super hoc confectis, quod nullius Bona contra suum Beneplacitum capiantur, directis singulis Vice-comitibus, est contentum; proposuit coram Nobis quòd cum Domini Regis Ærarium non sufficiat, ut dicebat, ad providentias pro Sustentatione Regiâ, de quâ præmittitur, faciendâ, [3] à Nobis cum instantiâ postulaverit quatenus Terminos solutionis Decimæ Triennalis Ecclesiæ Anglicanæ impositæ sic vellemus in solutionibus faciendis prævenire, ut id quod de eâdem Decimâ per principales ipsius Decimæ Collectores solvi mandatur in Festo S. Hilarii, statim; & quod in Festo Nativitatis S. Jo. Baptistæ, in Festo S. Hilarii solvatur, concedere curaremus; ut sic de eâdem pecuniâ ab eâdem Decimâ Domino Regi, prout Apostolicum vult Mandatum tradendâ, fieri valeat provisio supratacta: Nos autem attendentes, quòd totum Clerum nostræ Provinciæ supplicatio dicta tangit, quòdque id [4] nequimus concedere, prout nec decuit, per nos ipsos, sine Cleri nostræ Provinciæ Voluntate; propterea Clerum nostræ Provinciæ de Consilio Fratrum unanimi decrevimus convocandum. Fraternitati igitur vestræ committimus & mandamus, quatenus omnes

[1] Sc. Epis. *Lond.*

[2] *Institerimus.*

[3] *Et.*

[4] *Nequivimus.*

Vene

Venerabiles Fratres noſtros Suffraganeos, necnon & Capitula Eccleſiarum Cathedralium, & Clerum cujuſlibet Civitatis & Diœceſeos noſtræ Provinciæ citetis—Quòd iidem Suffraganei per Se, vel per Procuratorem idoneum; Capitula, & totus Clerus quilibet prædictus per duos Procuratores ad præmiſſa ſufficientes, compareant coram Nobis, deputando, ſeu deputandis à Nobis, in Eccleſiâ S. Pauli [London.] die Mercurii prox. poſt Feſtum S. Nicholai, ſuper præmiſſis Nobiſcum, deputando, ſeu deputandis à Nobis, ſollicitè tractaturi; & ad id quod ſuper præmiſſis videbitur faciendum ſuos Conſenſus efficaciter præbituri, ulteriuſq; facturi quod in eâ parte fuerit faciendum, &c. Dat. apud Lamb. Non. Novembr. Anno Dom. 1310. A. D. 1310.

NUM. XLIV.

Mandatum pro Concilio Provinciali Ebor. 1311.

WIllielmus, permiſſione diviná, Ebor. Archiepiſcopus, Angliæ Primas, Venerabili Fratri noſtro J. Dei Gratiâ, Karl. Epiſcopo, Salutem, & Fraternæ Caritatis continuum Incrementum. Licet nuper in noſtro Provinciali Concilio, in Capitulo noſtræ Ebor. Eccleſiæ celebrato, Vobis & Venerabili Fratri noſtro Domino, Dei Gratiâ, Candidæ Caſæ Epiſcopo, necnon Abbatibus, Prioribus, Decanis, Archidiaconis, Præpoſitis, ſacræque Theologiæ Doctoribus, ac Juris Canonici Profeſſoribus, & dictæ Ebor. aliarumque Eccleſiarum Collegiatarum Capitulis noſtræ Diœceſ. & Provinciæ, coram Nobis in dicto Concilio congregatis, ex unanimi Conſenſu omnium in Concilio dicto tunc exiſtentium, ipſum Concilium ad primum diem Menſis Julii duximus prorogandum, ut dicto die in Eccleſiâ Conventuali de Blida, juxta formam prioris Citationis ad prædictum Concilium convocandum habitæ, omnes & ſinguli prædicti noſtri ſubditi comparerent legitimè coram Nobis, præfatos diem & locum, ad ea quæ in eodem Concilio propoſita & inchoata fuerant, prout Juri conſonum fuerit, peragenda, eiſdem Canonicè præfigentes; certis tamen de Cauſis & legitimis, prædictam noſtram præfixionem, quoad loci prædicti de Blidâ aſſignationem tantummodo duximus immutandum: Quocirca Fraternitatem veſtram ſuper hiis præmunientes, tenore præſentium, peremptoriè nihilominus vos citamus, & per vos univerſos Abbates, Priores, Abbates proprios non habentes, ac tam Eccleſiæ veſtræ, quam aliarum Collegiatarum veſtræ Diœceſ. Decanos, Archidiaconos, & Præpoſitos, necnon Capitula peremptoriè citari volumus & mandamus, quod tam Vos, quam prædicti Abbates, Priores, Decani, Archidiaconi, & Præpoſiti, perſonaliter, Capitula verò per Procuratores ſufficienter inſtructos, in prædictâ Eccleſiâ noſtrâ Ebor. primo die menſis Julii memorato, cum Continuatione & Prorogatione dierum ſubſequentium, coram Nobis compareatis & compareant, tam ſuper Negotio Inquiſitionis Hæreticæ pravitatis contra ſingulares perſonas Templariorum, Nobis à Sede Apoſtolicâ commiſſo, juxta Acta retrohabita in dicto Negotio, quam aliis prius propoſitis, & noviter in eodem Concilio proponendis, tractaturi, ſalubre Conſilium impenſuri; necnon ea quæ ſtatuta, ordinata & facta fuerint, humiliter admiſſuri, ac etiam efficaciter impleturi, facturi & recepturi quod conſonum fuerit Canonicis Inſtitutis. Vos enim præmunimus, & cæteros per Vos citandos, &c. Dat. apud Thorpe juxta Ebor. ii Kalend. Junii Anno Gratiæ MCCCXI°. & Pontific. noſtri VI°.

Regiſtr. *Jo.* de *Halton.* Epiſc. *Carleol.* fol. Cxl.

NUM. XLV.

THE *King's firſt* Writ *to the Archbiſhop of* Canterbury *to Summon the whole* Clergy *of his* Province *to* Parliament. Dat. 8 Octob. *is in Sir* William Dugdal's Summonit. ad Parliament. pag. 77, 78.

The Print is faulty, and may be thus Corrected from the Roll. Dugd. p. 78. l. 6. r. *divertendi.* l. 14. *VVell.* l. 17. *loco noſtro.* r. noſtri. Ibid. *Tractatum.* r. Tractatu. l. 25. *Capituli.* r. Capitula. l. 28. *Cleros.* r. Clerus. l. 31. *futuro.* r. futuris.

A. D. 1310. libus, prædicta flagitiosa crimina sponte judicialiter sunt confessi. Idem quoq; Dominus P. P. super præmissis intendens ulterius procedere juxta Canonicas Sanctiones, cum commode nequeat à singulis Ordinis supradicti personis inquirere per seipsum, onera sua * partur volens cum aliis Prælatis inferioribus, qui in partem sollicitudinis sunt vocati, Nobis per Apostolica Scripta mandavit, ut sub certâ formâ contra supradictum Ordinem, & ipsius singulares Personas judicialiter procedamus. Ut igitur tam prædicta, quam alia quæ nostro incumbunt Officio, cum Consilio saniori plenius exequi valeamus, dispositimus, Deo Duce, vicesimo die Mensis Maii in Ecclesiâ nostrâ Ebor. Provinciale Concilium celebrare. Quocirca Fraternitati vestræ injungimus & mandamus, quatenus tam in Ecclesiâ vestrâ, quam in aliis Collegiatis Ecclesiis, necnon & Monasteriis Conventualibus per totam vestram Diœcesi. constitutis, hæc faciatis solempniter publicari. Citamus etiam Vos peremptoriè, & per Vos, universos Abbates, Priores; Abbates proprios non habentes, ac tam Ecclesiæ vestræ, quam aliarum Collegiatarum vestræ Diœcesi. Decanos, Archidiaconos, & Præpositos, necnon Capitula; quod tam Vos quam prædicti Abbates, Priores, Decani, Archidiaconi & Præpositi personaliter, Capitula verò per Procuratores sufficienter instructos dictis die & loco, cum diebus continuandis, & prorogandis, coram Nobis compareatis, compareant, super proponendis in Concilio tractaturi, salubre Consilium impensuri, necnon ea quæ statuta, ordinata, & facta fuerint humiliter admissuri, ac etiam efficaciter impleturi, facturi & recepturi quod consonum fuerit Canonicis institutis. Vos enim præmunimus, & cæteros per Vos citandos præmuniri mandamus, quòd absentes in Termino supradicto, nisi propter evidentes Causas & rationabiles, de quibus fidem faciant, legitimè fuerint impediti, tanquam inobedientes & contumaces, juxta Juris exigentiam puniemus. Qualiter autem hoc nostrum Mandatum fueritis executi, nos dictis die & loco distinctè & apertè certificare curetis per vestras Literas Patentes, harum seriem continentes. Dat. apud Lann. xxvi°. die Martii, Anno Gratiæ MCCCX. & Pontific. nostri quinto.

* *Partiri.*

NUM. XLIII.

Mandatum pro Convocatione.

Lib. Memotand. *Jo. Dalderby Lincoln.* Episc. fol. Clxx. b.

RObertus, &c.— Cum nuper ad nostram notitiam pervenisset, quòd Serenissimus Princeps & Dominus, Dominus Edwardus, Dei Gratiâ, Rex Angliæ Illustris, pro sustentatione suâ & Exercitus sui in Terrâ Scotiæ obtinendâ, Bona & Victualia Incolarum hujus Regni capi ad opus suum per Brevia Regia demandâsset, ut in eisdem Brevibus super hoc certis personis directis, plenius continetur, id nequeuntes quomodolibet tolerare cum [1] Vobis & aliis Venerabilibus Fratribus nostris in Concilio Provinciali præsentibus, & quibusdam Proceribus hujus Regni erga Nobilem Virum Dominum Henricum Comitem Lincoln. Custodem Regni, & Domini Regis Concilium [2] institimus pro Revocatione Mandati, & Brevium hujusmodi obtinendâ. Cæterum cum idem Custos Nobis ad faciendum quod petivimus se exhibuisset, prout decuit, satis pronum, & præmissum Mandatum decrevisset totaliter revocari, prout in aliis Brevibus Regiis super hoc confectis, quod nullius Bona contra suum Beneplacitum capiantur, directis singulis Vice-comitibus, est contentum; proposuit coram Nobis quòd cum Domini Regis Ærarium non sufficiat, ut dicebat, ad providentias pro Sustentatione Regiâ, de quâ præmittitur, faciendâ, [3] à Nobis cum instantiâ postulaverit quatenus Terminos solutionis Decimæ Triennalis Ecclesiæ Anglicanæ impositæ sic vellemus in solutionibus faciendis prævenire, ut id quod de eâdem Decimâ per principales ipsius Decimæ Collectores solvi mandatur in Festo S. Hilarii, statim; & quod in Festo Nativitatis S. Jo. Baptistæ, in Festo S. Hilarii solvatur, concedere curaremus; ut sic de eâdem pecuniâ ab eâdem Decimâ Domino Regi, prout Apostolicum vult Mandatum tradendâ, fieri valeat provisio supratacta: Nos autem attendentes, quòd totum Clerum nostræ Provinciæ supplicatio dicta tangit, quòdque id [4] nequimus concedere, prout nec decuit, per nos ipsos, sine Cleri nostræ Provinciæ Voluntate; propterea Clerum nostræ Provinciæ de Consilio Fratrum unanimi decrevimus convocandum. Fraternitati igitur vestræ committimus & mandamus, quatenus omnes

[1] Sc. Epis. *Lond.*

[2] *Institerimus.*

[3] *Et.*

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Vene

Venerabiles Fratres noſtros Suffraganeos, necnon & Capitula Eccleſiarum Cathedralium, & Clerum cujuſlibet Civitatis & Diœceſeos noſtræ Provinciæ citetis—Quòd iidem Suffraganei per Se, vel per Procuratorem idoneum; Capitula, & totus Clerus quilibet prædictus per duos Procuratores ad præmiſſa ſufficientes, compareant coram Nobis, deputando, ſeu deputandis à Nobis, in Eccleſiâ S. Pauli [London.] die Mercurii prox. poſt Feſtum S. Nicholai, ſuper præmiſſis Nobiſcum, deputando, ſeu deputandis à Nobis, ſollicitè tractaturi; & ad id quod ſuper præmiſſis videbitur faciendum ſuos Conſenſus efficaciter præbituri, ulteriuſq; facturi quod in eâ parte fuerit faciendum, &c. Dat. apud Lamb. Non. Novembr. Anno Dom. 1310. A. D. 1310.

NUM. XLIV.

Mandatum pro Concilio Provinciali Ebor. 1311.

WIllielmus, permiſſione divinâ, Ebor. Archiepiſcopus, Angliæ Primas, Venerabili Fratri noſtro J. Dei Gratiâ, Karl. Epiſcopo, Salutem, & Fraternæ Caritatis continuum Incrementum. Licet nuper in noſtro Provinciali Concilio, in Capitulo noſtræ Ebor. Eccleſiæ celebrato, Vobis & Venerabili Fratri noſtro Domino, Dei Gratiâ, Candidæ Caſæ Epiſcopo, necnon Abbatibus, Prioribus, Decanis, Archidiaconis, Præpoſitis, ſacræque Theologiæ Doctoribus, ac Juris Canonici Profeſſoribus, & dictæ Ebor. aliarumque Eccleſiarum Collegiatarum Capitulis noſtræ Diœceſ. & Provinciæ, coram Nobis in dicto Concilio congregatis, ex unanimi Conſenſu omnium in Concilio dicto tunc exiſtentium, ipſum Concilium ad primum diem Menſis Julii duximus prorogandum, ut dicto die in Eccleſiâ Conventuali de Blida, juxta formam prioris Citationis ad prædictum Concilium convocandum habitæ, omnes & ſinguli prædicti noſtri ſubditi comparerent legitimè coram Nobis, præfatos diem & locum, ad ea quæ in eodem Concilio propoſita & inchoata fuerant, prout Juri conſonum fuerit, peragenda, eiſdem Canonicè præfigentes; certis tamen de Cauſis & legitimis, prædictam noſtram præfixionem, quoad loci prædicti de Blidâ aſſignationem tantummodo duximus immutandum: Quocirca Fraternitatem veſtram ſuper hiis præmunientes, tenore præſentium, peremptoriè nihilominus vos citamus, & per vos univerſos Abbates, Priores, Abbates proprios non habentes, ac tam Eccleſiæ veſtræ, quam aliarum Collegiatarum veſtræ Diœceſ. Decanos, Archidiaconos, & Præpoſitos, necnon Capitula peremptoriè citari volumus & mandamus, quod tam Vos, quam prædicti Abbates, Priores, Decani, Archidiaconi, & Præpoſiti, perſonaliter, Capitula verò per Procuratores ſufficienter inſtructos, in prædictâ Eccleſiâ noſtrâ Ebor. primo die menſis Julii memorato, cum Continuatione & Prorogatione dierum ſubſequentium, coram Nobis compareatis & compareant, tam ſuper Negotio Inquiſitionis Hæreticæ pravitatis contra ſingulares perſonas Templariorum, Nobis à Sede Apoſtolicâ commiſſo, juxta Acta retrohabita in dicto Negotio, quam aliis prius propoſitis, & noviter in eodem Concilio proponendis, tractaturi, ſalubre Conſilium impenſuri; necnon ea quæ ſtatuta, ordinata & facta fuerint, humiliter admiſſuri, ac etiam efficaciter impleturi, facturi & recepturi quod conſonum fuerit Canonicis Inſtitutis. Vos enim præmunimus, & cæteros per Vos citandos, &c. Dat. apud Thorpe juxta Ebor. ii Kalend. Junii Anno Gratiæ MCCCXI°. & Pontific. noſtri VI°.

Regiſtr. *Jo.* de *Halton.* Epiſc. *Carleol.* fol. Cxl.

NUM. XLV.

THE *King's firſt* Writ *to the Archbiſhop of* Canterbury *to Summon the whole* Clergy *of his* Province *to* Parliament. Dat. 8 Octob. *is in Sir* William Dugdal's Summonit. ad Parliament. pag. 77, 78.

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A. D. 1311. *The King's Second* Writ *to the ſame Effect:* Dat. 24 Octob. *is in* Prynnes *Animadverſions upon the* ivth. Inſtitute, fol. 41. *Compare Dr.* Brady's *Hiſt. Vol.* II. *pag.* 111.

Litera Domini Archiepiſcopi toti Clero miſſa, de veniendo ad Parliamentum.

Regiſtr. Epiſt. *Rob. Langley* Prior. *Norwic.* fol. xlii. a. Collat. cum Regiſtro *Jo. Dalderby Lincoln.* Epiſc. fol. ccii.

RObertus, permiſſione divinâ Cantuar. Arch. totius Angliæ Primas, dilecto Filio Magiſtro Willielmo de Bray, Venerabilis Fratris Dom. London. Epiſcopi, in remotis Agentis, Vicario, Salutem. Exigunt nonnulla negotia ardua & diverſa tam ſtatum Domini Edwardi, Dei Gratiâ, Regis Angliæ Illuſtris, quam Utilitatem Regni ſui contingentia, ſuper hiis ſpecialiter Nos rogantis, ut ejuſdem Regis precibus, ad Honorem Dei, & Eccleſiæ ſuæ ſanctæ, quatenus Nobis eſt poſſibile inclinemur. Sanè Literas Regiæ Celſitudinis hàc inſtanti die Mercurii prox. ante Feſtum Apoſtolorum Simonis & Judæ apud Tenham recepimus, inter cætera continentes, quòd ad Rogatum Regium Decanos & Priores Eccleſiarum Cathedralium, ac eorum Capitula; necnon Abbates Archidiaconos ac totum Clerum noſtræ Diœceſeos, totiuſque noſtræ Provinciæ Cantuar. Præmuniremus & faceremus Præmuniri, quòd iidem Decani, Priores & Abbates, & Archidiaconi, in propriis perſonis ſuis, dictaque Capitula & Clerus, per Procuratores ſufficientes plenam poteſtatem ab eiſdem Capitulis & Clero hiis quæ in Parliamento prox. apud Weſtmonaſter. celebrando ordinari contigerit conſentiendi habentes, in eodem Parliamento exhibeant modis omnibus ſe præſentes. Quocirca diſcretioni veſtræ committimus & mandamus, firmiter injungentes, quatenus cum omni quà fieri poterit celeritate Confratribus noſtris Co-epiſcopis, & noſtræ Provinciæ Suffraganeis, vice & autoritate noſtrà injungatis, ſeu faciatis injungi, quòd iidem Epiſcopi ſinguli in ſuis Diœceſibus ſupraſcriptas perſonas Præmuniendo citent, præmuniet, citet, quilibet eorundem, die Jovis iv. Non. Decembr. prox. futur. compareant in prædicto Parliamento apud Weſtmonaſterium, ut prædicitur, celebrando, ad conſentiendum hiis quæ in eodem ordinabuntur & ſtatuentur ad Honorem Dei & Eccleſiæ ſuæ ſanctæ, & Utilitatem Regis Regnique ſui incliti ſupradicti. Vos autem quantum ad Dominum veſtrum, & Vos vice ejus, attinet, modo conſimili faciatis. Qualiter autem hoc Mandatum noſtrum fueritis executi Nos dictis die & loco certificetis.—Dat. apud Tenham v. Kal. Novemb. Anno Dom. 1311.

NUM. XLVI.

Litera Archiepiſcopi de veniendo London. *ad Concilium.*

1312.

Regiſtrum *Reynolds, Wigorn.* fol. xlvii.

RObertus, &c. Waltero — Epiſcopo Wigorn. &c. Licet Vos ac cæteros Venerabiles Fratres noſtros Suffraganeos præſentes in Regno, ac abſentium Fratrum in Spiritualibus ac Temporalibus Vicarios Generales, ſeu alios quos ad hoc duxerant dimittendos, Decanos & Capitula Cathedralium Eccleſiarum, Archidiaconos univerſos, Abbates, Priores, ſupra ſe Abbates in noſtrà Provinciâ non habentes, tam Exemptos quam non Exemptos, eorumque Conventus, Clerumque cujuſlibet Civitatis & Diœceſeos noſtræ Provinciæ, citari mandaverimus per dilectum Filium Vicarium Venerabilis Fratris noſtri R. Dei Gratiâ London. Epiſcopi in Remotis Agentis in Spiritualibus generalem, quòd Vos & Venerabiles Fratres noſtri prædicti, Vicarii, Decani, Archidiaconi, Abbates, Priores, perſonaliter; Capitula autem & Conventus per ſuos Decanos, Abbates & Priores, ſi voluerint, alioquin per Alium, ſeu Alios idoneos; Clerus autem per Unum vel Duos Procuratores conſimiles communiter deſtinandos, ad comparendum in Concilio noſtro xiv°. Kal. Maii prox. præterit. in Eccleſiâ S. Pauli London. Nobiſcum ſuper. quibuſdam Negotiis ſingulares perſonas Ordinis Militiæ Templi in noſtrâ Provinciâ degentes, quæ poſt ultimum noſtrum provinciale Concilium emerſerunt, necnon ſuper Bono publico hujus Regni, tranquillitate & quiete accommodâ Eccleſiæ Anglicanæ, &

aliis

aliis prout viſum fuerit expediens efficaciter tractaturi, conſenſumque hiis quæ, dante Deo, ordinarentur & providerentur ibidem præbituri, ulteriuſq; facturi (cum continuatione dierum ſequentium uſque ad finem ejuſdem Concilii) quod Juſtitia ſuaderet, denuntiando quod nullius quem neceſſitas inevitabilis non excuſaret, haberemus abſentiam excuſatam; & Vobis ac Epiſcopis Suffraganeis noſtris, ac Vicariis diſtrictius injungendo, quòd Nos de ipſorum Vicariorum, Decanorum, Archdiaconorum, Abbatum & Priorum Nominibus propriis, quique Abbates & Priores exempti Plebes, Eccleſias, ſeu Capellas habeant non Exemptas, de eiſdem omnibus reddidiſſetis, & reddidiſſent, in dicto Termino certiores, per * . . . . . & ſuas Patentes Literas, hujus & ipſius Vicarii London, Mandati ſeriem continentes, prout in aliis noſtris Patentibus Literis dicto Vicario London. directis plenius continetur; Idemque Vicarius London. Nos certificaverit per ſuas Patentes Literas, quòd prædictum noſtrum Mandatum fuerat executus quoad Citationes, Denuntiationes, Injunctiones, & omnia ſupradicta; Vos tamen, & quidam alii Suffraganei noſtri in dicto Termino non comparuiſtis, nec Nos Certificâſtis juxta Mandati Exigentiam antedicti, quamvis nonnulli alii noſtri Suffraganei debitè comparuiſſent, & Nos certificaverunt, ut decebat: Verum quia per quoſdam Vicarios, & Aliorum Fratrum noſtrorum abſentium Clericos & Amicos fuerat allegatum, quòd dicti Vicarii London. Citatio, & Mandatum, ſeu Executio, ad veſtram, & ipſorum abſentium Suffraganeorum meorum notitiam non pervenerint, & volentes propterea ſuper hoc ſcire plenius Veritatem, nihilominus Vobiſcum, & perſonis ſupradictis de Clero veſtro, & aliis abſentibus à Concilio, & præſentibus in Concilio ſimul conferre, tractare, ac ordinare, & agere ſuper præmiſſis prout videbitur expedire, Vos & Cæteros abſentes à Concilio uſque ad diem Lunæ prox. poſt Feſtum Aſcenſionis Domini, de Conſilio Fratrum noſtrorum, & aliorum præſentium in Concilio præſenti, ipſum Concilium non diſſolventes, ſed continuantes, decrevimus expectandos; præſentibus in eodem Concilio eundem Terminum præfigendo. Quocirca Citationem, Mandatum, Executionem Vicarii London. necnon & Continuationem, Expectationem, & Præfixionem prædict. ad veſtram tenore præſentium notitiam deducentes, Vos ex abundanti peremptoriè citamus, & per Vos præmiſſas perſonas ac Clerum veſtræ Civitatis & Diœceſeos peremptoriè citari mandamus, quòd compareatis, & compareant coram Nobis in Concilio noſtro Provinciali ad Terminum ſupradictum, & Dies ſequentes uſq; ad finem ejuſdem Concilii, per omnia juxta formam prioris noſtri Mandati Vicario London. directi, tractaturi, & conſenſus efficaciter præbituri, facturi, & recepturi, quod Juſtitia ſuadebit, ut ſuperius eſt expreſſum. Porro ſi Abbates & Priores veſtræ Civitatis & Diœceſeos, velint per ſe, & ſui Conventus per ſe, vel conjunctim, Procuratores idoneos ad dictum Concilium deſtinare, quibus ad tractandum ſuper præmiſſis, & conſentiendum hiis quæ ordinabimus, dante Domino, & providebimus, de veſtro & venerabili Fratrum noſtrorum Concilio, plenariam poteſtatem, * ipſos à perſonali Comparitione, ſicut & Religioſos alios noſtræ Provinciæ (Cathedralium Eccleſiarum Prioribus duntaxat exceptis) habebimus excuſatos. Quid autem in præmiſſis duxeritis faciendum, & in præteritis feceritis, Nos certificetis diſtinctè & apertè in dicto Termino per veſtras Patentes Literas harum ſeriem continentes.—Dat. Londini in Concilio ſupradicto xii. Kal. Maii, Anno Dom. 1312. Conſecrationis noſtræ xviii°.

A. D. 1312.

* *Veſtrâ.*

* *Deeſt aliquid.*

NUM. XLVII.

Citatio pro Concilio Provinciali.

ROBertus, &c. Radulpho Epiſcopo London. &c. Quia ſecundum quod exigunt Statuta Canonica, intendimus Provinciale Concilium, dante Domino, celebrare; Fraternitati veſtræ committimus & mandamus, quatenus Venerabiles Fratres noſtros in noſtrâ Provinciâ exiſtentes—Citetis—peremptoriè, quòd in Concilio noſtro Provinciali in Eccleſiâ D. Pauli London. die Martis prox. poſt Dominicam Mediæ Quadrageſimæ, dante Domino, celebrando, (quo tempore Londoniæ in Parliamento convocato oportet Vos, ut credimus, ſuam præſentiam exhibere) mane ante celebrationem Parliamenti ejuſdem, ita quòd nihil-

Regiſtr. *Reynods* ibid. fol. Lxxvii. lib. Memorand. *Jo. Dalderby Lincoln.* fol. Ccxxxviii.

A. D. 1213. nihilominus ad Parliamentum ire valeant, ut tenentur, perſonaliter compareant, facturi & accepturi quod Canonicis congruat Inſtitutis. Denuntietis inſuper Decanis & Prioribus Cathedralium Eccleſiarum, eorumque Capitulis, quod ſi ad idem Concilium venerint, & ad id petierint ſe admitti juxta Juris exigentiam, admittentur. Dat. apud Otteford xvi. Kal. Febr. Anno Dom. 1312. Conſecrationis noſtræ xix.

NUM. XLVIII.

Procuratorium pro Concilio Provinciali.

Regiſtr. *Ric. Swinfield* Epiſc. *Hereford.* fol. Clxxxvi.

VEnerabilibus Viris Magiſtro Ricardo de Beſto Archidiacono Berk. in Eccleſiâ Sarum, & Canonico in Eccleſiâ Hereford. ac Magiſtro Adæ de Orleton Canonico in eâdem, & Juris Canonici Profeſſori; Ricardus permiſſione divinâ Hereford. Epiſcopus, Salutem, & ſinceram in Domino Caritatem. Quia adverſâ Valetudine corporali hiis temporibus impediti, in Provinciali Concilio coram Venerabili Patre Domino Johanne, Dei Gratiâ, Landavenſi Epiſcopo, Reverendi Patris in Chriſto Domini Roberti, Dei Gratiâ, Cant. Archiepiſcopi, totius Angliæ Primatis, unà cum Domino Officiali Curiæ Cantuarienſis, Vices-gerente, die Veneris in Craſtino Aſcenſionis Dominicæ Anno præſenti, cum Continuatione, & Prorogatione dierum ſequentium, in Capitulo Sancti Pauli London. continuato, cum cæteris Prælatis Cantuarienſis Provinciæ non Poterimus perſonaliter comparere, ad procedend. ordinand. ſtatuend. pronunciand. & definiend. in Negotiis ſive Cauſis, quæ vel quas in dicto Concilio agitari ſeu tractari contigerit, ac etiam ad reformand. & corrigend. quæcunque Reformationis & Correctionis limam expoſcunt, Vobis vices noſtras, quantum ad Nos attinet, conjunctim & diviſim, committimus per præſentes. In cujus Rei Teſtimonium Sigillum noſtrum præſentibus eſt appenſum. Dat. xii. Kalend. Junii Anno Domini 1313.

NUM. XLIX.

Rot. Clauſ. 7 E. 2. M. 8. d.

Pro Rege de veniendo pro Auxilio de Clero habendo.

1314. REX Venerabili in Chriſto Patri W. eâdem Gratiâ Archiepiſcopo Cantuar. totius Angliæ Primati, Salutem. Creſcente malitiâ Roberti de Brus, & Complicum ſuorum, Inimicorum & Rebellium noſtrorum, qui non modicas partes Marchiæ Regni noſtri, & Eccleſiam ſanctam in eiſdem partibus, ſub tributo per tempus aliquod poſuerunt, & jam de novo Caſtra, Villas, & Fortalitia in terrâ noſtrâ Scotiæ, & Marchia prædicta, hoſtiliter occuparunt, & eadem Caſtra, Villas, Fortalitia, necnon & Eccleſias, Oratoria, & alia Loca ſacra, in Terrâ, & Marchiâ prædictis devaſtarunt, fideles noſtros in dictis Caſtris, Villis, Fortalitiis inventos, nequiter interficientes, ac aliorum utriuſq; ſextus innocentum ſanguinem effundere non verentes, & tot & tantis facinoribus non contenti uſque ad Villam noſtram de Berewico ſuper Twedam, & alia loca infra dictam terram noſtram Angliæ ad hujuſmodi mala & pejora pro ſuis viribus perpetranda cum magnâ multitudine Armatorum accedere jam feſtinant, pro ſalvatione dictæ Villæ de Berewico, & aliarum Villarum, & Locorum noſtrorum, ac etiam Eccleſiarum in Terrâ & Marchiâ prædictis, ac Fidelium noſtrorum in eiſdem, & pro repulſione dictorum Inimicorum & Rebellium noſtrorum ordinavimus, & eſſe proponimus, Deo dante, apud Novum Caſtrum ſuper Tynam à die Paſchæ prox. futuro in tres Septimanas, cum Equis & Armis ad proficiſcend. exinde contra dictos Inimicos noſtros ad eorum obſtinatam malitiam, cum Dei adjutorio, refrænand. viriliter & potenter; Et quia Vos & cæteri Prælati ac Clerus de Regno noſtro, in tam arduis, Nos & Statum Eccleſiæ ſacræ & Coronæ noſtræ tangentibus non ſolum Conſiliis nobis tenemini aſſiſtere, ſed etiam debetis extendere manus adjutrices

jutrices opportuna Auxilia faciendo, Vobis mandamus rogantes, quatenus aliis prætermiſſis ſitis in propriâ perſonâ veſtrâ apud Weſtm. in Craſtino Aſcenſionis Domini proximo futuro coram Fidelibus noſtris ad hoc deputandis ad tractandum cum eiſdem ſuper competenti Auxilio à Clero Provinciæ veſtræ Cantuar. Nobis impendendo ex Cauſis prædictis, pro Utilitate Reipublicæ, & Statu Eccleſiæ ſanctæ relevand. à Servitute prædictâ, prout in proximo Parliamento noſtro apud Weſtm. habito, tam per Clerum, quam per Communitatem Regni noſtri extitit concordatum, & prout per prædictos Fideles noſtros ex parte noſtrâ eritis requiſiti, & ad eundem diem venire faciatis coram dictis Fidelibus noſtris Suffraganeos veſtros, Decanos, Priores Eccleſiarum Cathedralium, Archidiaconos, Abbates Exemptos & non Exemptos, Provinciæ veſtræ, in propriis perſonis ſuis; Capitula etiam ſingula dictarum Eccleſiarum Cathedralium per ſingulares Procuratores, & Clerum cujuſque Diœceſ. ejuſdem Provinciæ per duos Procuratores ſufficientes, ad tractandum & conſentiendum unà Vobiſcum hiis quæ in præmiſſis ibidem tunc contigerit ordinari; & hoc ſicut Nos, & Honorem noſtrum, & veſtram, ac Utilitatem Reipublicæ, & Relevationem Eccleſiæ ſacræ ab hujuſmodi ſervitute diligitis, modis omnibus faciatis. Teſte Rege apud Weſtm. xxv° die Martii. A. D. 1314.

Per ipſum Regem.

NUM. L.

Executio hujus Brevis per Archiepiſcopum Cantuar.

WAlterus, permiſſione Divinâ Cantuar. Archiepiſcopus, totius Angliæ Primas, Venerabili in Chriſto Fratri Domino Gilberto, Dei Gratiâ, London. Epiſcopo, Salutem, & fraternam in Domino Caritatem. Breve Domini Regis recepimus in hæc verba. Regiſtr. *Reynold.* Arch. Cant. fol. xxxvi. b.

Ut ſupra.

Quocirca Vobis tenore præſentium injungimus & mandamus, quatenus præfatos Suffraganeos noſtros, Decanos, Priores, Abbates, Archidiaconos, Clerumque prædictum noſtræ Provinciæ Cantuar. peremptoriè præmuniri & citari faciatis, quòd dictis die & loco ſint, & compareant, juxta formam ejuſdem Brevis, unà Nobiſcum tractaturi & ordinaturi ſuper præmiſſis, prout Utilitati Eccleſiæ, & Animarum ſaluti viſum fuerit expedire: Et hiis quæ Domino diſponente, ibidem ſalubriter contigerit ordinari ſuum, prout decet, Conſenſum adhibituri. Ad quem diem veſtram ibidem præſentiam exhibeatis perſonalem; & qualiter hoc præſens Mandatum noſtrum fueritis executi, Nos eiſdem Die & Loco, cum tenore præſentium, legitimè certificetis. Dat. apud Ot teford. v°. Id. April. Anno Dom. 1314.

NUM. LI.

Rationes Cleri Cant. Provinciæ contra formam Citationis ſuperius factam.

COntra formam hujuſmodi Citationis Clerus Cantuarienſis Provinciæ propoſuit Rationes ſubſcriptas die Lunæ in Craſtino S. Dunſtani apud Weſtmonaſterium coram Domino Waltero & XI. Epiſcopis ibidem præſentibus, & Procuratoribus abſentium Epiſcoporum Anno prædicto inſcriptis. Regiſtrum Eccleſ. Chriſti *Cantuar. H.* fol. cxciv. &c.

Veſtræ Paternitati, Reverende Domine, Dei Gratiâ, Cantuar. Archiepiſcope, totius Angliæ Primas, Abbates, Priores Cathedralium Eccleſiarum, Decani, Archidiaconi, Capitulorum & Cleri Cantuarienſis Provinciæ Procuratores, in inſtanti Congregatione apud Weſtmonaſterium nunc præſentes, Petitiones & Supplicationes concorditer porrigunt infra-ſcriptas.

Imprimis ſiquidem, Cum Eccleſia Cantuarienſis, totaque Eccleſia Anglicana libera ſit & fuerit, & tali hactenus gaviſa libertate, "quòd Clerus ejuſdem Provinciæ "vel Regni Autoritate Regia convocari non conſueviſſet, nec debuiſſet de jure;" præſens tamen Citatio, cujus obtentu Clerus vocari dicitur ſupradictus, à Domini

1314. mini noſtri Regis Mandato, vel Præcepto, emanavit, prout ex formâ ejuſdem Citationis in quâ Breve Regium totaliter eſt infertum, apparet evidenter, quod quidem ad ſubverſionem Libertatis Eccleſiaſticæ tendere dinoſcitur manifeſtè:

Item, Cum tempore ſanctæ & felicis Memoriæ Domini Roberti nuper Cantuarienſis Archiepiſcopi, habito quondam in Concilio Provinciali ſuper eodem Articulo cum ſuis Suffraganeis & Clero tractatu diligenti, viſum fuiſſet Mandata hujuſmodi Regia ad læſionem Libertatis Eccleſiaſticæ cedere manifeſtam, de Conſenſu Fratrum, & totius Cleri, extitit declaratum, conſenſum, & concorditer ordinatum, quòd obtentu hujuſmodi Mandatorum ad Convocationem Cleri nullatenus eſſet procedendum; præſertim cum temporibus Dominorum Archiepiſcoporum, Prædeceſſorum veſtrorum, quorum memoria nunc exiſtit, id factum non fuerit in formâ quæ nunc ſcribitur, vel etiam aliquo tempore obſervatum:

Item, Cum in eodem Mandato Regio contineatur expreſſè, "quod Vos "venire faciatis Prælatos, & Clerum ad faciendum, prout in eodem continetur; Cum & tale præjudicium ex hoc Eccleſiæ veſtræ Cantuar. poſſit veriſimiliter imminere, quòd ſi eidem pareatnr in præſenti, quotiens Domino Regi placuerit, poſſet Vobis & Eccleſiæ Cantuar. præſidenti conſimilia Mandata dirigere, prætendens ex ſcripto præſenti ſe eſſe in poſſeſſione præcipiendi vel mandandi, ut præmittitur; Et niſi Executio juxta Mandatum ſuum ſubſequeretur, non Parentem gravius punire, prout in Brevibus Venire facias, contra ſingulares Perſonas impetratis, aliquotiens dicitur eſſe factum:

Item, Cum non liceat Metropolitano cuicunque ſubditos Suffraganeorum ſuorum extra ſua territoria, niſi in caſibus certis, de quibus Caſus præſens non exiſtit, trahere; vel Juriſdictionem aliquam in eos exercere; Mandatum hujuſmodi, ſi eidem pareatur, in enormem Juriſdictionis Suffraganeorum cedere poſſit pro futuris temporibus læſionem, necnon Gravamen non modicum Subditorum:

Item, Cum Clerus Cantuarienſ. Provinciæ apud Weſtmonaſterium, locum, videlicet exemptum, Autoritate ordinariâ ante hæc tempora vocari nullatenus conſueviſſent, prædictum Citationis Mandatum, utpote ad locum ordinariæ Juriſdictioni non ſubjectum, arctare non poterit vocatos ut in ipſo compareant, facturi in eodem loco quod in hujuſmodi Mandato continetur:

Item, Cum Laici Judices, Auditores, ſeu Cognitores, Cauſarum vel Perſonarum Eccleſiaſticarum, eſſe non potuerint, in hoc caſu prædictum Mandatum quo tam Vos, quam Suffraganei, & cæteri Prælati, & Clerus vocari mandantur ad comparendum coram dilectis & Fidelibus Domini noſtri Regis, nullâ Autoritate Eccleſiaſticâ fulcitis, prout in eodem Mandato continetur, & ex lectis coram Vobis, & recitatis publicè apparet; & manifeſtè nedum perniciosum, ſed etiam Eccleſiaſticæ Libertati contrarium, futuris temporibus pernicioſum trahi poſſit in Exemplum:

Item, Cum Negotium de quo agitur omnes Perſonas Eccleſiaſticas Cantuarienſis Provinciæ poſſeſſiones habentes contingat, ac Priores Eccleſiarum per ſe Monaſteria ſua Gubernantes, Conventus etiam Abbatum & Priorum prædictorum, quorum etiam Negotium æquè agitur ſicut noſtrum, citari non mandentur, nec citentur; Ipſis non vocatis licet fortaſſis diceretur ab aliquo in cæteris fuiſſe ritè proceſſum, ad tractandum tamen, & cætera faciendum, quæ in prædicto Mandato continentur, procedi non poteſt, neque decet, ne Unitas Eccleſiæ in Miniſtris ſuis diviſionem patiatur; præſertim cum Abbates hic vocati, omiſſis ſuis Conventibus, & ſine Conſenſu eorundem, ipſos Conventus obligare non poſſunt:

Item, Cum in Jure caveatur, quòd Clerus ad Subventionem quæ petitur, niſi cum quâdam Juris Obſervantiâ, minimè teneatur, ſicut in ſacris Canonibus eſt contentum, prædictam Subventionem quæ tanquam ex debito fieri petitur facere non valemus, abſque Eccleſiaſticæ Libertatis læſione, & ſacrarum Conſtitutionum Offenſâ manifeſtâ:

Supplicant igitur devoti veſtri Abbates, Priores, Decani, Archidiaconi, & cæteri ſupraſcripti veſtræ Paternitati Reverendæ, humiliter, & cum omni Reverentiâ, petentes, quatenus conſideratis & ponderatis omnibus præmiſſis, & ſingulis Periculis quæ ex hoc facto Libertati Eccleſiaſticæ imminere noſcuntur, tam

tam pro Jure veſtræ Eccleſiæ Cantuarienſis, quam totius Eccleſiæ Anglicanæ, & pro vitandis hujuſmodi periculis in futurum, Revocationem Brevis hujus impetrare, & hujuſmodi Revocatione habitâ prædictam citationem tam periculoſam, & Eccleſiaſticæ Libertati quamplurimum derogantem, ex paternâ proviſione dignetur circumducere veſtra Paternitas Reverenda. Voſque Patres Reverendi, prædictæ Cantuarienſis Eccleſiæ Suffraganei, pro Conſervatione Libertatis Eccleſiaſticæ apud Patrem prædictum unà Nobiſcum inſtare velitis, ſi placet, ut Petitionem noſtram tam licitam, tam ſanctam, tamque honeſtam, exaudire dignetur, pro firmo tenentes, quòd abſque Libertatis Eccleſiaſticæ læſione evidenti, vel potius ſubverſione ejuſdem, præmiſſa ſubſiſtere non poſſunt abſq; Remedio competenti. A. D. 1314.

NUM. LII.

Petitio facta Archiepiſcopo & ejus Suffraganeis per Clerum Cantuarienſis Provinciæ die Mercurii prox. poſt Feſtum S. Dunſtani *Anno Dom.* 1214.

SUper eo, Pater Reverende, quòd Citationem circa quam verſamur, cum Eccleſiæ veſtræ Cantuarienſi, totique Eccleſiæ Anglicanæ præjudicialis exiſtat, Vos ſubducturos liberaliter promiſiſtis, datâ Optione aut ulterius nunc tractandi, aut ritè faciendam Citationem aliam expectandi; Heri, ſicut nunc, Abbates, Priores, Decani, Archidiaconi, Capitulorum & Cleri Procuratores nunc præſentes, Gratiarum actiones retulerunt Paternitati veſtræ, & referunt multiformes; humiliter ſupplicando ut Citatione hujuſmodi efficaciter ſubductâ, & Clero per eam non arctari declarato, ſibi prout eligerunt, & eligunt, liberam recedendi Licentiam concedatis; præſertim cum Citatione hujuſmodi ſubductâ, quæ abſque præjudicio prætacto ſubſiſtere non poterit ullo modo, qui conveniunt Procuratores quicquam ulterius faciendi non habeant poteſtatem. Pro Domino noſtro Rege apud Altiſſimum inſiſtimus, & devotè precibus inſiſtemus, ut ipſum ſic protegat & dirigat in agendis quòd ſuſcepta Regni Gubernacula ſub ipſius Regimine ſint tranquilla, & Hoſtes Regni qui in ſuâ feritate confidunt, dexteræ Dei potentiâ comprimantur. Et quia quædam Comminationes per quoſdam Laicos, quibuſdam Perſonis Eccleſiaſticis in inſtanti Congregatione præſentibus ſint factæ, Occaſione propoſitorum & petitorum à Vobis, humiliter ſupplicant paternitati veſtræ Prælati & Clerus ſuprafcripti, quatenus illos Laicos ab hujuſmodi Comminationibus, & quibuſcunq; Compulſionibus, pro petito Subſidio factis, totaliter deſiſtant, dignetur veſtra Paternitas Reverenda, (Vobis etiam Dominis Patribus Reverendis Epiſcopis hic præſentibus devotè ſimiliter ſupplicando, quòd unà nobiſcum apud Reverendum Patrem prædictum Precibus votivis inſiſtere velitis) (ut) Petitiones & Supplicationes noſtras ex paternâ Benignitate admittere, & eas effectui debito mancipare, ſupponentes omnes & ſingulos de Congregatione & Clero prædictis, in quocunque Gradu conſiſtant, Protectioni & Tuitioni Dei, & ipſius Vicario in Terris, & ſuæ Sedi, ne alicui eâ Occaſione Gravamen inferatur per quemcunque, non intendentes Rationes propoſitas diſcutere, vel etiam diſſipare, eò quòd firmiter tenemus quid ſuper his ſit agendum veſtram Reverendam Paternitatem non latere. *Ibidem.*

NUM. LIII.

Mandatum pro Convocatione in Craſtino Tranſlationis S. Thomæ *Mart.*

WAlterus, &c. Venerabili Fratri ſuo G. Dei Gratiâ London. Epiſcopo, Salutem, & fraternam in Domino Charitatem. Sereniſſimus Princeps & Dominus noſter Dominus Edwardus Rex Angliæ Illuſtris, ſui Brevis nobis nuper directi relatione querula cordi noſtro acerbi doloris amaritudinem propinante, latè explicavit, quòd Robertus de Brus & Complices ſui, Inimici & Rebelles ipſius Domini noſtri Regis & Regni ſui Angliæ, qui Regnum ſuum dirâ Guerrarum commotione & perfidâ perſecutione hactenus hoſtiliter diutius Regiſtr. *Reynolds.* Arch. *Cant.* fol. cv, cvi.

A. D. 1314. tius impugnarunt, jam creſcente ipſorum malicioſa feritate, ut abundè tranſeuntium clamoris gemitus publicat, & vox lugubris lamenta multiplicans evidentius manifeſtat, non modicas partes Regni Angliæ, & etiam Eccleſiam Anglicanam, & Eccleſiaſticas Perſonas in Confinio ſeu Marchia Scotiæ de novo ſub Tributo poſuerunt, Caſtra, Villas & Fortalitia in Terrâ Scotiæ & Marchiâ prædicta hoſtiliter occuparunt, & eadem Caſtra, Villas & Fortalitia, necnon & Eccleſias, Oratoria, & alia Loca ſacra in Terrâ & Marchiâ prædictis miſerabiliter devaſtarunt, Fideles Regni Angliæ in dictis Caſtris, Villis & Fortalitiis, & Locis aliis eruentes nequiter perimentes, ac aliorum utriuſq; Sexus innocentium Sanguinem effundere non verentes, & tot ac tantis facinoribus non contenti uſque ad Villam de Berewico ſuper Twedam, & alia Loca infra dictam Terram Angliæ ad hujuſmodi Mala, & pejora, pro ſuis viribus, perpetranda, cum magnâ multitudine accedere jam feſtinant; pro quorum repulſione & ſalvatione dictæ Villæ, & aliarum Villarum, & Locorum ſuorum, ac Eccleſiarum & Eccleſiaſticarum Perſonarum & Fidelium ſuorum in eiſdem, idem Dominus noſter Rex ordinavit, & eſſe propoſuit apud Novum Caſtrum ſuper Tinam à die Paſchæ proximè jam præterito in tres Septimanas cum Equis & Armis ad proficiſcendum exinde contra dictos inimicos ſuos ob eorum obſtinatam malitiam, cum Dei Adjuditorio, refrænandam viriliter & potenter. Et quia propoſitum ſuum cum Equis & Armis verſus partes illas, ſicut vos latere non credimus, ſe transferendo, quatenus commodè potuit, adimplevit, & (ut aſſeruit) Nos, & cæteri Prælati, & Clerus de Regno ſuo in tam arduis Nos & ipſos, & Statum Eccleſiæ ſanctæ, & Coronæ ſuæ, tangentibus, non ſolum Conſiliis (ſicut tenemur & tenentur) aſſiſtere, ſed manus extendere adjutrices, opportuna Subſidia faciendo, Nobis mandando rogavit, quatenus in Craſtino Aſcenſionis Domini extunc prox. futur. apud Weſtmonaſt. eſſemus, & ad eundem diem venire faceremus Suffraganeos noſtros, & alios de Clero noſtræ Provinciæ, prout in tenore ejuſdem Brevis per nos aliàs Vobis miſſi luculenter apparet, ad tractandum unà Nobiſcum ſuper competenti Auxilio à Clero noſtræ Provinciæ ſibi impendendo, ex cauſis prædictis, pro Utilitate Reipublicæ, & Statu Eccleſiæ ſanctæ relevando à Servitute prædictâ, prout in proximo Parliamento ſuo apud Weſtmon. habito, tam per Clerum quam per Communitatem Regni ſui (ut in ipſo Brevi adicitur, extitit concordatum) necnon ad conſentiendum unà Nobiſcum hiis quæ in præmiſſis ibidem contigerit ordinari; Cujus quidem Principis & Domini noſtri Regis, tot & tantis Anxietatibus & Anguſtiis expoſiti, plurimum condolentes, & proinde graviſſimi doloris concuſſi vulnere in tam grandi & evidenti periculo Regno & Eccleſiæ, ſicut præmittitur, imminente, ipſius Domini Regis rogatibus excitati, & ipſis (ſicut ex præſtito Juramento Fidelitatis aſtringimur) quantum cum Deo poſſumus inclinati, advertentes ex eventu Rei, quòd præter mala execrabilia & irreparabilia (ut præmittitur) jam illata, plura detrimenta & pericula hiis præteritis pejora, niſi eiſdem citius occurratur, & Inimicis prædictis in ſuâ malitioſâ nequitiâ graſſantibus ſalubriter obvietur, ſicut veriſimiliter eſt timendum, evenire poterint in futurum, noſtros Coepiſcopos & Confratres, & cæteros de Clero noſtræ Provinciæ pro ſalubri Conſilio & Auxilio in hâc parte ab omnibus, ſicut omnium intereſſe noſcitur, ad Utilitatem Eccleſiæ ſanctæ & Reipublicæ impendend. cenſuimus convocand. Verum quia die & loco in Convocatione hujuſmodi aſſignatis quamplurimis Confratribus noſtris Suffraganeis, ac aliis de Clero noſtræ Provinciæ Nobis invicem congregatis, quorundam ipſorum Confratrum Nobis relatio patefecit, quod Citatio noſtra prædicta ad notitiam quorundam Decanorum, Abbatum, Priorum, Archidiaconorum, & Cleri quarundum partium noſtræ Provinciæ quibuſdam certis ex cauſis aſſertis pervenire non poterat, nec pervenit, Nobis & Noſtris Coepiſcopis, ac aliis quibuſdam coadunatis ſuper hiis omnibus artiſſimâ revolutione tractantibus tandem conſultum, honeſtum & expediens videbatur, quòd intercurrente communi aſſenſu omnium pro oppreſſionum hujuſmodi revelatione & periculis imminentibus, neceſſitate urgente, præcavendis, in hâc parte foret efficaciter ſuccurrendum, & hoc minimè poſſit fieri illorum, quorum intererat Convocatione communi ac debitâ prætermiſſa: Quocirca Fraternitati veſtræ committimus & mandamus, quatenus omnes Coepiſcopos & Confratres Suffraganeos noſtros abſque dilatione moroſâ convocetis, & per ipſos dictum Clerum peremptoriè convocari mandetis, viz. quòd Epiſcopi & Decani,

cani, ac Priores in Eccleſiis Cathedralibus præſidentes, necnon Abbates Exempti, & Archidiaconi, perſonaliter; cæteri verò Abbates, Priores cujuſcunq; Diœceſeos pro ſe & Conventibus ſuis, per ſe, aut per Procuratorem ſui Ordinis, & reliqua Cleri Communitas, ſcil. cujuſcunque Diœceſeos per duos, & ſingula Capitula Eccleſiarum Cathedralium per unum, Procuratores idoneos, coram Nobis in Eccleſiâ S. Pauli London. in Craſtino Tranſlationis B. Thomæ Martyris ſufficienter compareant unà Nobiſcum tractaturi & ordinaturi ſuper Remedio providendo in præmiſſis, & Subſidio competenti ſimiliter impendendo, necnon aliis hujuſmodi Remedium & Subſidium ac Statum Eccleſiæ & Reipublicæ concernentibus, prout Animarum ſaluti, ac Utilitati Eccleſiæ & Reipublicæ viſum fuerit expedire, & hiis quæ, Domino diſponente, ibidem ſalubriter contigerit ordinari, ſuum, prout decet, præbituri Conſenſum. Vos etiam tenore præſentium peremptoriè Citamus quòd dictis die & loco coram nobis appareatis ac Citationem hujuſmodi, ſub formâ conſimili, quoad veſtros ſubditos, & alios veſtræ Civitatis & Diœceſeos, quòd etiam tunc appareant, faciatis, unâ Nobiſcum Tractaturi & Ordinaturi & Conſenſuri, prout ſuperius eſt expreſſum. Denuntiantes dictis Coepiſcopis noſtris, & per eos ſuis ſubditis ſic vocandis denunciari, ipſòsque idoneè præmunire demandetis, ſuper quo Vos ſimiliter præmunimus & Vobis denuntiamus, quod Abſentes in Citatione prædictâ niſi evidens impedimentum ſufficienter probetur, tanquam Inobedientes graviter puniemus. De die verò Receptionis præſentium, & quid feceritis in præmiſſis, Nos dictis die & Loco, unà cum Nominibus Citatorum in Quâdam Cedulâ veſtro Certificario annexâ conſcriptis, quatenus ad Vos attinet Certificare curetis; & Cæteris Co-epiſcopes noſtris ut nos ſimiliter de ſuo facto ad ipſos diem & locum ſub Eâdem formâ idoneè Certificent, diſtrictius injungatis per Patentes Literas harum ſeriem Continentes. Dat apud Lameheth ix Kal. Junii Anno Dom. 1314. A. D. 1314.

NUM. LVI.

Mandatum pro Parliamento. 1315.

WAlterus permiſſionè divinâ Cantuar. Archiepiſcopus &c. Venerabili Domino Gilberto Dei Gratiâ London. Epiſcopo, Salutem, & Fraternam in Domino Caritatem. Latius per diverſa Mundi Climata diffunditur, & quotidianis Geſtorum Experimentis perpendimus qualiter Natale ſolum diſpendiorum incommodis atteritur pro hoc quòd Pacis Æmulus & humani Generis perfidus Inimicus, Regnum Angliæ Ejuſdèmq; Incolas Hoſtium inſidiis undiq; circumcinxit, & innumerabilium Aciem Bellatorum in Nos Omnes convertit, atq; alia pericula Nobis, & Eccleſiæ Anglicanæ, Clero pariter atq; Regno imminentia, fallaciter præparavit, in tantum quòd niſi Sæva Sævientium audacia Reprimatur, & Eidem favente Domino competentibus Remediis occurratur, Nos & Eccleſiam antedictam, Clerum etiam ac Cæteros Regnicolas ad deſolationis irreparabilis Detrimentum, quod abſit, perduci poſſe præſumimus, & veriſimiliter formidamus. Cum itaq; Dominus noſter Rex ad hæc ſuæ Conſiderationis converens Oculum Nos ſuis Rogatibus excitaverit, ut præmiſſa pericula ponderantes Clerum Noſtrarum Cantuar. Diœceſeos & Provinciæ apud Lincoln. in Quindenâ S. Hillarii, ubi in ſuo Parliamento quodi nibi Celebrare diſpoſuit Vos ac cæteri Coepiſcopi noſtri, ut & Nos ac Proceres & Magnates Regni Angliæ ex Præmunitione Regiâ eſtis dante Domino tunc Venturi, pro competenti in hâc parte providendo Remedio cum Aliorum conſilio qui ibidem tunc aderunt Convocemus: Nos Caſibus hujuſmodi quos, ut præmiſimus, inſtantes eſſe probabiliter conjicimus & evidenter attendimus Obviare in quantum licitè poterimus affectantes, Regiæ Majeſtatis precibus hujuſmodi eò favorabilius inclinamus, quo Nos & Eccleſiam, Clerum & cæteros Regni Incolas Hoſtium Noſtrorum undiq; creſcentium repentinis incurſionibus & oppreſſionibus cernimus ſubjacere; quanquam Viarum & Temporum, ac aliorum Gravaminum multiplex importunitas videatur huic Negotio plurimum adverſari, veſtræ tamenFraternitati committimus & mandamus quatenus cum debitâ celeritate Confratribus & Coepiſcopis noſtris, noſtræ Cantuar. Eccleſiæ & Provinciæ ſuffraganeis, vice & autoritate noſtrâ injungatis, ſeu faciatis injungi, ut ijdem

Regiſtrum *Woodlock* Epiſ. *Winton.* fol. cxcvii. Collat. cum Regiſtr. *Henr. Prioris Cant.* fol. clxiij. b.

A. D. 1315. Episcopi Omnes & singuli in suis Diœcesibus Decanos & Priores Ecclesiarum Cathedralium, ac Archidiaconos in propriis Personis suis, nec non [Capitnla per Unum] & Clerum cujusq; Dioceseos per duos Procuratores, &c. venire faciant Coram nobis in Crastino festi Conversionis S. Pauli prox. jam futur. in Ecclesiâ Cathedrali Lincoln, cum Continuatione & Prorogatione dierum subsequentium, ad Tractand. & Consentiend. unâ Nobiscum hijs quæ ibidem divina inspirante Clementiâ contigerit Ordinari ad Honorem ipsius Dei, & Ecclesiæ suæ sanctæ, ac Magnificentiam status ipsius Regis nostri, ac Utilitatem Regnicolarum totius Regni Incliti supradicti. Vos etiam quantum ad Vos attinet mandatum nostrum hujusmodi Observetis, & dictis die & loco nobiscum tractaturi, hujusmodi dictum diem Parliamenti assignatum prævenientes, personaliter intersitis, & ut Cæteri Confratres & Coepiscopi nostri præveniendo intersint, Eisdem distrietius injungatis: Et quid feceritis in Præmissis Nos dictis die & loco Certificetis; Et singulis nostris Coepiscopis ut & ipsi similiter de suo facto Nos Certificent injungatis per Literas Patentes harum seriem continentes. Dat. apud Lambeth x Kal. Decembr. Anno Dom. 1315.

NUM. LVII.

Rot. Claus. 9. E. 2, M. 17. dorso.

De Convocatione Cleri *fac. pro* Subsidio Regis *pro guerra faciend.*

1316. REX venerabili in Christo patri W. eadem gratia Archiepiscopo Cantuar. totius Angliæ Primati, Salutem. Pro firmo credimus & tenemus quod ad ea quæ Regni nostri Salvationem & populi nobis commissi tranquillitatem, & quietem, respiciant, cum Dei adjutorio feliciter promovenda manus velitis extendere liberaliter adjutrices. Quidam itaq; Prælati, & Alii de Clero Provinciæ vestræ Cantuarienſis, quos ad interressendum Parliamento nostro apud Lincoln & fecerimus Summoneri, ibidem ex parte nostra super Subsidio nobis pro guerra nostra Scotiæ faciendo requisiti, ad urgentem necessitatem in hác parte & inevitabile periculum quod tam Ecclesiæ Anglicanæ, quàm nobis, & toti populo nostro, ex Scotorum inimicorum & rebellium nostrorum (qui pluries Regnum nostrum hostiliter sunt ingressi, deprædationes, incendia, & alia dampna quam-plurima, inhumaniter perpetrando) obstinatâ malitiâ imminere, nisi eorum nequitiæ citius, & potentius, cum Dei adjutorio, resistatur, suæ considerationis intuitum dirigentes, ad Subsidium nobis ex causâ prædicta faciend. quatenus vobis absentibus, cui subsunt, & in quorundam aliorum tam Prælatorum quam Religiosorum, &cæterorum de Clero dictæ Provinciæ absentiâ potuerunt, unanimiter consenserunt: Ita tamen quod tam ipsi, quam alij de Clero vestræ Provinciæ, qui dicto Parliamento præsentes non fuerunt, coram vobis ad tractandum & consentiendum, vestrâ Autoritate interveniente, de certo Subsidio nobis ut præmittitur faciendo in loco debito convocentur. Vestram igitur paternitatem reverendam, de qua fiduciam gerimus pleniorem, requirimus & rogamus quatenus omnes Prælatos, tam Religiosos quam alios, cæterosq; de Clero Provinciæ vestræ supradictæ, quod sint coram vobis apud London. die Mercurii proxima post Quindenam Paschæ proximo futuram ad ultimum, ad tractand. in vestra præsentia, & una vobiscum consentiend. super Subsidio memorato, convocari fac. apponentes, si placet, opem & operam efficaces, ut pro guerra nostra prædicta ad præsens competens Subsidium nobis fiat. Mittemus autem ad vos, ad diem prædictam, quosdam de Concilio nostro ad responsionem vestram super dicto subsidio nostro nomine audiend. & nobis postmodum reportandam. Teste Rege apud Lincoln. xvi° die Febr.

NUM. LVIII.

Registrum *Henr. Prior. Cant.* fol. clxviij.

WAlterus, &c. — Ea quæ ad laudem Dei ac Tuitionem Ecclesiæ suæ sanctæ & sibi Ministrantium, ac cæterorum quietem Subditorum, necnon totius Reipubl. Utilitatem summo studio provida Deliberatio aliquoties adinvenit, Fortuna intentioni quamplurimum Adversatrix, suis captionibus cautelosis ad frustrationis incommodum, non sine gravi detrimento multorum nonnunquam

nunquam perducere consuevit. Urgente siquidem Necessitate, quam ex Insidiis inimicorum undiq; confluentium ac ad Exterminium hujus Regni, & Ecclesiæ Anglicanæ, laborantium incessanter, Nos periculis his instanter imminentibus pro viribus occurrere cupientes, precibus Regiis ad id nihilominus excitati, Venerabiles Fratres Coepiscopos & Suffraganeos nostros, Prælatosq; alios tam Religiosos quàm Sæculares, nec non totum Clerum nostræ Cantuar. Provinciæ ad conveniendum apud Lincoln. in Craftino Conversionis S. Pauli prox. jam Effluxo sub certâ formâ duximus Convocandos, ad Tractandum viz. de salubri Remedio adhibendo in Præmissis, & cætera quædam facienda de quibus in Mandato nostro Citatorio, alias, Venerabili Fratri nostro Domino London. Episcopo, & per Ipsum cæteris Suffraganeis nostris directo, novimus plenius esse Cautum. Cumq; adversâ Corporis valetudine quæ medio tempore nos invasit fuissemus adeò fatigati quòd ad Diem, & Locum, nequivimus accedere antedictos, quibusdam Fratribus ac Coepiscopis nostris, vices nostras commisimus, ad omnia facienda quæ nos facere potuimus in Congregatione eâdem, & Tractatu, si præsentiam nostram in Eisdem adhibuissemus personalem. Verum Prælatis, & Cæteris tam Religiosis, quàm Aliis, juxta Mandati Tenorem vocatis, & convenientibus ad diem & locum suprascriptos, paratis ad Faciend. Ea quæ ejusdem Mandati nostri series exposcebat, ex Eo tamen quòd Venerabilis Frater noster Dominus London. Episcopus prædictus, de præscripti Executione Mandati ad dictos Diem, & Locum, vel post, Certificare prout debuit totaliter omisit; quanquam ad Id tam de jure quàm etiam de consuetudine ab olim in Casu consimili obtentâ & approbatâ, necnon tam antiquis quàm modernis temporibus pluries, & in recenti, usitatâ, quod nec ipsum, nec Cæteros Suffraganeos nostros, aut alios prælatos nostræ provinciæ, probabiliter latere poterit, nec etiam aliqualiter tunc latebat ipsum teneri efficaciter, in dubium non sit revocandum, in Ecclesiæ Anglicanæ ac totius Reipub. utilitatis impedimentum manifestum ac nonnullarum quam plurimum periculum Animarum, cum onerosâ Prælatorum, ac Cæterorum Subditorum nostrorum vexatione, de qua duluimus non modicum & dolemus, perijt Vocatio hujusmodi ut videbatur pro tunc totaliter sine fructu, Eo duntaxat excepto quod per Prælatos & quosdam alios de Clero in Congregatione prædictâ, ac Procuratores aliquos Absentium Præsentes, quòd ad certum diem per Nos assignandum Prælatos ipsos tam tunc præsentes, quàm Absentes, & totum Clerum Provinciæ nostræ prædictæ ad Civitatem London. convocari faciamus ad Tractand. & Faciend. quod tanti Negotii Expeditio requirit, concorditer consensum excitabat: Unde Dominus noster inclitus Rex Angliæ Spe sani Consilii quod ex deliberatione Prudentum reportâsse confidebat in Tractatu taliter conspiciens se frustratum, & ob hoc Regni, & Ecclesiæ Anglicanæ Negotia, periculis quamplurimis sic subjecta, literis suis Supplicatoriis, Nobis super hoc nudius tertius sub certâ formâ transmissis, Nos excitari curavit, quòd pro felici expeditione Negotii suprascripti Convocationem hujusmodi fieri faceremus. Et licet sarcinâ tantæ Necessitatis inspectâ pro statu Ecclesiæ atq; Regni absq; excitatione Cujuscunq; ex arctatione incumbentis Officii ad Remedium in præmissis pro viribus procurandum reputemus efficaciter Nos astrictos, Eò tamen promptius Votis Regiis assurgimus, ac Eis favorabiliter inclinamus, quo Negotium de quo agitur Ecclesiam Anglicanam, Regnum, & Regni Incolas, tam Personas Ecclesiasticas quàm Laicas, contingere communiter dinoscitur, quodq; ad Id faciendum, ex causâ pretensâ, ut præmittitur, novimus Nos teneri. Vobis igitur injungimus & mandamus, ac tenore præsentium peremptoriè Vos citamus, ut Vos Prior personaliter, &c. compareatis coram Nobis in Ecclesiâ S. Pauli London. die Mercurii prox. post Quinden. Pasch. prox. futur. &c. — Dat. iij Non. Martij. Anno 1315. 1316.

NUM. LIX.

EDward par la grace de Dieu Roi D'engleterre, Seigneur D'irreland & Duck de Aquitaigne, a nos chiers en Dieu, Dean & Chapitre del. Eglise Sanct Pierre de Eurewick, Saluz. Come pur refreondre & rebotre, à'laide de dieu, la malice & l'engresseiē de nos Enemis D'escoce que se'afforcent de purchaser a Nous & le nōs toux les Maus qu'ils pount, soioms en alant vers les parties du North, ou il nous convenit avoir grand foison de devers pur l'esploit de nos

Registr. Jo. de *Halton.* Epsc. *Carleol.* fol. clxxxix.

A. D. 1318. nos beſoignes: E les Prelates, & le Clerge de la province de Canterbere nous ount promis affaire un aide covenable pur cell Voiage, & Leſploit de nos dite beſoignes vous touche plus pres que ceus du Clerge de la Province avandite, vous ... tant eſpecialment de cuer come nous ... que a plus en haſte que vous .... faces aſſembler le Clerge de la Province de Eurewyk, que il ſoit devant vous a Eurewyk a acun jour certein dedents le quinze Jours apres la date de ceſtes,& vos pregnes ſi pres de Nous faire acun covenable Eide que ſe ſoit al'honour & profiſt de Nous, & de Vous, & de tout noſtre people, & confuſion de Nos Enemis avandits. Eant resgard que Leſploit de nos dites beſoignes touche plus a vous, que a ceux del autre Province, de tant com nos Enemis vos ſont plus pres. Done ſous noſtre privie Seal a Eurewyk le xi jour de Octobre. Lan du noſtre Regne diſme.

NUM. LX.

1318. *Mandatum pro Convocatione* Cleri Ebor. *Provinciæ.*

Regiſtr. Jo. de *Halton.* Epiſc. *Carleol.*, fol. ccxiij.

WIllelmus permiſſione Divinâ Ebor. Archiepiſcopus, Angliæ primas, Venerabili Fratri noſtro Domino J. Dei Gratia Karl. Epiſcopo, Salutem & Fraternam in Domino Caritatem. Juxta Canonicas Sanctiones eſſe novimus conſtitutum ut qui intra Eccleſiam poſiti, Diſciplinam Eccleſiaſticam Contempnentes, per Cenſuram Eccleſiæ compeſci nequeant, ſeveritate & rigore principum conterantur. Et ſicut Chriſtiani principes pro Eterna vita Pontificibus & Sacerdotibus indigent, ſic quoq; Pontifices pro Succeſſu Rerum Temporalium & Eccleſia Dei in ſtatu Orthodoxæ fidei conſervanda, Regum & Imperatorum oportunis noſcuntur auxiliis indigere. Sane attendentes quod ſereniſſimus princeps Dominus noſter Dominus Edwardus Dei gratia Rex Angliæ Illuſtris, ad repellendas Scotorum Inimicorum ſuorum Capitalium verſutas Inſidias Ipſorumq; malitias multiplices & notòrias Dei adjutorio reprimend. ad partes Scotiæ pro defenſione Regni ſui, & Eccleſiæ Anglicanæ, cum copioſa multitudine Armatorum in proximo proponit arripere iter ſuum, Noſq; una vobiſcum in Parliamento proximo in Civitate noſtra Ebor habito ex parte ejuſdem Domini noſtri Regis, cum magna ſimus inſtantia requiſiti, quod Vos, & Clerum noſtræ Dioc. & Provinciæ, qui propinquiores ſumus periculo imminenti, efficaciter inducamus, ut ab eodem Clero ſibi ex præmiſſa cauſa competens Subſidium concedatur, neceſſitate inſtante non modica perurgente, quod abſq; Convocatione Prælatorum & Cleri Noſtrarum Civitatis, Dioc. & Provinciæ non poterit adimpleri, Tenore præſentium Vos citamus, & per vos priorem, &c. & mandamus quatenus Vos, &c. in Eccleſia noſtra Ebor. in Octabis Sancti Hillarii prox futuris compareatis, & compareant, coram Nobis ad tractandum in dicta Convocatione Nobiſcum, & cum cæteris Prælatis, & Procuratoribus Cleri noſtrarum Civitatis Dioc. & Provinciæ ſuper Negotio antedicto ac ad faciendum ulterius ſuper illo quod communi videbitur judicio faciend. De die vero Receptionis, &c. Dat. apud Thorp prope Ebor. iiij° Kâlend. Decembris, Anno Gratiæ M° CCC° decimo octavo & pontif. noſtri ſecundo.

NUM. LXI.

Rot. Clauſ. 12. E. 2. m. 22. d.

Pro Rege de tractand. ſuper Subſidio *Regi Concedendo.*

REx dilecto ſibi in Chriſto Abbati Sancti Auguſtini Cantuar. Salutem. In Parliamento noſtro apud Eborum convocato de conſenſu Prælatorum, Comitum, Baronum, & Aliorum fidelium noſtrorum de regno noſtro, nobiſcum in eodem Parliamento exiſtentium, aſſumpſimus eſſe in propria perſona noſtra cum equis & armis apud Novum Caſtrum ſuper Tynam in Octabis Sanctæ Trinitatis proxime futuris, ad proficiſcend. exinde contra Scotos Inimicos, & Rebelles noſtros, qui nobis dampna quamplurima ac incolis dicti Regni, in partibus March. Scotiæ commorantibus, ſtrages, incendia, deprædationes, &

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alia facinora quamplurima, pluries intulerunt, & inferre conantur quotidie quantum poſſunt, ad dictorum inimicorum noſtrorum malitiam divinâ mediante potentiâ reprimend. ad quod faciend. & agrediend. nobis oportebit de magna ſumma pecuniæ provideri: Et quia Venerabilis pater W. Archiepiſcopus Eborum, in dicto Parliamento præſens pro ſe, & Clero ſuo Eborum Provinciæ, nos poſuit in ſpe bona concedendi nobis Auxilium, ex cauſa prædicta, & ſuper hoc Convocationem faciet apud Eborum in Octabis Sancti Hilarij proxime futur. & Prælatis Cantuar. Provinciæ qui ibidem fuerunt propter abſentiam Cantuar. Archiepiſcopi ſuper conceſſione hujuſmodi nobis faciend. ſe excuſantibus, propter quod eundem Cantuar. Archiepiſcopum duximus requirend. quod Prælatos, & alios de Clero Provinciæ ſuæ, apud London, in Craſtino Purificationis beatæ Mariæ proximo futur. ad tractand. & conſentiend. ſuper hujuſmodi Subſidio nobis faciend. faciat Convocare; Nos de vobis ſpecialiter confidentes, ſperantes etiam quod pro utilitate Regni noſtri, & Salvatione ejuſdem, ac Eccleſiæ ſanctæ, & populi ibidem contra Inimicos noſtros prædictos in dicto negotio velitis manus extendere adjutrices, vos affectuoſe requirimus & rogamus quod præfato Archiepiſcopo Cantuar. in dicto Craſtino London. ad tractand. & conſentiend. una cum ipſo, Prælatis, & Clero Provinciæ ſuæ ſuper ſubſidio memorato modis omnibus occuratis; adeo liberales in dicto ſubſidio nobis concedendo vos in tantæ neceſſitatis articulo exhibentes quod nos in agend. veſtris & domus veſtræ, invenire debeatis ex hac cauſa impoſterum prompt. Teſte Rege apud Eborum 1mo die Decembris. A. D. 1319.

Per ipſum Regem.

NUM. LXII.

Rot. Clauſ. 13. E. 2. m. 17.

De Superſedendo Levationi Duodecimæ *de* Clero.

REx Taxatoribus, & Collectoribus Duodecimæ Nobis conceſſæ, in Comitatu Cantij deputatis, Salutem. Cum nuper in Conceſſione dictæ Duodecimæ, quatenus Bona Prælatorum & Cleri Cantuar. Provinciæ contingeret per eoſdem Prælatos & Clerum nobis facta inter cætera Conditio appoſita fuiſſet ſubſcripta, viz· "Quod ſi aliqua decima per Dominum ſummum Pontificem Clero Pro-
"vinciæ prædictæ ad opus noſtrum impoſita fuiſſet, tunc Taxatio & Levatio
"dictæ Duodecimæ omnino ceſſarent, ac dictus Dominus ſummus Pontifex jam impoſuerit Decimam Clero prædicto infra Annum ad opus noſtrum ex certis cauſis levandam: Vobis mandamus, quod Taxationi, & Levationi dictæ Duodecimæ de Bonis Prælatorum & Cleri prædictorum, de quibus Decimam prædictam ſolvent, & hactenus ſolvere conſueverunt, ſuperſedeatis omnino. Et ſi quid inde de hujuſmodi Bonis Prælatorum & Cleri prædictorum Levaveritis, id eis ſine dilatione aliqua reſtituatis. Proviſo quod ſi Prælati & Clerus prædicti habeant Terras ſeu Tenementa de perquiſito, vel alia Bona, & Catalla, quæ de hujuſmodi Decima non conſueverunt onerari, & de quibus ipſi cum Civibus, & Burgenſibus Civitatum & Burgorum Comitatus illius in hujuſmodi Auxiliis, Nobis ſeu Progenitoribus hactenus conceſſis taxari conſueverunt, dicta Duodecima aſſideatur & levetur ad opus noſtrum, ut eſt Juſtum. Teſte Rege apud Wiebell xviii Die Auguſti.

NUM. LXIII.

1321.

Mandatum pro Concilio Provinciali.

WAlterus permiſſione divinâ, &c. Venerabili Fratri Domino S. Dei gratiâ London. Epiſcopo Salutem, & Fraternam in Domino Caritatem. Non ſine magnæ Sollicitudinis ſtudio dedimus hactenus Operam, & adhuc libenter impendimus operoſâ proſecutione labores, ut de multiplicibus Regiſtr. *Orleton* Epiſc. *Hereford* fol. LV.

A. D. 1321. hujus Regni turbationibus quas per aliqua tempora diſpendioſè pertulit ad pacis gaudia idem Regnum redeat & quietis. Dum enim mente Revolvimus quanta pericula Eccleſiæ Anglicanæ, Viris Eccleſiaſticis, & Cæteris Regni Incolis in promptu ſe offerunt hijs diebus, profecto tanto graviore commotione concutimur quanto Regnum ipſum quod ab Olim pacis pulchritudine Gaudere conſueverat, noſtris jam temporibus Guerrarum diſſidiis Expoſitum, inteſtini Belli diſcrimine naufragari pertimeſcimus, niſi divinâ Opitulante Clementiâ hijs præſidio occurratur celeriter Opportuno. Ut autem animarum ac Corporum atq; Rerum imminentibus diſpendiis obvietur, & pacis tranquilitas extra ſuos terminos hijs diebus, proh dolor! exulata, ad debitæ reducatur reconciliationis amplexus, Eò promptius, Eòq; ferventius, ad pacem hujuſmodi procurandam ſtudia noſtra habemus apponere quòd id ſub Gravibus Pœnis, per Sacros Canones Prælatis, * eſt commiſſum, tepeditate quàcunq; ſepoſitâ, mutuo ipſorum interveniente Conſilio, diligentius exequendum. Volentes igitur in habendo ſuper hijs tractatu in quibus Omnium ac Singulorum cauſam agi conſpicimus Veſtro, ac Cæterorum Fratrum noſtrorum Coepiſcoporum, ac Cleri totius noſtræ Cantuarienſis Provinciæ, in Concilio, quod ex Cauſis præmiſſis urgentiſſimis ac Notoriis, ex deliberato conſilio cum quibuſdam Fratribus noſtris jam præſentibus, Convocandum duximus, Conſiliò & auxilio perpotiri, & in ipſis procedere juxta tractandorum qualitatem negotiorum, & Sacrorum ut præmittitur Canonum Inſtituto, Vobis in virtute Sanctæ Obedientiæ firmiter injungendo Mandamus quatenus omnes & ſingulos Coepiſcopos Suffraganes noſtros Provinciæ noſtræ Cant. peremptoriè Citetis, & per ipſos Epiſcopos ſingulos in ſuis Diœceſibus, Decanos & Priores Eccleſiarum Cathedralium, Archidiaconos, Abbates, & Priores alios ſuos Conventus per ſe Regentes, Exemptos & non Exemptos, ac Eorum Conventus, totumq; Clerum prout ſingulis ſubeſſe noſcitur peremptoriè citari faciatis & curetis, quod dicti Fratres noſtri, & Ipſorum ſinguli Decani & Priores Eccleſiarum Cathedralium, ac Archidiaconi ſinguli perſonaliter; ſinguli verò Abbates & Priores Conventus per ſe Regentes Exempti & non-Exempti, ac ſingula Capitula, & Conventus ſinguli, per Unum, Cleruſq; cujuſlibet Diœceſeos per duos Procuratores ſuper præmiſſis & aliis Statum Eccleſiæ Anglicanæ & totius Regni concernentibus, in ipſo Concilio pertractandis, una nobiſcum & cum Cæteris Fratribus tractaturi, Viceſſimo die menſis Decembris in Eccleſiâ S. Pauli London. de mane ſufficienter compareant, cum continuatione & prorogatione dierum ſubſequentium, Conſilium, Auxilium, & Aſſenſum Ordinandis, faciendis & ſtatuendis ibidem, ad Laudem dei, populi Quietem, & utilitatem totius Reipubl. ſalubriter impenſuri; facturi & recepturi in eodem Concilio ulterius ſecundum Tractandorum naturam quod Eccleſiæ atq; Regni hujus Saluti Congruit & Quieti. Fratribus noſtris & perſonis ſuperius nominatis expreſſè denuntiantes quòd contra ipſos non Comparentes, & in pacis proſecutione negligentes, ad quam quilibet noſtrorum Fratrum ex injuncto Canonis ſub Gradàs ſui Amiſſionis pœnâ tenetur, quantum nobis à Jure permittitur puniendo procedemus, ipſoſq; in hijs in quibus noſtra ſe Juriſdictio non extendet de tam damnabili Negligentiâ deferemus ſine morâ. Terminum verò comparitionis taliter abbreviari oportuit propter imminentia & notoria pericula quæ ad hujus Regni deſolationis miſeriam tendere dignoſcuntur, & dilationem ulteriorem non expetunt, niſi competenti Remedio Eiſdem celerius occurratur. Vos etiam prædictum noſtrum Mandatum quantum & Decanum & Capitulum veſtrum contingit per omnia fideliter faciatis ac etiam obſervetis. Et ne mandatum noſtrum hujuſmodi, Arte, Ingenio, aut Negligentiâ deludentur, Vobis ut ſupra injungimus, quod Coepiſcopis noſtris & Suffraganeis omnibus & ſingulis, conſimiliter injungatis, ut ſinguli ipſorum de ſuis Executionibus, cum Citatorum Nominibus plenè Nos certificent, diè & loco predictis, quatenus ad Eos attinet ſecundum formam ſuperius annotatam. De die verò Receptionis præſentium & quid de Executione præſentis mandati feceritis, Nos ad dictos diem & locum diſtinctè & apertè certificari curetis per literas veſtras patentes harum ſeriem & Citatorum nomina plenarie continentes. Dat apud Lamhithe xviii Kal. Decembr: Anno Dom. 1321.

* f. *Quatenus.*
† Deſſe Videtur *& Clerum.*

NUM.

NUM. LXIV.

A. D. 1322.

Mandatum pro Congregatione Cleri.

WAlterus permiſſione Divinâ Cantuar. Archiepiſcopus, &c. — Mandato Regio literis ſuis ſub magno ipſius ſigillo nobis ſuper hoc directis excitati, Clerum noſtræ Cantuarienſis Provinciæ ad Parliamentum Domini noſtri Regis in Civitate Ebor. à die Paſch. prox. præterit. in tres ſeptimanas celebrandum, juxta ipſius Mandati Exigentiam, fecimus Convocari; ad tractandum ſuper quibuſdam arduis Dominum noſtrum Regem contingentibus, nec non conſentiendum hiis quæ ſuper Tractandis in ipſo Parliamento contingerent ſalubriter ordinari. Venerabilibus itaq; Fratribus noſtris Dominis Dei Gratiâ Norwic. Exon. Ciceſtr. Bathon. & Wellens. Bangor. Aſſav. Elyens. Wygorn. Roffen. & Lincoln. Epiſcopis perſonaliter ſe repreſentantibus in Eodem, Cæteris Fratribus & Coepiſcopis noſtris hinc Abſentibus ex Cauſis ſufficientibus legitimè excuſatis, cum Negotiis Eccleſiam & Viros Eccleſiaſticos contingentibus intenderemus diligentius pertractandis, ex parte Domini noſtri Regis inter cætera nobis expoſitum extitit in communi quòd cum circa impugnationem quorundam ſibi Rebellantium & Eccleſiæ pacem, ac Regni ſui Quietudinem perturbantium, Errarium ſuum attenuâſſet in tantum quòd contra Scotos qui ad Regni invaſionem offerunt ſe paratos, pro defenſione Patriæ, & Eccleſiæ Regni ejuſdem propriæ non ſuppeterent facultates, Viri Eccleſiaſtici quorum Rem in hoc agi dignoſcitur de Bonis ſuis Eccleſiaſticis ſubventionem facerent competentem, ſibiq; attento periculo Invaſionis hujuſmodi, quæ jam inſtat, ſatisfacerent protenus de Eâdem; Cumq; inter præſentes Tractatus ſuper Hoc habitus extitiſſet, ex parte Cleri extitit Allegatum quòd cum Clerus quorundam Diœceſ. tunc abeſſet, à quo præſentes prædicti diſcrepare minimè intendebant, circa hoc Reſponſum dare per ſe non valebant, præſertim cum ijdem Abſentes reputari non potuiſſent in loco ipſo, aut dici de jure Contumaces: Habitâ itaq; ſuper Petitione & Allegatione prædictis inter Nos & Confratres noſtros deliberatione diligenti, Zelo quoq; quo ad Eccleſiam Dominus Rex afficitur plenius attento, Petitioni prædictæ ob allegatæ Neceſſitatis ſarcinam nunc Urgentem taliter cenſuimus de Conſenſu omnium præſentium annuendum, ut quinq; denarii de Marcâ de Bonis Eccleſiaſticis, ex quibus Decima dari conſuevit pro petito Subſidio concedatur eidem cum ſummâ Celeritate pro Neceſſitate urgente ut prædicitur, quæ jam inſtat colligendi, ac levandi, ita quòd citra Feſtum S. Petri ad Vincula autoritate loci Dioc. ſic levata & per Collectorem eâdem Autoritate ad colligendum deputatum recepta, parata ſit integrè ad ſolvendum. Verum quia magna pars Cleri à loco Tractatus tunc abfuit, ad quem venire tanquam extra ſuum Territorium, Provinciam viz. Cantuar. compelli minimè potuit de Jure, Mandataq; Procuratoribus Cleri tunc præſentibus facta ad Actum de quo Agebatur ſufficere minimè videbantur, de Fratrum Conſilio tunc præſentium, ad certos Diem & locum, infra noſtram Provinciam, Prælatos & Clerum Provinciæ noſtræ reputavimus fore Convocandos. Veſtræ igitur Paternitati Committimus & Mandamus quod omnes & ſingulos Fratres & Coepiſcopos noſtros, nec non Clerum cujuſlibet Dioceſeos per locorum Dioceſanos in quolibet gradu Præmuniri demandetis ac citari quòd die Mercurii prox. poſt feſtum S. Trinitatis prox. in Eccleſiâ S. Pauli London. &c.

Regiſtr. *Hen. Burgherſh. Lincoln* Epiſc. fol. LIV.

Dat. juxta Ebor. IV Id. Maii Annno. 1322.

—— Paternitati igitur Veſtræ ſignificamus quòd ſtatim receptis dictis literis convocato coram Nobis, vel locum noſtrum tenente, ad certos Diem & Locum Clero noſtræ Diœceſeos ad faciendum & recipiendum quod Qualitas dicti Negotii poſtularet; Eiſdem die & loco pro Clero non Exempto ſingulorum Archidiaconatuum noſtræ Diœceſeos comparuerunt coram noſtro locum-tenente Procuratores ſinguli plenam & ſpecialem poteſtatem in Eâ parte habentes, qui ſuper præmiſſis ſibi ſingillatim expoſitis deliberatione præhabitâ, ſuo, & Dominorum ſuorum Nomine, Quinq; Denarios de Marcâ gratanter & liberaliter pro dicto impendendo Subſidio conceſſerunt: Prætextu cujuſmodi occaſione dictæ Scedulæ hiis annexæ ſuperſederi mandamus citationi præfato Clero juxta præfa-

Certificatorium Epiſcopi *Lincoln*: ib. fol. LV.

1322. præfati Mandati exigentiam faciendæ: — Nomina verò Exemptorum Noſtræ Diœceſeos qui nondum plenè dictum Subſidium conſenſerunt Vobis mittimus in quâdam Scedulâ hiis annexâ, quos ut dictis die & loco in Eccleſiâ S. Pauli compareant, audituri & facturi quod dictum Mandatum exigit, citari fecimus & Premuniri, &c. Dat. iij. Non. Junii. 1322.

NUM. LXV.

Rot. Clauſ. 16. E. 2. m. 20 d.

Pro Rege, de Subſidio a Clero Provinciarum Cantuar. Et Eborum procurando.

REX venerabili in Chriſto patri W. eadem gratia Archiepiſcopo Cantuar. totius Angliæ Primati, Salutem. Quanta mala, ſtrages hominum, deſtructiones Eccleſiarum, & populi Regni noſtri, Scoti, Inimici & Rebelles noſtri, in eodem regno hactenus perpetrarunt, vobis & cæteris fidelibus noſtris ignotum eſſe non credimus; Et quod gravius, rei evidentia ſatis manifeſtat. Cum itaq; ad obſtinatam malitiam dictorum Inimicorum, & Rebellium noſtrorum, cum Dei adjutorio, reprimend. in inſtanti Seiſona æſtivali manu potenti ad partes Scotiæ ordinaverimus proficiſci, ad quod, nec non pro cuſtodia Marchiæ Regni noſtri contra hoſtiles aggreſſus dictorum Inimicorum noſtrorum interim faciend. pecuniam quaſi infinitam nos effundere oportebit, propter quod Prælatos, & Proceres, ac Communitatem dicti Regni, jam apud Eborum ad tractand. ibidem ſuper Negotiis prædictis & aliis Nos, & ſtatum Regni noſtri, contingentibus, fecimus convocari, ac iidem Prælati & Proceres ac Communitas, habita deliberatione ſuper dictis Negotiis & neceſſitatibus eis per nos expoſitis, in ſubventionem expenſarum circa præmiſſa faciendarnm, Decimam de Bonis de Communitate dicti Regni, & Sextam de Civitatibus, Burgis & Antiquis Dominicis noſtris liberaliter conceſſerint, & gratanter.

Nos conſiderantes mala prædicta tam in Eccleſia ſacrâ, quam in aliis iocis per prædictos Inimicos noſtros illata fuiſſe, volentes etiam præcipue Salvationi Eccleſiæ Sacræ contra dictorum Inimicorum jacula pro viribus providere; ad quod vos & Clerum Provinciæ veſtræ Cantuar. ſperamus velle manus apponere adjutrices; vos rogamus mandantes, ac etiam firmiter injungentes, quod Concilium, Provinciale Prælatorum & Cleri Provinciæ veſtræ prædictæ apud Lincoln. quanto citius poteritis pro negotiis Eccleſiam ſacram, & defenſionem, ac immunitatem ejuſdem, ſic contingentibus convocari fac. & in eodem Concilio expoſitis negotiis & neceſſitatibus prædictis, quanto utilius & expreſſius poteritis, Auxilium competens a Prælatis, & Clero Provinciæ prædictæ, de bonis ſuis Eccleſiaſticis, & aliis Eccleſiaſticis annexis, terminis competentibus, & feſtinis nobis ſolvend. procuretis concedi. In hac parte taliter vos habentes quod mediante auxilio nobis per vos, & ipſum Clerum, concedendo, negotia prædicta feliciter valeant expediri. Noſq; ipſum Clerum in ſuis agendis debeamus ſpecialius habere commendatos. Et quid inde duxeritis faciend. nobis per veſtras literas reſcribatis. Teſte Rege apud Eborum xxviii° die Nov.

Per ipſum Regem.

NUM. LXVI.

Deliberatio Communis Religioſorum, & Cleri, *in Congregatione* Prælatorum & Cleri Lincoln, *in Craſtino S.* Hillarii *A. D.* 1322.

Regiſtr. Eccl. Chriſti Cantuar. H. fol. cclii. a.

SUper eo quod injungitur Religioſis & Clero quòd deliberent ſuper Auxilio & Conſilio impendendo Domino noſtro illuſtri Regi Angliæ, expoſitis indigentiâ Ipſius & Periculo imminente; Videtur Religioſis & Clero totius Cantuar. Provinciæ jam præſentibus ſanum eſſe Conſilium quòd Dominus noſter dictus Rex, Magnates & Proceres Univerſi in principio Deo & Orationibus Eccleſiæ devotè ſe ſtudeant commendare; & ab injuſtis Exactionibus & Oppreſſionibus Eccleſiæ, & Eccleſiaſticis Perſonis ac Populo illatis deſiſtant, & alliciant Corda ſubditorum. Quan-

Quantum ad Subsidium ex parte dicti Domini Regis petitum unanimiter re- 1322.
spondent, quòd cum sanctissimus Pater & Dominus Dominus Johannes divinâ Providentiâ Papa xxij & ponderatis causis & Rationibus ex parte dicti Domini Regis nunc expressis, volens sibi de sufficienti Subsidio, quantum facultates Ecclesiæ Anglicanæ suppetunt, providere, eidem concessit Decimam Biennalem; non licet Religiosis, nec Clero, nec possunt ultra Concessionem hujusmodi absq; Offensâ & Contemptu Sedis Apostolicæ quicquam concedere ista Vice; Cum illud Onus jam impositum per dictum Dominum Papam sit personis Ecclesiasticis nimis grave, & importabile multis, tum propter defectum Annonæ Anni instantis, & aliorum precedentium, tum propter Caristiam imminentem & Graviorem futuram ut verisimiliter formidatur, ac etiam propter Præstationes varias & insolitas, & Oppressiones alias non ignotas quas Religiosi & Clerus antedicti hactenus tolerarunt.

Vobis igitur Patri Reverendo ac Domino Waltero, Dei gratiâ, Cantuar. Archiepiscopo, totius Angliæ Primati, Religiosi & Clerus vestræ Provinciæ in istâ Congregatione præsentes, istam Deliberationem suam exhibentes humiliter supplicant & devote, quatenus præmissis Omnibus & singulis per Vos in Subsidium Religiosorum & Cleri prædictorum diligentius, si placet, ponderatis; ipsam Deliberationem veritate fulcitam benignè admittere dignemini; ac Religiosos & Clerum vestrum prædictos, erga Dominum nostrum Regem clementer ac miserecorditer in hâc parte excusare, Eisdemq; Religosis & Clero sæpius & diu fatigatis, consideratis Locorum Distantiis, & Viarum Discriminibus, velitis si placet, solutâ Congregatione præsenti, tribuere licentiam recedendi.

NUM. LXVII.

1323.

REX, &c. Adomaro de Valencia Comiti Pembroke, Salutem. Quia super quibusdam Negotiis Nos, & Statum & Honorem Regni nostri contingentibus, Vobiscum, & cum Cæteris Proceribus & Magnatibus, Dominis Regni nostri, (in) Octab. S. Hillarii prox. futur. apud Westmonaster. habere volumus Colloquium & Tractatum; Vobis Mandamus in fide & homagio quibus Nobis tenemini firmiter injungentes, quòd omnibus aliis prætermissis dictis die & loco personaliter interesitis, Nobiscum, & cum Proceribus, & Magnatibus prædictis tractaturi, vestrumq; Consilium impensuri: Et hoc nullatenus omittatis. Teste Rege apud Notingham xx die Novembr. MS. Lambeth. fol. Num. ccIxxxv. fol. 57. b.

NUM. LXVIII.

Rot. Claus. 17 E. 2. M. 31. d.

Quod Archiepiscopus Eborum, Prælatos & Clerum *suæ* Provinciæ *apud* Eborum *convocari faciat pro statu Ecclesiæ & Regni.*

REx venerabili in Christo patri W. eadem gratia Archiepiscopo Eborum Angliæ Primati, Salutem. Incumbens ex suscepto regimine nostris humeris oneris magnitudo tunc expl. ... facilius & suavius comportatur cum in disponendis negotiis, quæ, crescente hominum malitia, nos multiplicius circumstrepunt hijs diebus, promptis affectibus nobis occurrunt subditi, libera, ut res poposcerit, præbent consilia, & obtemperant votis nostris. Nuper siquidem, sicut vestra novit discretio, in tractatu unà vobiscum & quibusdam aliis Prælatis, & Magnatibus super Regni nostri negotiis apud Notingham habito, quædam pro decore Sanctæ Ecclesiæ, statuq; & honore, dicti Regni proposita extiterunt, quæ absq; Prælatorum & Cleri Regni ejusdem consilio & assensu tunc non poterant expediri, sicq; eo pretextu dilationem, non sine multorum displicentiâ, receperunt, nec potuerunt effectui mancipari. Nos igitur eadem negotia habentes, nec immeritò, multum cordi, desideranteq; ea cum celeritate commodâ terminari, vos rogamus, vobis nihilominus in fide & delectione quibus nobis tenemini firmiter injungentes, quatenus Prælatos & Clerum vestræ Provinciæ ad Octabas Sancti Hilarii proxime futuras, apud Eborum Convocari faciatis; eisq; ex parte nostrâ exponatis negotia supradicta, ipsos salubribus exhortationibus, & modis decentibus inducentes, ut pro honore & statu Sanctæ Ecclesiæ, 1323.

1323. & Regni noſtri prædicti, conſervand. in præbendo conſilio, auxilio, & aſſenſu hujuſmodi, ita ſe ſtudeant promptos & benevolos exhibere, ut exinde á nobis merito commendari valeant, noſq; ex hoc invenire in opportunitatibus promptiores. Teſte Rege apud Notingham xx die Novembr.

Per ipſum Regem.

Ibid. m. 27 dorſo.

Quod Clerus Cantuar. Provinciæ apud S. Paulum London non veniant, &c.

Quod Clerus Eborum Provinciæ apud Eborum non Veniant, &c.

" Quia tamen pro majori Commmodo & Utilitate Regni noſtri prædicti ordinavimus apud Weſtm. à die Purificationis B. Mariæ Virginis in tres Septimanas Parliamentum tenere, & Vobiſcum, & cum cæteris Prælatis, & Proceribus dicti Regni, ſuper dictis Negotiis, & aliis Regnum noſtrum tangentibus habere Colloquium, &c. Teſte Rege apud Kenilworth xxvi. Dec.

NUM. LXIX.

Citatio pro Concilio *ad* Octab. S. Hilarii *faciend.*

Memorand. *Henr.. Burgherſh* Epiſc. fol. cxvi.

WAlterus, permiſſione Divinâ, Cant Archiepiſcopus totius Angliæ Primas, Venerabili Fratri noſtro Domino., Dei Gratia Epiſcopo London. Salutem & Fraternam in Domino Charitatem. Ad Statum Eccleſiarum & perſonarum Eccleſiaſticarum noſtræ Provinciæ & totius Eccleſiæ & Regni Angliæ, noſtræ Mentis intuitum dirigentes, id animo firmiter alligamus, id Meditatione ſedula recenſemus, ut Eccleſia in ſuis juribus & Libertatibus fulgeat; Ipſiuſq; Miniſtri, cujuſlibet Inquietudinis & Turbationis forenſis materia ſemota, ſuo liberius in agendis potiantur Honore. Et licet pro Variatione Temporum ac adverſo Negotiorum Eventu Prælatos & Clerum noſtræ Cantuar. Provinciæ Vocationibus frequentius repetitis juxta Qualitatem agendorum, quòd anxie gerimus, fatigare cogeremur multotiens & inviti, inſtans tamen Eccleſiæ ac Reipublicæ Anglic anæ evidens Utilitas, Sanctiſſimi Patris & Domini noſtri Domini Johannis Sacroſanctæ Romanæ ac Univerſalis Eccleſiæ Summi Pontificis Exhortatio Salubris, ac Domini noſtri Illuſtris Regis Angliæ ſollicita Precum Excitatio, ad Convocationem Prælatorum & Cleri noſtræ Provinciæ Cantuar. in prox faciend. arctius nos impellunt: Eo præſertim quod ex tractandis & agendis in Deliberatione communi Honoris Eccleſiæ Augmentum & grande Commodum ſperamus veraciter provenire. Quocirca fraternitati Veſtræ committimus & mandamus quatenus cum debita celeritate Fratribus & Coepiſcopis Noſtræ Cant. Eccleſiæ & Provinciæ Suffraganeis Vice & Autoritate noſtrâ injungatis, ſeu faciatis injungi; Ut ijdem Epiſcopi omnes & ſinguli in ſuis Diœceſ. Decanos & Priores Eccleſiarum Cathedralium, Abbates Exemptos & non Exemptos, ac Archidiaconos, necnon Priores exemptos Conventus per ſe regentes, quod in propriis Perſonis, Priores vero alios non exemptos Prioratus ſuos per ſe Regentes, quod per ſe vel Procuratores ſufficienter inſtructos, nec non Capitula ſingularum Eccleſiarum Cathedralium, Conventus & Collegia ſingula Monaſteriorum Prioratuum & quarumcunq; Domorum Religioſarum noſtræ Provinciæ Cantuar. per ſingulos Procuratores, Clerum quoq; cujuſlibet Diœceſ. per duos Procuratores citent, ſeu citari faciant peremptorie, quod compareant coram Nobis in Eccleſiâ Sancti Pauli London. Die Veneris in Octab. Sancti Hilarii Mane, ut convenit, cum Continuatione & Prorogatione Dierum tunc ſequentium ad tractandum unà Nobiſcum ſuper proponendis & exponendis ibidem pro ſalubri ſtatu & Honore Eccleſiæ ac Regni & Reipublicæ Anglicanæ, Et etiam ſuper contentis in Literis Apoſtolicis Nobis tranſmiſſis, nec non conſentiend. hijs omnibus quæ ad Honorem Dei & Eccleſiæ ſuæ Tuitionem ac totius Reipublicæ Regniq; ſupradicti Utilitatem, divinâ diſponente Gratiâ, ibidem ſalubriter contigerit ordinari. Vos etiam quantum ad Vos veſtram Eccleſiam & Diœceſin attinet hujuſmodi Mandatum Noſtrum efficaciter exequentes dictis die & loco tractaturi Nobiſcum perſonaliter interſitis, & ut cæteri Fratres & Coe-

Co-epiſcopi Noſtri perſonaliter ſic interſint Vice & Autoritate Noſtra diſtrictius injungatis eiſdem, denunciantes dictis Coepiſcopis, & per Eos ſuos ſubditos & alios ſic vocandos facientes idoniè præmuniri, Voſq; modo conſimili præmunimus, quòd contra abſentes in dicto Termino tanquam contumaces, prout juſtum fuerit, procedemus. De die vero Receptionis præſentium, & quid feceritis in Præmiſſis Nos ad dictos Diem & Locum diſtinctè & apertè certificare curetis per Literas veſtras Patentes, harum Seriem & Citatorum Nomina plenariè continentes. Et ne Mandatum Noſtrum hujuſmodi Arte vel Ingenio aut Negligentia deludatur, Vobis ut ſupra injungimus, quod Co-epiſcopis & Suffraganeis Noſtris omnibus conſimiliter injungatis, ut ſinguli ipſorum in ſuis Executionibus plenè nos certificent, quantum ad Eos attinet, ſecundum Formam ſuperius annotatam. Dat. apud Lambeth VII. Die Decemb. Anno Domini Milleſimo trecenteſimo Viceſimo tertio. 1323.

NUM. LXX.

Revocatio Concilii ſupradicti.

WAlterus providentiâ divinâ Cantuarienſis Archiepiſcopus, &c. Venerabili fratri Epiſcopo Lincoln. Deliberatione providâ multa multotiens ſalubriter Ordinata, poſtmodum juxta Varietatem temporum, & Qualitatem etiam emergentium Negotiorum, expetunt nonnunquam commutari. Cum itaq; firmo concepto Propoſito cum Fratribus & Coepiſcopis noſtris Suffraganeis, ac Clero noſtræ Provinciæ Cantuarienſis, in Eccleſiâ B. Pauli London. Provinciale Concilium in Octab. B. Hillarii prox. futur. juxta effectum literarum noſtrarum ſuper hoc Emiſſarum, pro Negotiis arduis Eccleſiæ Anglicanæ diſpoſuiſſemus celebraſſe, Ecce Sereniſſimus Princeps Dominus noſter Rex Angliæ illuſtris, apices ſuas, quas apud Otteford. viij° die Januarij ſerò recepimus, Nobis deſtinare curavit, innuendo in Eiſdem quòd per Concilium noſtrum hujuſmodi, ſi ad actum procederet, Parliamento ſuo quod tam pro ſtatu & utilitate Eccleſiæ, quam pro Magnis & Urgentiſſimis Regni ſui Negotiis à die Purificationis B. Mariæ V. prox. futur. in tres Septimanas apud Weſtmonaſter. jam fecerat ſummoneri, impedimentum Maximum, quod abſit, pararemus; Nobiſq; Mandando ulterius ſupplicavit, ut ex Cauſâ præmiſſâ non tam Neceſſariâ quam Utili, Convocationem Prælatorum & Cleri noſtræ Provinciæ, ut præmittitur, faciendam, differremus, ac revocari faceremus penitus iſtâ vice: Nos igitur præmiſſa ponderantes, conſiderantes inſuper diſcrimina grandia Laborum & ſumptuum quæ Confratres noſtros & Clerum prædictos veniendo ad hujuſmodi concilium & recedendo ab Eodem, iterum quaſi abſq; Intervallo ad prædictum Parliamentum redeundo, hijs temporibus oportet neceſſariò ſuſtinere, de quorundam Prælatorum, & aliorum Juriſperitorum communicato Conſilio, dictum noſtrum Concilium penitus duximus ſuſpendendum, & Eidem totaliter hâc Vice ſuperſedendum. &c. Dat. X Januarij: 1323.

Regiſtrum Mem. *Henr. Burgherſh Epiſc. Lincoln.* fol. cxvij.

NUM. LXXI.

Breve Regium *Provinciale pro* Parliamento, *Cum Executione Ejuſdem per Archiepiſcopum* Cantuar.

WAlterus, &c. Venerabili fratri noſtro S. dei gratiâ London. Epiſcopo, Salutem & fraternam in Domino Charitatem. Ex aſſumptâ ſollicitudine Paſtoralis Officii multotiens cogimur inviti pro varietate temporum, & urgentibus Eccleſiæ & Regni Negotiis, cum Prælatis & Clero noſtræ Provinciæ communem habere Tractatum. Inſtans enim Reipublicæ magna Neceſſitas, evidenſq; Eccleſiæ Anglicanæ ſperata utilitas, quas ſuper Agendis & Tractandis in communi ad præſens verſari credimus, Precum etiam Regiarum excitatio inevitabilis, Nos impellit Prælatos & Clerum noſtræ Provinciæ antedictæ, juxta effectum Brevis Regii, in proximo Convocare. Cujus quidem Brevis tenor talis eſt.

Regiſtr. *Reynolds.* Arch. Cant. fol. ccxxxv. b.

" Quia

1323. " Quia ſuper diverſis & arduis Negotiis Nos, & Statum Regni noſtri ſpecia-
" liter tangentibus, Parliamentum noſtrum apud Weſtmonaſter. à die Purifi-
" cationis B. Mariæ Virg. in tres Septimanas tenere, & Vobiſcum, ac cum cæ-
" teris Prælatis, Magnatibus & Proceribus dicti Regni habere proponimus Col-
" loquium & Tractatum ; & Mandavimus ſingulis Epiſcopis veſtræ Provinciæ
" Cantuar. quòd dictis Die & Loco, omnibus aliis prætermiſſis, perſonaliter in-
" terſint ibidem Nobiſcum, & cum cæteris Prælatis, & Magnatibus ſupra-
" dictis, ſuper dictis Negotiis tractaturi, ſuumq; Conſilium impenſuri; Et
Fol.ccxxxvi a. " quod ipſi præmuniant Decanos, Priores & Capitula Eccleſiarum ſuarum, Ar-
" chidiaconos, totumq; Clerum ſuarum Diœceſ. quòd ijdem Decani, Priores,
" Archidiaconi in propriis perſonis ſuis ; Quodlibet dictorum Capitulorum,
" per Unum ; Cleruſq; cujuſlibet Diœceſ. per duos Procuratores idoneos plenam
" & ſufficientem poteſtatem ab ipſis Capitulo & Clero habentes, unà cum Epiſco-
" pis prædictis interſint modis omnibus tunc ibidem ad faciend. & conſenti-
" end. hijs quæ tunc ibidem de communi Conſilio noſtro, favente Domino,
" contigerit ordinari ſuper Negotiis antedictis.

" Nos nolentes Negotia noſtra in dicto Parliamento tractanda propter ab-
" ſentiam dictorum Decanorum, Priorum, Archidiaconorum retardari, Vo-
" bis Mandamus rogantes quatenus Decanos & Priores Eccleſiarum Cathedrali-
" um, & Archidiaconos totius Provinciæ veſtræ, in propriis Perſonis ſuis;
" Capitula etiam ſingularum Eccleſiarum Cathedralium per ſingulares procura-
" tores ; & Clerum cujuſcunq; Diœceſ. ejuſdem Provinciæ per duos ſufficientes
" procuratores, ad dictos diem & locum venire faciatis, ad Tractand. & Con-
" ſentiend. hijs quæ in præmiſſis tunc ibidem contigerit Ordinari. Et hoc nul-
" latenus omittatis. Teſte meipſo apud Kenilworth xxvi. die Decembr.
" Anno Regni noſtri. XVII°.

Nos igitur tantò promptius tantòq; favorabilius Votis Regiis inclinantes, quo ſperamus firmiſſimè tractatum hujuſmodi Eccleſiæ Anglicanæ, ac Perſonis Eccleſiaſticis non modice profuturum ; deliberato Conſilio Regiis Rogatibus fore decrevimus annuendum. Quocirca Fraternitati veſtræ committimus & mandamus quatenus cum debitâ celeritate Confratribus & Coepiſcopis noſtræ Cantuarienſis Provinciæ Suffraganeis, Vice & Autoritate noſtrâ injungatis, ſeu injungi faciatis, ut ijdem Epiſcopi omnes & ſinguli in ſuis Diœceſibus citent, ſeu citari faciant peremptorie, Decanos, Priores Eccleſiarum Cathedralium & Capitula Earum, Archidiaconos Clerumq; cujuſlibet Diœceſ. quòd ijdem Decani, Priores, & Archidiaconi in propriis Perſonis ſuis, Capitula verò ſingularum Eccleſiarum Cathedralium per ſingulos procuratores, Clerus autem cujuſlibet Diœceſ. per duos ſufficientes procuratores compareant in dicto Parliamento apud Weſtmonaſter. à die Purificationis B. Mariæ Virg. in tres ſeptimanas, cum continuatione & prorogatione dierum tunc ſequentium, ad Tractand. una Nobiſcum, & cæteris Prælatis, ſuper urgentibus Eccleſiæ Anglicanæ atq; Regni Negotiis in Parliamento ſupradicto, nec non ad Conſentiend. hijs quæ ad honorem Dei, & Eccleſiæ ſuæ ſanctæ, ac Utilitatem totius Reipublicæ Regni prædicti divinâ diſponente Clementiâ ibidem contigerit ſalubriter Ordinari. Vos etiam dictum noſtrum Mandatum quatenus Vos, Decanum & Capitulum veſtrum, Archidiaconos & Clerum veſtræ Diœceſ. contingit per omnia fideliter faciatis, ac etiam Obſervetis. Et ne Mandatum noſtrum hujuſmodi, arte, ingenio, vel negligentiâ deludatur, Vobis, ut ſupra injungimus, quod Coepiſcopis noſtris & Suffraganeis omnibus & ſingulis conſimiliter injungatis ut ſinguli Eorum de ſuis Executionibus, cum Citatorum Nominibus, plenè nos certificent die & loco prædictis, quatenus ad Eos pertinet, ſecundum formam ſuperius annotatam. De die verò receptionis præſentium, & quid in Executione præſentis Mandati feceritis, Nos ad dictos diem & locum diſtinctè & aperte certificare curetis per Literas veſtras Patentes, harum ſeriem & Citatorum Nomina plenariè continentes. Dat. apud Mortlake ij° die Januarij Ann. Dom. 1323.

Executio hujus Mandati per Epiſc. London.

Ibid. Venerabili in Chriſto Patri Domino J. Dei Gratiâ Wynton Epiſcopo, Stephanus ejuſdem permiſſione London. Epiſcopus Salutem, & ſinceræ dilectionis quotidianum

anum incrementum. Mandatum Reverendi in Chriſto Patris & Domini, Domini Walteri Dei Gratiâ Cantuar. Archiepiſcopi, totius Angliæ Primatis, nuper recepimus in hæc Verba. 1323.

Inſtrumentum ut ſupra.

Cujus Autoritate Mandati diſtrictè Vobis injungimus per præſentes quat. dictum Mandatum quatenus Executionis importat juxta vim, ... & Effectum ejuſdem in veſtrâ Diœceſi abſq; moræ diſpendio plenè & debitè fieri facientes, Vos, quatenus Id ipſum veſtram Paternitatem concernit eidem Mandato, quoad omnes & ſingulos Articulos efficaciter parere modis omnibus ſtudeatis. Dat. — 19 Kal. Febr. Anno Dom. ſupradicto.

Certificatorium ſuper ejuſdem Executione per Epiſc. Winton.

[Poſt omnia præmiſſa, ut ſupr. ſequitur] Cujus Autoritate Mandati Priorem Eccleſiæ noſtræ Cathedralis Winton. & Capitulum ejuſdem; Archidiaconoſq; noſtros Winton. & Surr. & Clerum noſtræ Diœceſ. Winton. citari fecimus peremptoriè quòd die in dicto Mandato contento in Parliamento jam inſtanti apud Weſtmonaſter. juxta formam Mandati ſupradicti compareant, cum continuatione & prorogatione dierum ſubſequentium, ad Tractand. unà Vobiſcum, & cum cæteris Prælatis, ſuper urgentibus Eccleſiæ Anglicanæ atq; Regni Negotiis, nec non ad conſentiend. hijs quæ ad Honorem Dei & Eccleſiæ ſuæ Sanctæ, ac Utilitatem totius Reipublicæ Regni prædicti, divinâ diſponente Clementiâ, ibidem ſalubriter contigerit ordinari: Et ad omnia alia & ſingula facienda quæ dictum Mandatum exigit & requirit. Nomina verò Citatorum in Cedulâ præſentibus annexâ conſcribuntur; Sicq; Mandato prædicto, quatenus potuimus, conſideratâ temporis Brevitate, paruimus, & parebimus in Omnibus reverenter. Dat. vij° Kal. Martij Anno ſupradicto. [Sc. 1° die Parliamenti.] Ibid.

NUM. LXXII.

Executio hujuſmodi Brevis Regii per Priorem & Capitulum Cantuar. *Sede Metropolitica Vacante.* Vid fol. cccxxvi. b.

[REcenſito Brevi Regio; ſequitur] Quocirca propter deſiderabile pacis Commodum Votis Regiis in quantum, poſſumus acquieſcere cupientes; Vobis autoritate Eccleſiæ noſtræ Metropoliticæ, quâ fungimur in hâc parte, injungimus & mandamus, quatenus dictum Breve Regium in Notitiam omnium & ſingulorum Coepiſcoporum veſtrorum, Cantuarienſ. Provinciæ, deducentes, per Ipſos autoritate prædictâ præmuniri faciatis, Priores, Decanos, & Capitula Eccleſiarum Cathedralium, ac etiam Archidiaconos, totumq; Clerum Cantuarienſ. Provinciæ, quòd ijdem Priores, Decani, & Archidiaconi in propriis perſonis ſuis; ſingula Capitula, per Unum; Clerus verò cujuſlibet Diœceſ. per duos Procuratores, poteſtatem ab Ipſis habentes, dictis die & loco ſint & compareant juxta formam dicti Brevis, ad Ordinand. & Tractand. ſuper præmiſſis, prout Utilitati Eccleſiæ, Reipublicæ, & Animarum Saluti viſum fuerit expedire; & Hijs quæ, Domino diſponente, ibidem ſalubriter contigerit ordinari ſuum, prout decet, adhibituri Conſenſum. Vos etiam quatenus dictum Mandatum Vos, Eccleſiam, Civitatem, & Diœceſin veſtras, ac perſonas Earundem contigerit, præmiſſa in Brevi contenta Executioni plenariè demandetis. Qualiter hoc præſens Mandatum noſtrum fueritis Executi, Nos eiſdem Die & Loco, cum tenore præſentium, legitimè certificetis. Dat. &c.

NUM. LXXIII.

Procuratorium Capituli Lincoln. *pro* Parliamento. A. D. 1325.

II Non. Novembr. 1325. Receptio literarum Epiſcopi Recitantium Brev. Reg. Præmunien. Decanum & Capitulum ad Parliamentum apud Weſtmonaſterium in Octab. S. Martini. —— Quarum literarum Autoritate Capitu- Liber Actorum *Decani & Capituli Lincoln.* ij dus. fol. V.

1325. Capitulum Lincoln. conſtituit duos Procuratores Magiſtrum Jo. de Hagh, & Jo. de Nottingham, conjunctim & diviſim, Ordinando ſibi tria Procuratoria, quorum Unum fuit plus cæteris reſtrictum, & ſi .... Utendum. Secundum aliquantulum reſtrictum, & utendum ſi de Alio non poſſit evadi. Tertium magis Generale, & nullo modo utendum niſi in Cauſâ valde Neceſſariâ.

Tenor verò Primi Procuratorii talis eſt. "Univerſis, &c. Nos Capitulum "Eccleſiæ Lincoln. Cathedralis ordinamus, &c. N. & N. veros & legitimos "Procuratores — ad Comparendum pro Nobis in Parliamento — Sereniſſimi — "Regis — ad Tractandum cum Prælatis, Magnatibus, & Proceribus Regni Anglię ſuper quibuſdam magnis & arduis Negotiis Statum Regni prædicti tangentibus, nec non ad conſentiendum Nomine noſtro, de Conſilio & Conſenſu Prælatorum, & Cleri in dicto Parliamento congregandorum, hijs quæ ad Ho-
[1] Salvationem "norem Dei & Eccleſiæ ſuæ [1] ac Utilitatem Regni prædicti, divinâ diſponente Clementiâ, ibidem contigerit ſalubriter ordinari; — [3] [Quatenus ad iſta "facienda de Jure Artari poterimus & debemus. — [2] Proviſo, quòd Ijdem "Procuratores, vel Eorum Alter, nulli Contributioni faciendæ, Nobis conſentiant, vel conſentiat, inconſultis.] Ratum gratum, &c. Dat. vi. Id. Novembr. "Anno 1325.

[2] Ibi deſinit tertium Procuratorium.
[3] Hic finis ſecundi Procuratorii.

A. D. 1326.

NUM. LXXIV.

Regiſtr. *Reynolds* Arch. Cant. fol. cccxjj.

EDwardus, &c. Ven. in Chriſto Patri Waltero, &c. Intelleximus quòd Vos Prælatos & Clerum Veſtræ Cantuarienſ. Provinciæ ad intereſſendum Concilio veſtro Provinciali, quod apud London. ad Quinden. inſtantis Feſti S. Michaelis tenere proponitis, jam feciſtis Convocari; Ac Nos hujus Convocationis veſtræ ignari pro Magnis & Arduis Negotiis Nos, ac Defenſionem Regni noſtri tangentibus cum quibuſdam Prælatis, Magnatibus, & Proceribus dicti Regni ad dictum Quinden. apud Stamford Colloquium habere ordinavimus, & Tractatum; & nonnullis Prælatis, ac Aliis de Concilio noſtro dictæ Provinciæ dedimus in Mandatis quòd ſint ad Nos dictis Die & Loco Nobiſcum ac dictis Prælatis & Magnatibus ſuper dictis Negotiis tractaturi, ſuumq; Conſilium impenſuri. Nos advertentes dicta Negotia noſtra ex Convocatione dicti Concilij, ſi ad Diem prædictum teneretur, poſſe non abſq; grandi periculo præpediri, Vos Rogamus ex affectu, Vobis nihilominus in Fide & Dilectione quibus Nobis tenemini firmiter injungentes, quatenus dictum Diem Concilii veſtri ad alium certum diem competentem, juxta diſcretionem veſtram, prorogetis; & hoc Prælatis & Aliis de Clero dictæ Provinciæ per veſtras Literas intimare curetis, ut ipſi dictâ Convocatione veſtrâ non obſtante, ad Nos accedere valeant juxta Mandata noſtra Eis inde directa. Teſte Meipſo apud Porceſtr. 14 die Septembr. Anno Regni noſtri xx°

NUM. LXXV.

Mandatum pro Concilio *in Eccleſia* S. Pauli London.

Regiſtr. Memorand. *Henr. Burgherſh* Epiſ. *Lincoln.* fol. clij.

WAlterus, Dei gratiâ, Cantuar. Archiepiſcopus, &c. Epiſcopo London. &c. Quoniam quædam expedienda noviter emerſerunt univerſaliter Eccleſiam, Nos, & cæteros Prælatos, ac Clerum noſtræ Cantuarienſ. Provinciæ concernentia, quæ abſq; præſentiâ Illorum Omnium aliqualiter nequeant expediri, de Conſilio Venerabilium Patrum G. dei Gratiâ Vienn. Archiepiſcopi, & Hugonis Epiſcopi Auraſicens. Apoſtolicæ Sedis Nuntiorum, nec non de Conſilio quorundam Fratrum noſtrorum nuper Cantuar. Congregatorum, Convocationem hujuſmodi fore decrevimus faciendam. Vobis igitur committimus & mandamus, quòd Venerabiles Fratres noſtros & Suffraganeos præſentes in Regno, ac abſentium Fratrum in Spiritualibus & Temporalibus Vicarios Generales, ſeu Alios quos ad hoc duxerant dimittendos, Decanos & Capitula Eccleſiarum Cathedralium, nec non & Capitula Collegiatarum Eccleſiarum; Archidiaconos univerſos, Abbates & Priores ſupra ſe in noſtrâ Provinciâ Abbates non habentes, tam exemptos quam non exemptos, Ciſtercienſ. Cluniacenſ. SS. Benedicti & Auguſtini, Cartuſienſ. Grandemontenſ. & Aliorum Ordinum, Eorumq;

rumq; Conventus, Præpoſitos, Archi-preſbyteros, Domorum etiam Hoſpitalium S. Jo. Jeruſalem, S. Mariæ Theutonicorum & Magiſtros, Priores & Præceptores Eorumq; Loca Tenentes, Clerumq; cujuſlibet Civitatis & Diœceſ. noſtræ Provinciæ citetis — quòd dicti Fratres, Vicarii, Decani, Archidiaconi, Abbates, Priores, Magiſtri perſonaliter; Capitula autem & Conventus per ſuos Decanos, Abbates, & Priores, ſi voluerint, alioquin per Alium vel Alios Idoneos; Clerus autem cujuſlibet Diœceſ. per unum Procuratorem vel duos Conſimiles communiter deſtinando, Die Veneris prox. poſt Feſtum S. Hilarij, &c. 1326.

Executio Epiſcopi Lincoln.

Unde licet tempore receptionis Mandati ſupraſcripti, comparitioniſq; in eodem præfixæ brevitate penſatâ difficile quibuſdam videri poſſit atq; tedioſum ad Diem comparere aſſignatum; Quia tamen ex alio latere evidenter proſpicimus laboribus Cleri noſtræ Diœceſ. parci poſſe in Eâ parte, & expenſis, ſi eidem Mandato juxta poſſibile pareatur, quod ſatis commode fieri poterit, ſi dictus Clerus Procuratoribus ſuis pro Parliamento jam deſtinatis, ad Conſentiendum hiis quæ in dicto Concilio provinciali Ordinari contigerit, ſeu concedi, poteſtatem liberam tranſmiſerit, & Mandatum ſpeciale, &c. —— Dat iij Kal. Januar. 1326.

NUM. LXXVI.

A. D. 1327.

Breve Regium pro Convocat. *Cleri.*

Regiſtr. *Reynolds* Arch-Cant. fol. ccviij. a.

EDward par la grace de Dieu Roy D' Engleterre, Seygneur D' Irlaunde, & Ducs d' Aquit. al Onorable Pere en Dieu W. per la meſme Grace Erceveque de Canterburi, Primat de tote Engleterre, ſalut. Por ceo que leide que nous Eſperamus aver eu de la Clergie de votre Province a ceſte Aſſemblee a Nichole eſt mis en delay per L'encheſon que la dite Clergie ny vient mye entirement por leur tard garniſſement a grant arririſſement de nos buſoignes, & eſt aſſentus que nouvelle Convocation ſe face de la Clergie a plus en haſte qe hom pourra, Vous prions qe eiantz Regard a la grant charge de nos buſoignes do ... meſme la Convocation faces faire pleinement à Leiceſtre, quel lieu nous ſemble covenable per multes des reyſons, & a plus de 'eſtre de tous ceux de voſtre dite Province a plus court jour que vous unques poures, & Vous meſmes y ſoyetz au dit jour, & mettes votre peine & diligence que tiel eide nous ſoyt grantez dont nours nous pourons ſentir comfortes & aides, & que les jours de payment ſoyent haſtifs pour le buſoygne que nous avons aore ſicome vous ſaves. Et ceſte choſe ejets tendrement a cuer, & faces haſter ſicome nous Nous fiouns eſpecialement de Vous. Done ſous noſtre prive Seal a Nichole le 22 jour de Septembre, l'an de noſtre Regne primer.

NUM. LXXVII.

Litera ad Convocandum Clerum ad Concilium apud Leyceſtriam.

Ibidem fol. ccvij. a. b.

WAlterus, &c. Venerabili fratri noſtro Domino, S. Dei gratiâ, Epiſcopo London. Salutem, & Fraternam in Domino Charitatem. Sereniſſimus Princeps & Dominus noſter, Dominus Edwardus Rex Angliæ illuſtris, Sui Brevis nobis nuper directi relatione querula latius explanavit, qualiter Scotorum Gens preſumptuoſè & hoſtiliter ipſum Dominum noſtrum Regem & Regnum invadendo ingreſſa, Depopulationes, Homicidia, Deprædationes, & Incendia, unà cum aliis innumeroſis Malis Anglorum Genti & Terræ inferebat: Qualiter etiam ſubſequenter per ipſum Dominum noſtrum Regem & ſuum Exercitum, licet in Parco de Stanhope, quatenus fieri poterat, undiq; circumdati fuiſſent, noctanter tamen & latenter, ut devicti & fugitivi, de Parco prædicto furtivè evaſerunt, & ad partes ſuas miſerabiliter ſunt regreſſi, nonnullis Eorum inſecutis, & interfectis. Quibus dicti inimici facinoribus non contenti, Domino noſtro Rege cum Proceribus Regni ad Tractandum de ſtatu Regni apud Lincoln. jampridem conſtituto, ut mala malis ſuperadderent, ijdem Scoti, Regnum hoſtiliter Re-ingreſſi, Caſtrum & Villam de Norham, & loca adjacentia, doloſe obſidentes Tentoria ibidem erexerunt, & fortalitia lignea conſtruxerunt; Votum inſuper vovit,

1327. vit, ut dicitur, Eorum Dux, imò Seductor, notoriè excommunicatus cum Gente, quòd non prius Vivus retro-cederet quàm terram Angliæ & Populum ſuo ſubjugaverit Domino, Utq; ad hoc ſuos Complices & Sequaces animoſius provocaret, Terras diverſas Regni Angliæ, ut puta, Norhumbrorum, Londiæ, & alias perplures, ut ſuas, ſuis Satellitibus jam dedit actualiter & conceſſit: Pro quorum Scotorum repulſione, & Salvatione dictæ Villæ de Norham, & aliarum Villarum, & locorum adjacentium, ac Eccleſiarum & Eccleſiaſticarum Perſonarum, Fidelium q; ſuorum in hijs partibus, idem Dominus noſter Rex illuc nonnullos Magnates, & Homines ad Arma jam præmiſit, inſequi Eos perſonaliter intendens, majore recollectâ Virtute Armatorum, ad ipſorum Inimicorum obſtinatam Malitiam, cum Dei adjutorio, refrænandam viriliter & potenter. Cujus quidem Principis & Domini noſtri Regis tantis Anxietatibus, & tot Anguſtiis expoſiti, in tam Grandi & evidenti Periculo, Eccleſiæ & Regno, ut præmittitur, imminenti, Rogatibus excitati, & ſicut ex præſtito Juramento fidelitatis aſtringimur, quantum cum Deo poſſumus, inclinati; conſiderantes ex Rei exitu, quòd præter præfata Mala illata, quamplura perpetratis pejora, niſi dictis Viris ſceleratis citius ſtrenuè obvietur, prout veriſimiliter eſt timendum, evenire poterunt in futurum; Noſtros Co-epiſcopos & Confratres, ac cæteros Prælatos, & Clerum noſtræ Provinciæ, pro ſalubri Conſilio & Auxilio in hoc Caſu ab omnibus, ſicut communiter omnium intereſſe dinoſcitur, impendendo, nuper juxta dictum Breve Regium nobis ſuper hoc directum apud Lincoln. fecimus evocari. Et quoniam die & loco in Convocatione hujuſmodi aſſignatis, neq; Nos, neq; Confratrum noſtrorum major pars, neq; alii de Clero noſtræ Provinciæ quibuſdam certis ex Cauſis noſtram præſentiam adhibere poteramus perſonalem, co-adunatis ibidem tam Prælatis quàm Proceribus, & cæteris ſuper hijs prudenti Revolutione tractantibus, tandem Conſultum, Honeſtum, & expediens omnibus videbatur novam Convocationem faciendam fore occaſione præmiſſorum: Eorumq; Dominus noſter Rex providum ſecutus Conſilium Nobis per literas ſuas, quas apud Otteford iv Kal. Octobr. horâ tertiâ recepimus, ſcripſit, & Mandando Rogavit, quòd cum Nos, & cæteri Prælati, & Clerus de Regno ſuo in tam arduis, ſtatum Eccleſiæ, & Coronæ ſuæ tangentibus, non ſolum ſibi Conſiliis teneamur, & teneantur, aſſiſtere, ſed Manus etiam extendere adjutrices, opportuna ſibi Subſidia tribuendo, quatenus celerius quo poſſemus apud Leyceſtriam venire faceremus Suffraganeos noſtros, & alios de Clero noſtræ Provinciæ ſecundum tenorem dicti brevis ſui per Nos alias vobis taanſmiſſi, ſuper competenti Auxilio à Clero noſtræ Provinciæ ſibi ex Cauſis prædictis pro ſtatu Eccleſiæ, & Utilitate Reipublicæ imponendo, unâ Nobiſcum tractaturos, necnon ad ſimul conſentiendum hijs quæ in præmiſſis ibidem contingerent ordinari: Quocirca Fraternitati veſtræ committimus & mandamus, quatenus omnes Coepiſcopos & Confratres noſtros Suffraganeos abſq; dilatione moroſâ convocetis, & per ipſos dictum Clerum peremptoriè evocari demandetis; viz. quòd Epiſcopi, Decani, & Priores in Eccleſiis Cathedralibus præſidentes, nec non Abbates exempti, & Archidiaconi, perſonaliter; Cæteri verò Abbates & Priores pro ſe, & Conventibus ſuis, per ſe, aut per Procuratores ſufficienter conſtitutos, & reliqui de Clero ſimiliter cujuſcunq; Diœceſeos per duos, & ſingula Capitula Eccleſiarum Cathedralium per unum Procuratores, coram nobis in domo Capitulari Abbatiæ apud Leyceſtriam die Mercurii prox. poſt Commemorationem Animarum, viz. prid. Non. Novembr. ſufficienter compareant, unà nobiſcum tractaturi & ordinaturi ſuper Subſidio & Remedio competentibus imponendis in Præmiſſis. Vos etiam tenore præſentium, &c. De die vero receptionis, &c.

NUM. LXXVIII.

Rot. Clauſ. 4. E. 3. m. 38 dorſo.

Pro Rege, de Auxilo habendo *a* Clero *pro reſiſtentia Guerræ* Franciæ.

REX venerabili in Chriſto patri. S. eadem gratia Archiepiſcopo Cantuar. totius Angliæ Primati, Salutem. A veſtrâ memoria non excidit, ut ſperamus, qualiter nuper apud Eltham in præſentiâ veſtrâ, & aliorum Prælatorum & Procerum de Regno noſtro, quos tunc ibidem pro magnis & arduis negotiis noſtris

ſtris fecimus congregari, expoſita fuerunt inter alia Negotia contingentia Nos, & Regem Franciæ, & poſt diligentem tractatum inde habitum, tam Vobis quam ipſis videbatur, quod pro pace habenda cum Ipſo Rege eſſet omnibus modis & viis quibus poſſemus abſq; exhæredationis periculo inſiſtend. & ſi forſan idem Rex vias Pacis rationabiles recuſaret, & ad exhæredationem noſtram, quoad Ducatum prædictum, & alias terras quas haberemus, ſub Dominio ſuo, niteretur, quod ad defenſionem noſtram contra ipſum, cum Dei adjutorio. vires noſtras apponere deberemus; & ad hoc tam vos quam cæteri Prælati & Magnates tunc ibidem exiſtentes, præbuiſtis Conſilium, & promiſiſtis Opem & Auxilium apponere opportuna; & ſuper hoc concordatum extitit, quòd Parliamentum noſtrum apud Wynton ad Dominicam prox. ante Feſtum Sancti Gregorii Papæ prox. præteritum ſummoneri faceremus; verum quia in eodem Parliamento expoſitis Negotiis ſupradictis, habitaq; deliberatione ſuper modo & forma defenſionis contra potentiam ipſius Regis, ſi forſan dictas terras noſtras invadere voluerit, apponend. petitoq; ſingillatim à quolibet Prælato & Magnate cujuſmodi Subſidium nobis in eodem eventu facere volebat, ac Comitibus & Baronibus voluntatem ſuam in ea parte nobis benevole exponentibus, dicti Prælati reſponderunt, quòd propter Abſentiam veſtram certum reſponſum tunc facere nequiverunt, ſed in Convocatione per vos, eâ de cauſâ facienda, taliter facere volebant quod inde contentari deberemus: Nos igitur ad pericula & damna quæ non ſolum nobis, ſed etiam vobis, & toti Regno noſtro evenire poterunt, ſi præfatus Rex nobis guerram movere voluerit, ut eſt dictum, niſi de bonâ & forti reſiſtentiâ provideatur, debitæ conſiderationis intuitum dirigentes, attendenteſq; quod ad hoc non ſolum ex ligeantiæ debito, ſed etiam pro tantis & tam veriſimilibus evitandis periculis Vos, & cæteri Prælati, totuſq; Clerus Regni noſtri, manus apponere tenemini adjutrices; vobis mandamus rogantes, quatenus ad diem Lunæ prox. poſt Feſtum ſanctorum Tiburcii & Valeriani prox. futur. convenire faciatis omnes Prælatos, tam Religioſos quam Alios, totumq; Clerum veſtræ Cantuarienſis Provinciæ coram vobis, eiſq; dicta Negotia, & pericula eminentia ſerioſius exponere ſtudeatis, inducentes eos modis & viis quibus expedire videritis, quod in tanto neceſſitatis articulo tale nobis Subſidium faciant pro tantis periculis evitandis, quod per veſtram, & ipſorum, ſubventionem, Jura, & honorem noſtrum, & totius Regni noſtri, conſervare, ipſoſq; & totum Populum noſtrum ab hoſtium incurſibus tueri & protegere valeamus, divino nobis præſidio aſſiſtente. Mittemus autem ad vos ad diem & locum prædictos quoſdam de fidelibus noſtris ad præmiſſa proſequend. & fieri procurand. prout eis tunc ex parte noſtrâ injungetur. Teſte Rege apud Wynton, xviii die Martij. 1330.

NUM. LXXIX.

Rot. Clauſ. 7 E. 3. p. 2. m. 15. dorſo.

De Convocatione Cleri *faciend. ad tractandum ſuper* Conſilio & Auxilio *Regi concedendo.* A.D. 1333

REX venerabili in Chriſto Patri S. eadem gratia Archi-epiſcopo Cantuar. totius Angliæ Primati, Salutem. De veſtræ ſinceritatis & benevolentiæ puritate firmam fiduciam obtinemus, quod pro defendend. & recuperand. Coronæ noſtræ Regiæ Juribus nobis vigilanter velitis aſſiſtere, & in opportunitatibus, quantum ad vos pertinet, efficaciter opem ferre. Sane veſtra paternitas bene novit qualiter nuper ad partes Marchiæ Scotiæ de veſtro & aliorum Prælatorum, ac Magnatum, & Procerum Regni noſtri Conſilio, nos tranſtulimus pro defenſione partium illarum contra Inimicos, ſi qui forſan hoſtiliter invadere vellent fines Regni noſtri, & ea quæ poſtmodum contigerunt ibidem, & quomodo triumphum nobis de hoſtibus contulit clementia Salvatoris, ipſa declarat operis evidentia, & vobis incognitum non exiſtit. Verum quia dum in partibus illis moram faceremus cum exercitu noſtro innumerabiles, & quaſi infinitos ſumptus nos effundere oportuit, & decuit, in tanto Negotio pro honore Regio & utilitate etiam conſervand. & nihilominus alia poſtmodum emerſerunt Negotia in quibus veſtro & aliorum Prælatorum & Cleri Regni noſtri Conſilio & Auxilio indigemus; Vobis mandamus rogantes quatenus, Epiſcopos, Abbates, Priores,

1333. ac cæteros Prælatos, & Religioſos tam exemptos, quam non exemptos quos fore videritis convocand. ac totum Clerum veſtræ Provinciæ, apud London. die Lunæ prox. poſt Octabas Sancti Martini prox. futur. convocari faciatis. Ita quod tam vos quam dicti Epiſcopi, Abbates, Priores, Prælati & Religioſi in propriis perſonis veſtris, & Clerus prædictus per Procuratores idoneos tunc ibidem interſitis, ſuper dictis Negotiis, quæ vobis ibidem ex parte noſtra plenius exponentur, tractatur. veſtrumq; & ſuum Conſilium & Auxilium impenſur. Et hoc ſicut nos & honorem noſtrum, ac Pacem, & Tranquillitatem Regni noſtri diligitis, nullatenus omittatis. Teſte Rege apud Havering-atte-Boure. vi° die Octobris.

Per Breve de Privato Sigillo.

NUM. LXXX.

Rot. Clauſ. 8 E. 3. M. 23. dorſo.

A. D. 1334. *Litera miſſa* J. Cantuar. Archiepiſcopo, *de* Convocando Clerum *ad tractand. & conſentiend. ſuper aliquo* Auxilio *competenti Regi imponend.*

REX venerabili in Chriſto Patri J. eâdem gratia Archi-epiſcopo Cantuar. totius Angliæ Primati, Salutem. Quam plene periculis & ſumptuum effuſivæ fuerunt turbationes diutinæ, quas Scotorum pertinacia nobis, & noſtris Progenitoribus, pluries præparavit, ſatis operis evidentia manifeſtat, ſuper quibus pium remedium adhibuit Dominus Ultionum, dum nos ad partes Marchiæ Scotiæ ad reprimendam Scotorum, Inimicorum noſtrorum, rabiem, qui fines Regni noſtri fuerant tunc hoſtiliter ingreſſi, de veſtro, & aliorum Prælatorum, Magnatum, & Procerum dicti Regni noſtri Conſilio, pro defenſione dictarum partium in manu forti ſumptuoſe plurimum accedentes, expeditione fælici miſericorditer viſitavit: Verum dum ſic in illis partibus agebamus ſumptus, prout ſcitis, appoſuimus, ſicut oportuit, quaſi infinitos, & alios non modicos, ad cohibend. hominum terræ noſtræ levitatem, qui nimis indomiti, miniſtris noſtris non obediunt, ut deberent, ſet in noſtram, & noſtrorum injuriam prorumpere non verentur; ac circa neceſſariam reformationem & directionem debitam ſtatus dictæ terræ effundere proponimus in proximo, Deo Duce, qui ſumptus nobis erunt nimium oneroſi, niſi nobis ſubveniatur uberius aliunde; Circa quæ, necnon pro conſervand. & recuperand. Coronæ noſtræ juribus, ac pro publicis, & Communibus Regni noſtri, & ſubditorum noſtrorum commodis, honoribus, & quiete, labores amplecti cupimus, & exponere poſſe noſtrum, ad quod veſtrum ſpecialiter, & aliorum Prælatorum ac Cleri Regni noſtri præſidium, cum Publica verſetur utilitas pronum & propitium credimus invenire. Quocirca fiducialiter vos rogamus mandantes, quatenus præmiſſis in gratæ conſiderationis examine debite ponderatis, Epiſcopos, Decanos, Capitula Eccleſiarum Cathedralium, Abbates, Priores, Archidiaconos ac cæteros Prælatos, Cuſtodes, & Magiſtros Domorum Regularium, tam exemptos quàm non exemptos, necnon totum Clerum veſtræ Provinciæ, ad aliquos certos locum in dicta Provincia veſtra, & diem, quos ad hoc fore videritis opportunos, ſine dilatione convocari faciatis; Ita quod tam Vos, quam dicti Epiſcopi, Decani, Abbates, Priores, Archidiaconi & alii Prælati, Cuſtodes & Magiſtri, exempti & non exempti, in propriis perſonis ſuis, & quodlibet Capitulorum prædictorum per unum, Cleruſq; cujuſlibet Diœc. dictæ Provinciæ per duos Procuratores idoneos ſufficientem Poteſtatem ab ipſis Capitulis & Clero habentes, tunc ibidem interſitis, ad Tractandum & Conſentiendum ſuper aliquo Auxilio competenti, quod conſiderata qualitate præmiſſorum dantes deceat, & nobis eſſe debeat utile & acceptum, nobis ex cauſis præviis concedendo. Et nos de eo quod in hac parte feceritis quam citius commode poteritis, reddatis plenius certiores. In hoc tam arduo neceſſitatis articulo, ſicut de vobis confidimus, ac rei-publicæ commodum affectatis, taliter vos habentes, quod in veſtris erga Nos agendis, nos reddatis meritò promptiores. Teſte Rege apud Norhampton xxiii° die Julij.

Per Breve de Privato Sigillo.

LXXXI.

1336.

NUM. LXXXI.

Rot. Clauſ. 10 E. 3. M. 36. dorſo.

Pro Rege, de Clero Ebor. *Provinciæ Convocando.*

REX venerabili in Chriſto Patri W. eadem gratia Archiepiſcopo Ebor. Angliæ Primati, Salutem. Regnum & Sacerdotium, velut ab uno procedentia principio Jeſu Chriſto,illam ſibi vendicant unionem,ut in opportunitatibus alterutrum gaudeant ſe mutuis Subſidiis prævenire ; cum Regnum authoritate ſacerdotali dirigatur ſpiritualiter ad Salutem, & ſacerdotium brachio regiæ potentiæ temporaliter defenſetur. Veſtra ſiquidem paternitas bene novit qualiter ad partes Scotiæ de veſtro, & aliorum Prælatorum, ac Magnatum Regni noſtri conſilio, ad compeſcendam Scotorum Inimicorum noſtrorum malitiam, qui contra nos ibidem de guerra hoſtiliter ſurrexerunt; & nos nuper manu forti tranſtulimus, propriis non parcentes laboribus, ſed infinitam quodammodo pecuniam,ſicut oportuit, effundentes,ut Jura Coronæ noſtræ defenderemus magnificè, ac Eccleſiæ, & cunctis noſtris ſubditis quietis pulchritudinem, ſubactis hoſtibus, pararemus. Verum cum in proceſſu prædicto Theſaurus noſter plurimum ſit exhauſtus, & jam imminet nobis neceſſariò pro defenſione Regni, & Terrarum noſtrarum, quædam agenda ardua, tam in terra Scotiæ, quam alibi, quæ magnum requirunt profluvium expenſarum, quas abſq; Cleri Subſidio non poſſumus commodè ſupportare ; ac Prælati,& Clerus Cantuar.Provinciæ præmiſſa.præmiſſis in gratæ conſiderationis examine ponderantes,nobis in Subventionem Expenſarum hujuſmodi unam decimam de bonis ſuis Eccleſiaſticis jam in Parliamento noſtro apud Weſtm.liberaliter conceſſerunt,& gratanter ; veſtræ benevolentiæ puritatem, de quâ plene confidimus, rogamus attente, vobis nihilominus in fide & dilectione, quibus nobis tenemini firmiter injungentes, quatenus cum hic publica verſetur utilitas, & urgens neceſſitas id expoſcat, Prælatos. & Clerum veſtrarum Diœc. & Provinciæ, ad aliquem certum diem citra feſtum Pentecoſtes prox. futur apud Ebor. convocari faciatis, ita quod tam vos quam dicti Prælati, Decani & Priores Eccleſiarum Cathedralium, Archidiaconi, ac Religioſi, quos expedire videritis, perſonaliter, & Clerus per Procuratores Idoneos ibidem tunc interſitis, & interſint, ad tractand. & conſentiend. ſuper aliquo Subſidio competenti, nobis de bonis Eccleſiaſticis veſtræ Provinciæ concedendo, quod conſiderata qualitate præmiſſorum nobis merito debeat fore gratum : Ad quem diem aliquos de noſtris illuc proponimus deſtinare ad exponendum vobis plenius noſtram indigentiam in hac parte ; ſet ſi forſan dicti mittendi tunc ibidem non venerint, ulterius illorum adventum nullatenus expectetis; ſet ad tractatum hujuſmodi tunc modis omnibus procedatis, & de eo quod nobis in hac parte conceſſeritis, nos reddatis, quo citius poteritis, certiores; In præmiſſis ſicut de vobis confidimus, ac Reipublicæ commodum affectetis, taliter vos habentes quod veſtram debeamus gratitudinem commendare, & eam in agendis veſtris retributionibus proſequi gratioſe. Teſte Rege apud Weſtm. xxvi° die Martii.

NUM. LXXXII.

Rot. Clauſ. 10 E. 3. m. 16. dorſo.

De Convocatione Cleri Cantuar. Diœc. *facienda.*

REX venerabili in Chriſto Patri J. eâdem gratia Archiepiſcopo Cantuar. totius Angliæ Primati, Salutem. Cum juxta frequentes Tractatus habitos inter nos, & Nuncios Regis Franciæ ad nos in Anglia ſpecialiter deſtinatos, ſolempnes Nuncios noſtros ad partes Franciæ de aſſenſu Prælatorum, Comitum Baronum, & Procerum Regni noſtri, quos nuper apud Northampton, ad tractandum ibidem ſuper aliquibus quæ nos, & Statum Regni noſtri contingebant, convocari fecimus, tranſmiſerimus, eiſdem Nunciis noſtris Poteſtatem plenariam tribuentes tractand. pro Nobis, & Nomine noſtro, cum præfato Rege, ſeu deputand. ab Eo ſuper aſſumendo & ordinando paſſagio, vel itinere noſtro,

1336. noſtro verſus Terram ſanctam, ac de tempore & modo arreptionis & progreſſus Itineris hujuſmodi, ac de forma, loco, & tempore quibus præfatus Rex & nos poſſemus infra Regnum Franciæ convenire, & Colloquium mutuum perſonaliter obtinere, necnon ſuper quibuſcunq; Quæſtionibus, Litibus, Querelis, Demandis, Controverſiis, Arreſtis, ſeu Debatis, & Adjornamentis, & Proceſſibus in Curia ipſius Regis pendentibus, ac petitionibus, & actionibus realibus, & perſonalibus, atq; mixtis, quæ idem Rex erga Nos, ſeu Subditos habet, vel nos erga ipſum Regem, aut Subditos ſuos, ratione Terrarum noſtrarum in Ducatu prædicto, vel alibi in partibus tranſmarinis exiſtentium, ſeu quâcunq; aliâ occaſione habemus; & etiam tractandi cum David de Brus, & Deputand. ab eo de Treugis & Guerræ ſufferentiis, ac finali pace inter nos & Nobis adhærentes, & ipſum David. & ſibi adhærentes, ſuper quibuſcunq; diſſentionibus & debatis, hic inde ſobortis ineund. & ea quæ ſic in præmiſſis omnibus tractata & confirmata fuerint quacunq; firmitate vallandi, honore noſtro regio in omnibus obſervato; ac tam præfatus Rex, quam dicti Scoti Negotiis prædictis per præfatos Nuncios noſtros, prout eis commiſſa fuerint, ibidem ſerioſius propoſitis, & incepto ſuper hiis tractatu hujuſmodi, oblatiſq; eis viis rationabilibus in præmiſſis, eiſdem, ſeu earum alicui recuſaverint hactenus conſentire; ſet dictus Rex ibidem, palam aſſeruit, ſe velle præfatis Scotis favere, eoſq; modis & viis, quibus poterit adjuvare, & ea de cauſa tam Galleas & Naves quam homines armatos in multitudine non modica in diverſis partibus exteris congregari fecit, & indies facit, ad mittend. tam ſuper Nos, & Regnum noſtrum, Eccleſiamq; ſanctam ejuſdem Regni, ad mala & gravamina nobis & ipſi Regno, ac dictæ Eccleſiæ ſanctæ pro viribus inferend. quam ad partes Scotiæ in dictorum Scotorum Inimicorum noſtrorum contra nos ſuccurſum, ad noſtrum ibidem Dominium, ſi poterit, ſubvertendum, ſicut nobis eſt certitudinaliter intimatum. Nos hujuſmodi machinatis maliciis obviare, & Salvationi ac Defenſioni Regni, Populi, & Jurium noſtrorum, Eccleſiæq; ſanctæ, providere intimius cupientes, ſuper dictis Negotiis & aliis urgentiſſimis Nos, & Statum ejuſdem Regni, ac aliarum terrarum noſtrarum contingentibus, Vobiſcum, & cum cæteris Prælatis, Magnatibus, & Proceribus hujus Regni apud Notingham die Lunæ prox. poſt Feſtum Sancti Mathæi Apoſtoli futur. habere ordinavimus Colloquium & Tractatum: Et ideo vobis in fide & dilectione, quibus nobis tenemini firmiter injungendo mandamus, quod penſatis tanta & tam urgenti neceſſitate, periculiſq; imminentibus abſq; omni Excuſatione dictis die & loco perſonaliter interſitis, Nobiſcum, & cum cæteris Prælatis, Magnatibus, & Proceribus prædictis, ſuper dictis Negotiis tractatur. veſtrumq; Conſilium impenſur. Et quia dicta Negotia ardua ſunt, & magna, & quietem & Salvationem Univerſorum in dicto Regno noſtro degentium ſumme concernentia, quæ cum omnes tangunt per omnes debeant pertractari; vobis mandamus rogantes, quod cum urgens & inſtans neceſſitas id expoſcat, Epiſcopos, Prælatos & Clerum veſtræ Provinciæ ad diem Lunæ prox. poſt Feſtum Sancti Michaelis prox futur. apud Leiceſtr. convocari faciatis: Ita quòd tam dicti Epiſcopi, quam Decani & Priores Eccleſiarum Cathedralium, & Archidiaconi, & Abbates exempti & non exempti, quos expedire videritis, perſonaliter, & quodlibet Capitulorum dictarum Eccleſiarum Cathedralium per unum, & Clerus cujuſlibet Diœc. per duos Procuratores ſufficientem poteſtatem habentes, dictis die & loco interſint ad tractandum & conſulendum ſuper præmiſſis unà vobiſcum, & aliis per Nos illuc tunc mittendis, & ad conſentiend. hiis quæ tunc ibidem pro defenſione communi, & utilitate publicâ, divinâ favente clementiâ contigerit ordinari. Et hoc nullatenus omittatis. Teſte Rege apud Villam de Sancto Johanne xxiv°. die Auguſti.

Executio hujus Brevis.

Memorand. *Henr. Burg. herſh.* Epiſc. fol. cccxl. b.

Jo. permiſſione divinâ Cantuar. Archiepiſcopus, totius Angliæ Primas, & Apoſtolicæ Sedis legatus, venerabili Fratri noſtro Domino Stephano Dei Gratiâ London. Epiſcopo, Salutem, & Fraternam in Domino Charitatem. Inevitabile Periculum, & ingens Neceſſitas Negotiorum arduorum nedum Anglicanæ concernent. Utilitatem Eccleſiæ, ſed etiam Domini noſtri Regis, & Regni ſui, ipſiuſq; Eccleſiæ defenſionem & Tranqullitatem, multipliciter nos urgent, licet cum faſtidio, Prælatos & Clerum noſtræ Cantuar. Provinciæ convocare; Et ad hoc etiam faciendum ſumus frequenti & aſſiduâ ipſius Regis noſtri in partibus

tibus Scotiæ pro defenſione dictorum Eccleſiæ & Regni nunc exiſtentis, inſtantiâ excitati: Breve ſuum recepimus ſub hâc formâ. 1336.

Sequitur Breve ut ſupra.

Nos igitur ſuper hijs, cum quibuſdam noſtris Fratribus & aliis peritis tractatum habuimus diligentem, Convocationemq; hujuſmodi ex Cauſis præmiſſis fore decrevimus faciendam. Quocirca veſtræ Fraternitati Committimus & Mandamus, quatenus ſine moræ diffugio, Vice & Autoritate noſtrâ, omnibus & ſingulis Confratribus Coepiſcopis, noſtræ Cantuar. Provinciæ Suffraganeis, injungatis, ſeu faciatis injungi, ut ijdem Epiſcopi omnes & ſinguli in eorum Diœceſ. præmuniant, ſeu faciant præmuniendo citari omnes Decanos, & ſingula Capitula Eccleſiarum Cathedralium, Abbates, Priores, & Archidiaconos cujuſlibet Diœceſ. Eorundem; quòd iidem Decani, Abbates, Priores, & Archidiaconi perſonaliter, & quodlibet Capitulorum prædictorum per unum, Cleruſq; cujuſlibet Diœceſ. noſtræ Provinciæ ſupradictæ per duos ſufficientes Procuratores compareant coram Nobis, ſeu noſtris Commiſſariis in Eccleſiâ Conventuali B. Mariæ de Pratis Leyceſtriæ die Lunæ prox. poſt Feſtum S. Michaelis prox. futur. ad Tractandum, cum continuatione & prorogatione dierum ſequentium & locorum, ſuper Præmiſſis, & aliis arduis & urgentibus Angſicanæ Eccleſiæ & Regni Negotiis inibi diffuſius pertractandis, quæ magnam Celeritatem, & Conſilium grande requirunt, nec non conſentiendum hijs quæ ex deliberatione communi erunt ad honorem Dei, & Eccleſiæ ſuæ ſanctæ Tranquillitatem, ac Regni Defenſionem, totiuſq; Reipublicæ Utilitatem ibidem concorditer Ordinata. Dictos noſtros Coepiſcopos & Confratres noſtros citando præmuniri faciatis, quòd dictis die & loco interſint ad Tractand. Conſulend. & Faciend. quod Tenor hujus Mandati noſtri exigit & requirit. Vos etiam dictum noſtrum Mandatum quatenus Vos, & Diœceſ. veſtram concernit exequi per omnia faciatis: De die Receptionis præſentium, & quid feceritis in Præmiſſis Nos, vel noſtros Commiſſarios diebus & locis hujuſmodi certificare curetis per literas veſtras Patentes, harum ſeriem, & Præmunitorum, ſeu Citatorum Nomina continentes; & cæteris Confratribus noſtris, Coepiſcopis antedictis, ut Nos, vel noſtros Commiſſarios, ipſis die & loco ſinguli ſingillatim modo debito de ſuo in hâc parte facto certificent, injungatis. Dat. apud Northampton. vii Kal, Septembr. Anno Dom. 1336. & noſtræ Tranſlationis Tertio.

NUM. LXXXIII.

Rot. Clauſ. 11 E. 3. p. 2. m. 29 dorſo.

Pro Rege, de Convocatione Cleri *faciend. pro* Subſidio *habend* A. D. 1337.

REX venerabili in Chriſto Patri W. eâdem gratiâ Archiepiſcopo Ebor. Angliæ Primati, Salutem. Juſtum eſt & conſonum Rationi, ut per Communia Subſidia communibus periculis occurratur. Sane licet nos deſiderantes omnino habere pacem cum Domino Rege Franciæ, qui nonnullas terras noſtras in Ducatu prædicto nobis diu detinuit, & adhuc detinet minus juſte, ſibi pro obtinenda reſtitutione terrarum hujuſmodi quicquid debuimus reverenter & humiliter fecerimus, offerentes ulterius ad captand. ipſius benevolentiam Maritagia Filii noſtri primogeniti, nunc Ducis Cornub. clare me Johannis Comitis Cornub. fratris noſtri, tunc viventis, & ſororis noſtræ chariſſimæ, jam Comitiſſæ Gerl. pecuniam etiam pro ſuo libitu, & alia quæ in Cedulâ hiis incluſa plenius annotantur; ipſe tamen hiis omnibus obauditis machinans nos, & noſtros, omnino deprimere, ut uſurpata ſuper nos poſſit retinere liberius, & ſibi facilius attrahere reſiduum quod habemus, movet nobis guerram fortiſſimam tam in terrâ quam in mari, nolens nec paci, nec pacis tractatui conſentire, propter quod ad reprimend. ipſius, & Scotorum, ac aliorum Inimicorum noſtrorum malitiam oportet pro defenſione Eccleſiæ, & terrarum prædictarum confidimus vos habere ex corde, rogamus quatenus ponderatis debite quantis periculis Nos, & noſtri Subditi ſubjiciuntur in hac parte, Prælatos, & Clerum veſtræ Diœc. tam exemptos quam non exemptos, apud Ebor. die Mercurii prox. poſt

Deſunt quædam.

Deſunt Alia.

1337. Feſtum Nativitatis beatæ Mariæ prox. futur, citius quo poteritis convocari faciatis. Ita quòd Prælati, Decani, Abbates, Priores, Archidiaconi, Rectores Eccleſiarum, & alii beneficiati, quos expedire videritis, perſonaliter tunc compareant coram vobis, coram quibus ſingula contenta in dictâ Cedulâ, & alia quæ moneri poterunt, clarè & publicè faciatis exponi, inducentes eoſdem, ut quilibet in Allevationem Expenſarum hujuſmodi nobis, prout facultates ſuæ permiſerint, talem Subventionem fac. qualem tanta neceſſitas jam expoſcit; Reſcribentes nobis cum omni celeritate quid, & quantum, vos & alii ſinguli nobis duxeritis concedend. Ad hæc faciatis dictam Cedulam in ſingulis Eccleſiis dictæ Diœc. & locis aliis quibus expedire videritis, diebus ſolemnibus & feſtivis, quando major aderit populi multitudo publicari patenter & exponi, ut fideles noſtri ſuper hiis informati, nobis libentius temporaliter ſubveniant, & pro Nobis apud Deum votivis precibus intercedant; ad quod eos monitis efficacibus excitetis, taliter ſuper hiis vos habentes quod veſtram debeamus gratitudinem merito commendare. Teſte Rege apud Weſtm. xxi°. die Auguſti.

Per ipſum Regem.

NUM. LXXXIV.

Regiſtr. *Hemenhale* Epiſc. *Wigorn.* fol. xxxix.

EDwardus, &c. Univerſis & ſingulis Archiepiſcopis, Epiſcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Militibus, Dominis Villarum, Mercatoribus, apud Eveſham in Craſtino Nativitatis B. Mariæ prox. futur. de Mandato noſtro, ſeu Præmunitione, Conventuris, Salutem. Sciatis quòd Nos de fidelitate & Circumſpectione providâ dilectorum & fidelium noſtrorum, Venerabilis Patris Thomæ Epiſcopi Wigorn. W. de Bello-Campo, & Hug. de Cokeſay plenam fiduciam reponentes, aſſignavimus & deputavimus Ipſos conjunctim & diviſim, ad aliqua quæ in inſtanti Concilio noſtro apud Weſtmonaſter. per Nos, & per Prælatos, Magnates, & Proceres Regni noſtri, & alios de Concilio ibidem exiſtentes tractata fuerint, & quæ Nos & Statum ac Salvationem & Defenſionem Regni noſtri, Eccleſiæ ſanctæ ejuſdem, ac aliarum Terrarum noſtrarum & Jurium noſtrorum ſpecialiter contingunt; & ad Intentionem noſtram ac Voluntatem in hâc parte, tam ad diem & locum prædictos quàm alibi in Comitatu Wigorn. ubi expedire viderint, cum continuatione & prorogatione dierum, Vobis plenius & ſerioſius exponendi, prout eis, & eorum cuilibet, per nos plenius eſt injunctum. Et ideò Vobis in fide & dilectione & Ligeantiâ quibus Nobis aſtricti eſtis firmiter injungendo Mandamus, quòd eiſdem Epiſcopo, W^mo^, & Hugoni, in exponendâ Intentione & Voluntate noſtrâ, & aliis Negotiis quæ Nos, & Vos, & dictum Regnum noſtrum, & ſtatum Eccleſiæ ſic contingunt, cum omni diligentiâ pareatis, & etiam intendatis; & ea quæ ſic Vobis expoſita fuerint ex parte noſtrâ conſideretis, periculiſq; imminentibus hiis diebus conſideratis remotâ excuſatione quâcunq; prudenter & effectualiter adimplere, prout ad Vos, & quemlibet veſtrum noveritis pertinere. In cujus rei Teſtimonium has Literas noſtras fieri fecimus Patentes. Teſte apud Weſtmonaſter. xxi Auguſti Anno Regni noſtri xi°.

‖ f. *Tractanda.*

Per ipſum Regem.

Edwardus, &c. Thomæ Wigorn. & aliis ad quædam defenſionem Regni noſtri, S. Eccleſiæ, & aliarum Terrarum noſtrarum contingentia in Comitatu Wigorn exponenda, aſſignatis, Salutem. Mittimus Vobis quandam Schedulam hiis incluſam ſuper Oblationibus ad vitandam Guerram inter Nos, & Regem Franciæ, per Nos & noſtros Nuntios ſibi factis; Mandantes vobis & veſtrum cuilibet, quòd contenta in dictâ Schedulâ die & loco in Commiſſione vobis factâ expreſſis, Clero & Populo de Comitatu plenè & clarè exponi faciatis, Inducentes eos Viis & Modis quibus poteſtis, ut cum idem Rex nobis intentet Guerram fortiſſimam, nolens nec Paci, nec Pacis Tractatui conſentire, per quod pro defenſione publicâ importabilibus expenſis ſubjiciemur, Nobis quatenus facultates ſuæ permiſerint, largè ſubveniant, & ſubveniat quilibet eorundem: Taliter in hoc Vos habentes, quòd veſtram debeamus Diligentiam providam meritò commendare. Teſte apud Weſtmonaſter. 28. Auguſti Anno Regn. xi.

Per ipſum Regem.

LXXXV.

1337.

NUM. LXXXV.

Mandatum pro Convocatione.

JO. permiſſione Divinâ Cantuarienſis Archiepiſcopus, &c. Venerabili Fratri noſtro Stephano London. &c. Urgentiſſimis Domini noſtri Regis & Regni Angliæ Negotiis, nedum ipſius Regni ſtatum, ſed etiam totius Eccleſiæ Anglicanæ tranquillitatem tangentibus & quietem, quæ pro defenſione eorum & bono publico, ac Periculis jam imminentibus evitandis, magnam & arduam Acceleracionem requirunt, neceſſariò ad præſens cogimur Prælatos & Clerum noſtræ Cantuar. Provinciæ convocare ; & ad hoc etiam faciendum Breve Regium recepimus ſub his Verbis. Regiſtr. *Monacute Epiſc. Eliens.* fol. xxxviii.

Vid. *Prynn. Regiſter.* of *Parl. Writs*, Vol. 1. p. 401

Nos igitur ſuper his cum quibuſdam de noſtris Fratribus, & aliis peritis tractatu habito diligenti, Convocationem hujuſmodi ex Cauſis præmiſſis fore decrevimus faciendam. Quocirca veſtræ Fraternitati committimus, quatenus ſine moræ diffugio, Vice & Autoritate noſtra omnibus & ſingulis Confratribus, Coepiſcopis noſtræ Cantuarienſ. Eccleſiæ Suffraganeis injungatis, ſeu faciatis injungi, ut iidem Epiſcopi omnes & ſinguli in eorum Diœceſibus præmuniant, ſeu faciant præmuniendo citari, omnes Decanos & Priores Eccleſiarum Cathedralium, ac ſingula Capitula Eccleſiarum hujuſmodi, Archidiaconoſq; & Abbates, exemptos & non exemptos, & Clerum cujuſlibet Diœceſeos, quod iidem Decani, Priores, & Archidiaconi. & Abbates, perſonaliter, & quodlibet Capitulum dictarum Eccleſiarum per unum, Cleruſq; cujuſlibet Diœceſeos noſtræ Provinciæ per duos ſufficientes Procuratores compareant coram Nobis, ſeu noſtris Commiſſariis in Eccleſiâ S. Pauli London. in Craſtino S. Michaelis prox. nunc futuri ; ad Tractandum cum continuatione & prorogatione dierum ſequentium, & locorum ſuper arduis & urgentibus totius Regni, & Eccleſiæ Anglicanæ Negotiis, in hujuſmodi Convocatione diffuſius pertractandis, quæ magnam Celeritatem, & Conſilium grande requirunt ; nec non conſentiendum hiis quæ ex deliberatione communi erunt ad honorem Dei, & Eccleſiæ ſuæ ſanctæ, ac utilitatem totius Reipubl. ibidem concorditer Ordinata. Vos, etiam dictum Mandatum noſtrum quatenus Vos, & Diœceſim veſtram London. concernit, exequi per omnia faciatis. De die verò receptionis præſentium, & quid feceritis in præmiſſis, Nos, vel noſtros Commiſſarios dictis die & loco diſtinctè & apertè certificare curetis per literas veſtras Patentes harum ſeriem, & præmunitorum, ſeu Citatorum Nomina continentes : Et cæteris Coepiſcopis antedictis, ut Nos vel noſtros Commiſſarios hujuſmodi die & loco ſinguli ſigillatim modo debito de ſuo facto in eâ parte certificent, injungatis. Dat. apud Lambeth 2 Kal. Septembr. A. D. 1337.

NUM. LXXXVI.

Rot. Clauſ. 12. E. 3, p. 2. m. 17. dorſo.

De Convocatione *faciend. de* Clero *in* Provincia Cantuar.

A. D. 1338.

REX venerabili in Chriſto patri J. eadem gratia Archiepiſcopo Cantuar. totius Angliæ Primati, vel ejus (ipſo in Remotis agente) Vicario generali, Salutem. Cum nuper aſſumpto Paſſagio noſtro ad partes exteras de Aſſenſu Prælatorum, Procerum, & Magnatum, Cleri ac Populi Regni noſtri, pro arduis Negotiis Nos, & ſtatum noſtrum, ac Salvationem & honorem ſanctæ Eccleſiæ Anglicanæ, & dicti Regni, contingentibus, volentes ut Pax & Quies dictorum Eccleſiæ & Regni, in abſentiâ noſtrâ inviolabiliter obſervarentur, & ea de Cauſa vobiſcum habere Colloquium & Tractatum ; vobis in fide & dilectione, quibus nobis tenemini firmiter injungendo mandaverimus, quod penſatis tantâ noſtrorum, & dicti Regni Negotiorum arduitate, & periculis imminentibus, abſq; Excuſatione quacunq; Vos, vel dictus Vicarius veſter, apud Norhampton

in

1338. in Craſtino Sancti Jacobi Apoſtoli jam præterito perſonaliter intereſſetis, cum Edwardo Duce Cornub. & Comite Ceſtriæ, filio noſtro Chariſſimo, quem Cuſtodem dicti Regni noſtri conſtituimus, & cum cæteris Prælatis, Proceribus, & Magnatibus prædictis ſuper dictis Negotiis tractaturi, veſtrumq; Conſilium impenſur. Et quia Negotia prædicta Salvationem dicti Regni, & Eccleſiæ ſanctæ, ac Univerſorum, & Singulorum ipſius Regni, ſpecialiter concernebant, mandavimus vobis rogantes, quod præmuniatis Priorem & Capitulum Eccleſiæ veſtræ Cant. ac Archidiaconos, totumq; Clerum veſtræ Diœc. quod iidem Prior & Archidiaconi in propriis ſuis (perſonis) ac dictum Capitulum per unum, idemq; Clerus per duos Procuratores idoneos, plenam & ſufficientem poteſtatem ab ipſis Capitulo & Clero habentes, dictis die & loco intereſſent, ad tractandum & conſulendum ſuper præmiſſis unà vobiſcum, & aliis per Nos illuc tunc mittendis, & ad conſentiendum hiis quæ tunc ibidem pro Communi Defenſione, & Utilitate, divinâ favente clementiâ, contingerent ordinari: Verum quia tractatu aliquali ſuper præmiſſis ibidem habito, quædam Salvationem, & honorem dictorum Regni, & Eccleſiæ concernentia, propter inſtantem Meſſium neceſſitatem, & aliis de Cauſis ſupervenientibus, adhuc ordinanda & tractanda ſuperſunt. Vobis mandamus, vos rogantes, quod Epiſcopos, Prælatos, & Clerum veſtræ Provinciæ, apud Eccleſiam Sancti Pauli London. in Craſtino Sancti Jeronimi prox futur. convocari fac. Ita quòd tam dicti Epiſcopi, quam Decani, & Priores Cathedralium Eccleſiarum, & Archidiaconi, ac Abbates, exempti & non exempti, quos expedire videritis, & quodlibet Capitulum dictarum Eccleſiarum Cathedralium per unum, & Clerus cujuſlibet Diœc. per duos Procuratores, ſufficientem Poteſtatem habentes, apud dictam Eccleſiam Sancti Pauli interſint in prædicto Craſtino Sancti Jeronimi ad tractandum, conſulendum, & ordinandum, ſuper præmiſſis unà vobiſcum, & aliis per nos illuc tunc mittend. & conſentiendum hiis quæ tunc ibidem pro communi utilitate & defenſione, divinâ favente Clementiâ contigerit ordinari. Teſte Edwardo Duce Cornub. & Comite Ceſtriæ, filio noſtro chariſſimo, Cuſtode Angliæ apud Norhampton quinto die Auguſti.

NUM. LXXXVII.

Rot. Clauſ. 13. E. 3. p. 1. m. 35. dorſo.

De Convocatione Cleri Ebor. *Provinciæ.*

1339. REX venerabili in Chriſto Patri W. eâdem gratiâ Archiepiſcopo Ebor. Angliæ Primati, Salutem. Nuper tam vobis quam venerabili Patri J. Archiepiſcopo Cantuar. totius Angliæ Primati duximus demandand. quod idem Archiepiſcopus Cantuar. Prælatos & Clerum ſuæ Provinciæ apud Eccleſiam Sancti Pauli London. & vos veſtræ Provinciæ Prælatos & Clerum apud Eccleſiam veſtram Sancti Petri Ebor. ad certos dies præteritos convocari faceretis, ad tractandum, confulendum, & ordinandum, ſuper aliquibus Defenſionem, & Utilitatem Anglicanæ Eccleſiæ, & Regni noſtri contingentibus, ac aliquâ Subventione nobis de veſtris, & ſuis bonis, propterea facienda. Et licet præfatus Archiepiſcopus Cantuar. ac Prælati, & Clerus ſuæ Provinciæ, quandam Decimam, ultra decimam triennalem jam currentem, nobis de bonis ſuis conceſſerint Eccleſiaſticis, & terminos Solutionis ſecundi Anni dictæ triennalis Decimæ anticipare, in Subſidium ſupportationis onerum, quæ pro defenſione Eccleſiæ, & Regni prædictorum, ac recuperatione Jurium Coronæ noſtræ nos oporteret neceſſario ſuſtinere, Vos, & Prælati, ac Clerus dictæ veſtræ Provinciæ nihilominus Subſidium aliquod, in Convocatione veſtrâ prædictâ, quanquam vobis de Conceſſione per Clerum Cantuar. Provinciæ hujuſmodi nobis ſic facta tunc conſtiterit evidenter, de veſtris & ſuis bonis Eccleſiaſticis tunc concedere renuiſtis, unde plurimum mirabamur: Et quia pericula ex hoſtili Alienigenarum aggreſſu, qui dictum Regnum, & ſanctam ejuſdem Eccleſiam invadere, & pro viribus deſtruere moliuntur, multiplicare, & habundare, de diebus in dies, dinoſcuntur; & eâ de cauſâ pro tuitione eorundem oportet ſumptus & expenſas, ſicut novit veſtra diſcretio, neceſſario adaugere; advertentes quòd omnes ipſius Regni ad Salvationem & Defenſionem ejuſdem, ac Anglicanæ Eccleſiæ ſupradictæ, cujuſcunq; conditionis fuerint, ſive ſtatus, aſtringuntur, tantis eiſdem Regno imminentibus

bus periculis ſubvenire; Vobis mandamus rogantes quod ad certum diem, ad citius quo poteritis per vos præfigend. apud Eccleſiam veſtram Sancti Petri Ebor. Clerum veſtræ Provinciæ, videlicet, tam Epiſcopos, & Religioſos, exemptos & non exemptos, quam alias perſonas Eccleſiaſticas quos videritis convocandos, convocari faciatis; & conſideratis tantâ Eccleſiæ & Regni eorundem arduitate Negotiorum, & oneroſis ſumptibus, quos eâ de cauſâ exponere coarctamur, ac etiam ſubventione per Clerum dictæ Cantuar. Provinciæ tam benevole nobis factâ, cum eiſdem Prælatis & Clero diligentius tractetis, eoſdem nihilominus modis & viis quibus poteritis excitantes de tali Subſidio nobis per vos & ipſos, de veſtris & ſuis bonis Eccleſiaſticis, concedendo, quale nobis Prælati & Clerus præfatæ Cantuar. Provinciæ conceſſerunt, ut præmittitur, vel uberiori, prout imminens neceſſitas hoc expoſcit; ſcituri quod quanto in ſubventione hujuſmodi faciend. vos, & ipſi, offenderitis promptiores, tanto exinde vobis & ipſis venturis temporibus, aſtringi volumus in agendis; Quoſdam autem Fideles & Secretarios noſtros ad diem prædictum mittere ordinavimus, ad exponendum vobis aliqua præmiſſa contingentia, & informand. vos plenius de eiſdem, & ad reportandum nobis quod in hac parte duxeritis faciendum; propter quorum abſentiam, ſi tunc non venerint, dictum Negotium ulterius retardari nolumus ſeu differri. Teſte Edwardo Duce Cornub. & Comite Ceſtriæ, filio noſtro chariſſimo, Cuſtode Angliæ apud Byflet viii° die Februarii. A. D. 1338.

Per ipſum Regem.

NUM. LXXXVIII.

Mandatum pro Concilio Provinciali.

A. D. 1341.

JOhannes permiſſione divinâ Cantuarienſis Archiepiſcopus, &c. Venerabili Patri noſtro Domino Radulpho, dei gratiâ London. Epiſcopo, Salutem & Paternam in Domino Caritatem. Quamvis ſacris ſit Canonibus conſtitutum, quòd Metropolitani & Archiepiſcopi & Primates, annis ſingulis legitimo Impedimento ceſſante pro exceſſibus corrigendis & moribus reformandis, debeant Provinciale Concilium celebrare; Nos tamen adverſis tribulationibus Temporum, & aſſiduis Occupationibus circa Magna, aliiſq; variis Cauſis impediti, quod noſtro incumbebat Officio in hâc parte nequivimus hactenus adimplere. Nunc autem Opportunitate captatâ, ſeu verius Neceſſitate cogente, Provinciali coacto Concilio adverſus exceſſus in noſtrâ Cantuarienſi Provinciâ indies contingentes medelam appetimus congruam adhibere. Nos igitur antiquorum Patrum veſtigiis inhærentes, hujuſmodi Provinciale Concilium de majoris partis Suffraganeorum noſtrorum Conſilio & Aſſenſu evocandum decrevimus & ſolenniter celebrandum, ut fiant in eo, Domino adjuvante, quæ fuerint facienda ſecundum Canonicas Sanctiones. Quocirca Fraternitati veſtræ committimus & mandamus quatenus Venerabiles Fratres noſtros Epiſcopos & electos confirmatos, vel ſiqui eorum forſan abſentes fuerint Vicarios ipſorum; nec non & Officialem noſtrum Lincoln. Sede ibidem vacante, peremptoriè & præciſè citetis, ſeu faciatis citari; Decanos verò & Priores Eccleſiarum Cathedralium, Abbates, & Priores electivos, ſub ſe plenum Conventum habentes; nec non Archidiaconos, Capitula, Conventus & Collegia univerſa; Clerumq; cujuſcunq; Diœceſis noſtræ Provinciæ antedictæ, qui ſua conſpexerint intereſſe præmunire curetis, vel faciatis debite præmuniri, quòd iidem Epiſcopi, electi, ſeu Vicarii eorundem, Officialiſq; noſter prædictus, perſonaliter; Decaniq; & Priores Eccleſiarum Cathedralium necnon Abbates, & Priores alii ſub ſe plenum Conventum habentes, ac Archidiaconi, ſi eis expediens videatur; prædictaq; Capitula, Conventus, & Collegia, per unum, Cleruſq; cujuſlibet Diœceſis per duos Procuratores idoneos, ſi ſua crediderint intereſſe; & Cauſas vel Negotia habuerint in hujuſmodi Concilio provinciali Tractanda; coram Nobis, & dicto Concilio legitimè compareant in Eccleſiâ S. Pauli London. primo die juridico poſt Feſtum S. Lucæ Evangeliſtæ prox futur. ſuper præmiſſis omnibus & ſingulis & aliis tunc exponendis ibidem Statum Eccleſiæ Religionis & Cleri, dictæ noſtræ Provinciæ concernentibus, Tractaturi, ſuumq; ſanum & deliberatum Conſilium & Conſenſum impenſuri his quæ inſpirante Domino ibidem contigeret utiliter ordinari; ulteriuſq;

Regiſtrum *Sim.* de *Montacuto Epiſc. Elienſ.* fol. lx. iv.

1341. riusq; facturi & recepturi cum continuatione & prorogatione dierum tunc sequentium usq; ad finem ejusdem Concilii quod justitia suadebit. Eisdem etiam Fratribus nostris, Electis, & Vicariis, & Officiali nostro prædicto denuntiari faciatis expresse, quòd omnibus Ecclesiarum Prælatis suarum Diœcesium exemptis, non Mendicantibus, cujuscunq; fuerint Ordinis, Conditionis seu status, notificent manifestè, ac hujusmodi Prælatis vestræ Diœceseos per vos volumus intimari, ut præfatis die & loco absq; suorum Privilegiorum præjudicio quibus per hoc non intendimus derogare, unà Nobiscum sufficienter intersint, si sibi viderint expedire, facturi in præmissis & ea contingentibus, quod superius est expressum. Ex cautelà etiam abundanti Vobis injungimus, & per Vos dictis nostris Confratribus, Electis, Vicariis & Officiali prædicto injungi volumus & mandamus, ut Vos & Ipsi cum Religiosis & Clero vestræ suarumq; Diœceseum super reformandis in Concilio supradicto deliberetis & deliberent circumspecti, ac in scriptis redigatis & redigant reformanda; ut super illis dictis diebus & loco plenior & maturior Informatio valeat obtineri, & quod expedit convenientius ordinari. Vos etiam dictum Mandatum nostrum quatenus Vos & Diœcesim vestram London. concernit, exequi per omnia faciatis. De die verò receptionis præsentium, & quid feceritis in præmissis, nos dictis die & loco distinctè & aperte certificare curetis per literas vestras patentes harum serium & Præmunitorum nomina vestræ London. Diœceseos in Cedulà separatà, literis vestris Certificatoriis annexâ, plenariè continentes; & cæteris Coepiscopis & Confratribas nostris, Electis, & Vicariis, & Officiali nostro hujusmodi similiter injungatis ut Nos præfatis die & loco sigillatim modo debito de facto suo certificent in præmissis, per literas eorum Patentes, harum seriem & Præmunitorum Nomina Diœcesium eorundem in Cedulà consimili continentes. Dat. apud Maghfeld x. Kal. Augusti Anno Dom. 1341. Et nostræ Translationis, viii°.

NUM. LXXXIX.

A. D. 1342.

Mandatum pro Concilio Provinciali.

Liber *Memorand, Tho: Beck.* Epis. *Lincoln.* fol. 1.

JOhannes providentiâ divinâ Cant. Archiepiscopus, &c. In nostro Provinciali Concilio London. celebrato, de Vestro, aliorumq; Confratrum Suffraganeorum & Co-episcoporum nostrorum ibidem præsentium, & Procuratorum absentium consensu, non sine magnæ sollicitudinis Studio provisa Remedia ad quorundam correctionem excessuum, Reformationemq; morum, libertatem & immunitatem Ecclesiæ conservandam, in nostro Provinciali prox. convocando Concilio vobiscum, & cum Eis communicato Consilio, Dei nobis assistenti Præsidio, juxta juris exigentiam in publicum redigere notionem; super quibusdam verò Articulis ad proximum reservatis Concilium aliisq; arduis, quæ in depressionem Status Ecclesiastici atq; Cleri noviter emerserunt, vobiscum, &c. volentes habere Tractatum & Deliberationem, Provinciale Concilium de vestro & ipsorum Concilio ac Consensu die Lunæ prox. post Festum Translationis S. Edwardi Regis, viz. ij. Id Octobr. prox. futur. in Ecclesiâ S. Pauli London. ordinavimus celebrandum. Quocirca, &c. præmuniri curetis, quod Episcopi seu Vicarii eorundem personaliter: Decaniq; Priores Ecclesiarum Cathedralium, nec non Abbates & Priores, & alii sub se plenum Conventum habentes, ac Archidiaconi, si eis utile videatur; prædictaq; Capitula, Conventus, & Collegia, per unum singillatim, Cleruſq; cujuslibet Diœceseos per duos Procuratores Idoneos, si sua prospexerint interesse, & Causas vel Negotia habuerint in hujusmodi Provinciali Concilio tractanda, coram Nobis, &c. compareant, &c. Prælatis insuper Ecclesiarum exemptarum non Mendicantibus — nostræ Provinciæ, cujuscunq; fuerint Ordinis — volumus nuntiare, ut præfatis die & loco absq; suorum Privilegiorum præjudicio, quibus super hoc derogare nolumus, nobiscum intersint, si voluerint, &c. Dat. x. Kal. Septembr. Anno 1342.

NUM.

NUM. XC.

Breve pro Magno Concilio.

A.D. 1344.

EDwardus, &c. Venerabili viro Johanni electo Hereford. confirmato, Salutem. Quia pro quibuſdam arduis & urgentibus Negotiis, tam honorem Dei & Eccleſiæ Anglicanæ, quàm ſalubre Regimen Regni noſtri, ac Salvationem & Defenſionem ejuſdem ſummè contingentibus, vobiſcum & cum cæteris Prælatis ipſius Regni ad Quinden. Paſch. prox futur. apud Weſtmonaſter. colloquium habere volumus & tractatum, vobis in fide & dilectione, quibus nobis tenemini firmiter injungimus & mandamus, quatenus poſtpoſitâ excuſatione quâcunq; conſideratàq; arduitate Negotiorum prædictorum dictis loco & tempore perſonaliter interſitis, nobiſcum & cum cæteris Prælatis, ac aliis quos ibidem tunc intereſſe mandavimus, tractaturi, veſtrumq; Conſilium impenſuri: Et hoc ſicut Nos & Honorem noſtrum ac Salvationem Regni noſtri diligitis nullatenus omittatis. Teſte meipſo apud Weſtm. xxix die Martii Anno Regni noſtri Angliæ xviii° Regni vero noſtri Franciæ, v°.

Regiſtr. Jo. *Trilleck*, Epiſc. *Hereford* fol. iii.

NUM. XCI.

A.D. 1345.

EDwardus Dei gratiâ Rex Angliæ & Franciæ, & Dominus Hyberniæ, Venerabili in Chriſto Patri Wolſtano eâdem Gratiâ Wigorn. Epiſcopo, Salutem. Quia pro executione Guerræ noſtræ Franciæ ad partes tranſmarinas in principio Menſis Martii prox. futur. proponimus, diſponente Deo, transfretare; propter quod vobiſcum,& cum aliis Prælatis & Magnatibus Regni noſtri Angliæ ſuper Paſſagio prædicto, & aliis Negotiis Nos & Statum ejuſdem Regni tangentibus Colloquium habere volumus & Tractatum; Vobis in fide & dilectione quibus nobis tenemini firmiter injungendo mandamus, quatenus omnibus aliis prætermiſſis & quâcunq; Excuſatione ceſſante, ſitis apud Weſtmonaſter. in Craſtino Purifi cations B. M. Virginis prox. futur. Nobiſcum & cum cæteris Prælatis & Magnatibus prædictis ſuper præmiſſis tractaturi, veſtrumq; Conſilium impenſuri; & hoc ſicut Nos & Honorem noſtrum, ac Expeditionem prædictam diligitis, nullatenus omittatis. Teſte meipſo apud Rockingham 26 Novembr. Anno Regn. noſtr. Angliæ xix. & Franciæ vi°.

Regiſtrum de *Wolſtani Braunſford.* Epiſc. *Wigorn.* fol. clxxiv.

NUM. XCII.

Mandatum pro Concilio Provinciali.

A.D. 1346.

JOhannes permiſſione divinâ Cantuarienſis Archiepiſcopus totius Angliæ Primas & Apoſtolicæ Sedis Legatus, venerabili Fratri noſtro Radulpho Dei gratiâ London. Epiſcopo, Cantuarienſis Eccleſiæ Suffraganeo, Salutem & Fraternam in Domino Caritatem. Ignis etiam noſtris meditationibus nos exardeſcit quotidie dum Anglicanam Eccleſiam modernis temporibus per Laicorum machinationes initas, & minatas eis, tam contra Clericos quàm contra libertates jura & privilegia Eccleſiaſtica doloſas inſidias durius ſolito conſpicimus infeſtari, intolerabilibus laceſſiri injuriis, ejuſq; jura & libertates undiq; concutiari. Unde nos volentes, ut tenemur, ad Honorem Dei, & ipſius Eccleſiæ ſuæ, Ope nobis poſſibili inſurgere ex adverſo pro Depravitat. hujuſmodi corrigend. ſeu reformand. prout nos angit ejuſdem Eccleſiæ urgens Neceſſitas ex cauſis prædictis magnâ & diligenti cum quibuſdam noſtris Confratribus in eâ parte deliberatione præhabitâ, & interpellatione per ipſos nobis factâ ſollicitè omnes & ſingulos Coepiſcopos & Confratres noſtros fore decrevimus celeriter convocandos. Quocirca Fraternitati veſtræ committimus & mandamus firmiter injungentes, quatenus cum omni celeritate quâ fieri poterit, citetis ſeu citari faciatis peremptoriè venerabiles Fratres noſtros Coepiſcopos, electos confirmatos, & Suffraganeos dictæ noſtræ Cantuarienſis Eccleſiæ, abſentiumq; ſi qui fuerint Vicarios generales ad comparendum coram Nobis aut noſtris Commiſſariis in Eccleſiâ S. Pauli London. proximo die Juridico poſt Feſtum Inventionis S. Crucis prox.

Ibidem. fol. xcv. b.

A. D. 1346. prox. futur. ſuper præmiſſis & Reformatione ipſorum, ac aliis Anglicanæ Eccleſiæ Negotiis urgentibus, (quæ ad præſens expreſſius tangere aut deſcribere clariùs certis ex Cauſis & neceſſariis omittimus) unà nobiſcum efficaciter tractaturos, ſuumq; exhibituri & impenſuri conſilium providum in eiſdem pariter & conſenſum; ac etiam ordinaturi concorditer quæ ad Honorem Dei & ipſius Eccleſiæ, Virorumq; Eccleſiaſticorum libertatem, ac ſecuritatem, & commodum, utilius fuerint peragenda; facturiq; ulterius cum Continuatione & Prorogatione dierum tunc ſeqentium quod Negotiorum eorundem exponendorum diſtinctius qualitas exigit & requirit. Vos etiam præmunimus, & cæteros ſic citandos per vos præmuniri volumus & mandamus, quòd abſentes in dicto Concilio niſi de evidenti ipſorum Impedimento & rationabili in eâ parte coram Nobis vel noſtris Commiſſariis tunc fecerint plenam fidem, nos illos tanquam inobedientes & Contumaces, quatenus juſtè poterimus juxta juris exigentiam puniemus. Vos inſuper Dominum London. Epiſcopum tenore præſentium citamus peremptoriè, quòd eiſdem die & loco coram Nobis vel noſtris Commiſſariis compareatis perſonaliter ſuper præmiſſis tractaturi, veſtrumq; Conſilium impenſuri, & cætera facturi, ut præmittitur, & prout fuerit optimum. De die verò receptionis præſentium & quid inde feceritis Nos vel hujuſmodi noſtros Commiſſarios, dictis die & loco certificare curetis per veſtras Patentes literas hunc tenorem habentes. Et cæteris Coepiſcopis electis & Vicariis ſupradictis ut Nos, vel noſtros Commiſſarios, ipſis die & loco, ſinguli ſingillatim quid ſuper hiis facere duxerint cum harum ſeriè certificent, injungatis. Dat. apud Croydon vii Kal. Martii Anno 1345.

Regiſtrum *Zouch Arch-Ebor.* fol. cclviii. Collat. cum Alio Exempl.

NUM. XCIII.

Breve Reg. pro Parliamento *Archiepiſcopo Ebor.*

‖ Quia. EDwardus Dei Gratiâ Rex, &c. Venerabili in Chriſto Patri Willielmo eâdem Gratiâ Archiepiſcopo Ebor. Salutem. ‖ Cum de Aviſamento Concilii noſtri ordinavimus, quòd ſuper variis & arduis Negotiis tam Nos, & expeditionem Guerræ noſtræ, ac noſtra Jura, & Coronæ noſtræ, in partibus tranſmarinis, quàm Statum & Defenſionem Regni noſtri Angliæ contingentibus, quoddam Parliamentum noſtrum apud Weſtmonaſterium die Lunæ prox. poſt Feſtum Nativitatis B. Mariæ V. prox. futur. teneatur, & ibidem cum Prælatis, Magnatibus, & Proceribus dicti Regni noſtri Angliæ tractatus & Colloquium habeantur, propter quod mandaverimus diverſis Prælatis Comitibus Baronibus, & aliis Proceribus dicti Regni noſtri, quòd conſideratis dictorum negotiorum arduitate, & periculis imminentibus, ceſſante quâcunq; Excuſatione dictis die & loco perſonaliter interſint, Nobiſcum, ſeu cum Cuſtode ejuſdem Regni noſtri, ſi tunc contigerit Nos abeſſe, ſuper Negotiis prædictis tractaturi, ſuumq; Conſilium impenſuri. Et quia modernis temporibus ſuper Salvatione & Defenſione Marchiæ Scotiæ eſtis multipliciter occupati, Vobis in fide & dilectione quibus nobis tenemini firmiter injungendo mandamus, quòd dictis Negotiis & Periculis per Vos debitè ponderatis, aliquem idoneum Procuratorem in quo benè confiditis de Voluntate & Intentione veſtris plenius informatum ‖ ad dictum diem & locum mittatis, ad conſentiendum hiis quæ tunc per dictos Prælatos, Comites; & alios Proceres ordinari contigerit † in Negotiis antedictis. Et hoc ſicut de Vobis confidimus, & Nos & honorem noſtrum & veſtrum, ac recuperationem Jurium noſtrorum prædictorum, Salvationemq; & defenſionem dicti Regni noſtri Angliæ diligitis, nullatenus omittatis. Teſte * Leonello filio noſtro Cuſtode Angliæ apud Windſore 30 die Julii Anno Regni noſtri Angliæ xx°. Anno verò Regni noſtri Franciæ vii°.

‖ In loco veſtri cum ſufficienti poteſtate ad dictos.

† Super.

* Edwardo Duce Cornubiæ, &c.. Dugdal. fol. 227.

A. D. 1351.

NUM. XCIV.

Rot. Clauſ. 25 E. 3. m. 28. dorſo.

De Clero Ebor. Provinciæ convocando.

REX venerabili in Chriſto patri W. eadem gratia Archiepiſcopo Ebor. Angliæ Primati, Salutem. Quia cum Adverſario noſtro Franciæ Pacem vel Treugas habere nequivimus, ſet ipſe terras noſtras in partibus exteris indies deſtruere non deſinit, & totam armatam potentiam, quam colligere poterit, ad fines Regni noſtri Angliæ, & aliarum terrarum noſtrarum invadend. & ad idem Regnum noſtrum, & Populum eorundem Regni, & Terrarum, deſtruend. congregare facit, ſicut certitudinaliter ſumus informati; propter quod magnum poſſe hominum ad arma & armatorum, ad neceſſariam defenſionem ipſorum Regni, & terrarum, contra tantam malitiam machinatam congregare, & ad hoc expenſas importabiles apponere nos oportet, & eo prætextu venerabilis Pater S. Archiepiſcopus Cantuar. Saffraganeos & Clerum ſuarum Diœc. & Provinciæ Centuar. in Quindena Paſchæ prox. jam futur. ad rogatum noſtrum fecit convocari, pro competenti Subſidio nobis in hac parte concedendo: Vos in fide & dilectione quibus nobis tenemini rogamus, quatenus attentis neceſſitate noſtra hujuſmodi & Periculis quæ pro defectu defenſionis hujuſmodi veriſimiliter evenire poſſent, Suffraganeos veſtros, Decanos & Priores Eccleſiarum Cathedralium, Abbates & Priores, & alios electivos, exemptos & non exemptos, necnon Archidiaconos, Capitula, Conventus & Collegia, totumq; Clerum veſtrarum Diœc. & Provinciæ ad comparendum coram vobis in aliquo certo loco per vos ipſis ad hoc ſtatuendo, ad aliquem certum diem circiter Menſem Paſchæ prox futur. more ſolito convocari faciatis; & expoſitis eis dictis Negotiis ibidem ipſos ad aliquod competens Subſidium nobis, in allevationem tanti Oneris concedend. cum efficaciâ inducatis, & partes veſtras ad hoc effectualiter apponatis: Nos de Qualitate Subſidii illius, ac de terminis ſolutionis ejuſdem certificantes. Et hoc ſicut Nos, & honorem noſtrum, ac Salvationem & Defenſionem dicti Regni, ac aliarum terrarum noſtrarum, & Eccleſiæ ſanctæ, diligitis, nullatenus omittatis. Teſte Rege apud Weſtm. primo die Martii.

Per ipſum Regem.

NUM. XCV.

Procuratorium ad Parliamentum.

A. D. 1357.

PAteat Univerſis per præſentes, quòd Nos Capitulum Eccleſiæ B. Petri Ebor. ordinamus facimus & conſtituimus Venerabiles Viros Dominos Jo. de Winwick Theſaurarium Eccleſtæ noſtræ Ebor. Henricum de Ingleby, & Davidem de Wellore, Confratres & Con-canonicos noſtros conjunctim & eorum quemlibet per ſe diviſim, & in ſolidum, ita quòd non ſit melior Conditio occupantis, ſed quod unus eorum inceperit, quilibet eorum perſequi valeat & finire, Procuratores noſtros, ad comparendum pro Nobis, & nomine noſtro in inſtanti Parliamento Domini noſtri Regis Angliæ & Franciæ illuſtris apud Weſtmonaſter. die Lunæ prox. poſt Septimanam Paſchæ prox. futur. tenend. cum continuatione & prorogatione dierum ſubſequentium; ad Tractand. & conſentiend. hiis quæ tunc ibidem de Communi Conſilio ipſius Regni Angliæ divinâ favente Clementiâ contigerit ordinari. Ratum habentes & habituri quicquid Procuratores noſtri, vel aliquis eorum nomine noſtro fecerint vel fecerit in præmiſſis. In cujus rei teſtimonium ſigillum noſtrum præſentibus eſt appenſum. Dat Ebor. ſecundo die Menſis Aprilis Anno Dom. 1357.

Regiſtr. Decani & Capit. Ebor. ab Ann. 1352. fol. xxii.

A. D. 1376.

NUM. XCVI.

Ibid. fol. xxvi.

Forma Procuratorii *ejuſdem* Capituli *pro* Convocatione.

PAteat Univerſis per præſentes, quòd nos Capitulum Eccleſiæ B. Petri Ebor. Decano ejuſdem in remotis agente, dilectum nobis in Chriſto Magiſtrum Jo. de Norton Curiæ Ebor. Advocatum noſtrum verum & legitimum Procuratorem Excuſatorem & Nuntium ſpecialem ordinamus, facimus, & conſtituimus per præſentes; ad comparendum pro Nobis & Nomine noſtro coram venerabili in Chriſto Patre Domino Alexandro Dei Gratiâ Ebor. Archiepiſcopo Angliæ Primate, & Apoſtolicæ Sedis legato, ejuſve Patris Commiſſariis pluribus aut uno per eum in hâc parte ſpecialiter deputatis ſeu deputandis in Eccleſiâ Cathedrali B. Petri Ebor. die Lunæ prox. futur. cum continuatione & prorogatione dierum ſubſequentium quatenus Opus fuerit, & ad tractandum in Convocatione occaſione Subſidii de quo in Brevi Regio præfato Domino Archiepiſcopo in hâc parte directo ſit mentio, dictis diebus & loco & faciendum unà cum eodem venerabili Patre ejuſve Commiſſariis prædictis, ac cæteris Prælatis & Procuratoribus Cleri, Civitatis, Diœceſeos, & Provinciæ Ebor. ſuper hiis quæ in dicto Brevi Regio continentur, ſuumq; ſuper præmiſſis Conſilium impendendum; & ad faciendum ulterius quod tunc ibidem de deliberato Conſilio divinâ favente Clementiâ contigerit ordinari: Ratum & Gratum habentes & legitimum quicquid dictus Procurator noſter nomine noſtro fecerit in præmiſſis. In cujus rei Teſtimonium Sigillum noſtrum eſt præſentibus appenſum. Dat. in Capitulo noſtro Ebor. xxi Julii Anno Dom. 1376.

A. D. 1369.

NUM. XCVII.

Regiſtrum W. *de Wittleſey* Arch. Cant. fol. xvi. a.

Mandatum pro Convocatione Cleri Cantuar. Diœceſeos.

WIllielmus, &c. dilecto filio officiali Archidiaconi noſtri Cantuar. Salutem. In Parliamento nuper apud Weſtmonaſterium convocato ex parte Domini noſtri Regis coram nobis & noſtris Confratribus aliiſq; Prælatis & Proceribus Regni Angliæ, expoſita fuerunt grandia pericula tam Eccleſiæ Anglicanæ quàm populo dicti Regni notoriè imminentia, oneraq; quamplurima & exceſſivè Gravia, propterea eidem Domino noſtro Regi plus ſolitò incumbentia, quæ abſq; Subſidio tam Cleri quàm populi dicti ſui Regni, prout liquet evidenter, non poterit ſupportare. Propter quod ex parte ejuſdem Domini noſtri Regis nobis attentius extitit ſupplicatum, ut de Decimâ triennali, in tribus Annis ſequentibus, ad Feſta videlicet Purificationis B. Mariæ, & Nativitatis S. Jo. Bapt. ſolvendâ, per Nos & Confratres noſtros prædictos, tam pro Nobis, quàm pro Clero uniuſcujuſq; Noſtrum provideri, & provideri facere curaremus. Nos verò intellectis Neceſſitatibus & Oneribus ejuſdem Domini noſtri Regis, ſibi evidenter importabilibus, attentaq; Devotione quam idem Dominus noſter Rex corditer gerit & ſemper geſſit, erga Eccleſiam Anglicanam, tandem poſt magnam & diutinam Deliberationem & Altercationem, ſuper præmiſſis inter nos habitam, Supplicationi ſuæ quantum in nobis potuerat duximus annuendum. Promittentes eidem quòd ſinguli noſtrum ſubditos ſuos, hâc de Cauſâ, quàm citò fieri poſſet, convocari faceremus, & ad concedendum pro ſe dictam Decimam induceremus quatenus aduniuſcujuſq; noſtrum attinet facultatem. Quocirca nos volentes quatenus ad nos, & noſtros ſubditos pertinet præmiſſa convenienter effectui debito mancipare, vobis committimus, & in virtute S. Obedientiæ firmiter injungendo Mandamus quatenus Abbates, Priores, Præpoſitos, & Prælatos, Conventus, Capitula, & Collegia, ac Viros Eccleſiaſticos quoſcunq; exemptos & non exemptos ſingulorum Decanatuum Archidiaconatus Cantuar. Beneficia & Bona Eccleſiaſtica in noſtrâ Civitate, ſeu in hujuſmodi Decanatibus habentia, Clerumq; ſingulorum hujuſmodi Decanatuum, ad certos locum & terminum competentes in ſingulis hujuſmodi Decanatibus per vos in hâc parte ſtatuendis, noſtrâ Autoritate, convocetis ſeu convocari faciatis peremptoriè coram vobis, & ibidem, in ſingulis viz. Decanatibus prædictis, ſingulis diebus & locis per vos ſibi in hâc parte ſtatuendis, præ-

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ſentes literas noſtras, ſeu præſens noſtrum Mandatum coram ipſis Abbatibus, Prioribus, Præpoſitis, & Prælatis, ac Viris Eccleſiaſticis, & Clero ſingulorum Decanatuum prædictorum, publicetis, & Eas, ſeu ipſum noſtrum Mandatum plenius exponetis, ad effectum ut interim plenè deliberare valeant ſuper contentis in eodem. Citetis inſuper, ſeu citari faciatis Abbates, Priores, Præpoſitos, Capitula, Conventus, & Collegia, ac Viros Eccleſiaſticos quoſcunq; bona & beneficia Eccleſiaſtica in Civitate & Diœceſi noſtris habentia, exemptos & non exemptos, & Clerum ſingulorum Decanatuum prædictorum, quòd iidem Abbates, Priores & Prælati perſonaliter, ſinguliq; Conventus & ſingula Capitula & Collegia per ſuos Procuratores, Clerus autem ſingulorum Decanatuum prædictorum per ſingulos ſuos Procuratores ſufficienter inſtitutos in hâc parte, compareant coram Nobis, ſeu noſtris, aut noſtro, in hâc parte Commiſſariis, ſeu Commiſſario, in Eccleſiâ noſtrâ Chriſti Cant. die Lunæ prox. poſt Feſtum S. Jacobi prox. futur. cum continuatione & prorogatione dierum tunc ſequentium & locorum, ſuper hiis de quibus in dictis noſtris literis plenius fit mentio, & aliis arduis Negotiis Eccleſiam Anglicanam & Clerum ejuſdem concernentibus, tunc ſerioſius exponendis, ſuaq; Conſilia, & Auxilia, ſuper hiis impenſuri; & ad conſentiendum hiis quæ in dictis literis noſtris continentur, & quæ ad honorem Dei & Eccleſiæ ſuæ, Utilitatemq; Regni & Reipublicæ ibidem, ex deliberatione communi, ut optavimus, contigerint ordinari; Fâcturiq; & Recepturi quod juſtum fuerit & hujuſmodi Negotii natura & qualitas exigunt & requirunt. Prælatis etiam & viris Eceleſiaſticis exemptis, & non Mendicantibus, dictarum noſtrarum Civitatis, & Diœceſis cujuſcunq; fuerint Ordinis, aut Profeſſionis, per vos volumus intimari, ut præfatis die & loco abſq; ſuorum Privilegiorum in hâc parte præjudicio, quibus per hoc derogari nolumus, interſint, facturi in præmiſſis, & ea tangentibus quod ſuperius eſt expreſſum. De die verò receptionis præſentium, & quod feceritis in præmiſſis, nos, vel noſtros in hâc parte Commiſſarios, dictis die & loco plenè & diſtinctè certificetis per veſtras literas Patentes, harum ſeriem, & Citatorum Nomina continentes. Porro cum dilectis filiis Priori & Capitulo noſtris Cant. Mandatum noſtrum in hac parte ſpecialiter dirigamus, per vos nolumus ipſos ad Convocationem hujuſmodi evocari. Dat. apud Cherrynges v Kal. Julii. Anno Dom. [1369.] A. D. 1369.

NUM. XCVIII.

Summonitio Convocationis *Anno* 43 *Edw. III.*

WIllielmus, &c. Venerabili Fratri noſtro Simoni Dei gratiâ London Epiſcopo Salutem, & Fraternam in Domino Charitatem. Ingens & indiſſimulata Negotiorum neceſſitas arduorum nedum Anglicanæ concernentium Utilitatem Eccleſiæ, ſed etiam Domini noſtri Regis & Regni ſui ſtatum, tranquillitatiſq; & quietis ejuſdem, & Bonum publicum, ut ſperamus, multipliciter nos urget licet cum faſtidio Prælatos & Clerum noſtræ Cantuarienſis Provinciæ convocare; & ad hoc etiam faciendum, cum frequenti & aſſidua ipſius Regis noſtri inſtantiâ, Breve ſuum recepimus ſub hiis verbis. Edwardus Dei gratiâ Rex Angliæ & Franciæ, & Dominus Hyberniæ, venerabili in Chriſto patri Willielmo eâdem gratiâ Archiepiſcopo Cantuarienſi totius Angliæ Primati, Salutem. Qualiter Negotia tam nos & ſtatum noſtri Regni quàm neceſſariam Defenſionem ejuſdem contingentia, ac onera nobis propter hoc incumbentia, vobis & aliis in ultimo Parliamento noſtro exiſtentibus plenius expoſuimus, vos non latet: Ad quorum Onerum ſupportationem abſq; adjutorio fidelium noſtrorum non ſufficimus ſicut ſcitis: Per quod aliquod Subſidium congruum in ſupportationem tantorum Onerum, à vobis, & aliis de Clero Diœceſeos, & Provinciæ veſtrarum, in dicto Parliamento tunc præſentibus nobis concedi petivimus, ſicut urgens Neceſſitas, & evidens Utilitas id expoſcant. Nos ut dicta Negotia quæ Salvationem tam ſanctæ Eccleſiæ, quàm Regni noſtri Angliæ, concernunt, maturiori deliberatione valeant expediri, Vobis in fide & dilectione quibus nobis tenemini, Rogando Mandamus, quatenus attentis tam arduitate Negotiorum prædictorum, quàm periculis quæ per defectum Defenſionis hujuſmodi veriſimiliter evenire poſſent, Suffraganeos veſtros, Decanos & Priores Eccleſiarum Cathedralium, Abbates, & Priores, & Ibid. fol. xvii.

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1369. alios electivos, exemptos & non exemptos, nec non Archidiaconos, Capitula, Conventus & Collegia, totumq; Clerum cujuſlibet Diœceſeos dictæ veſtræ Provinciæ ad comparendum coram Vobis in Eccleſiâ S. Pauli London. vel alibi, prout expedire videritis, ad brevlorem diem quem poteritis more ſolito convocari faciatis; " Et expoſitis eis dictis Negotiis ibidem ipſos ad aliquod com-" petens Subſidium nobis in Auxilium ſupportationis dictorum Onerum conce-" dendum cum Efficacia inducatis, & partes veſtras ad hoc effectualiter appo-" natis: Nos de qualitate Subſidio illius, & de Termino ſolutionis ejuſdem " certificantes. Et hoc ſicut Nos & Honorem noſtrum ac Salvationem & Defenſionem Regni & Eccleſiæ diligitis nullatenus omittatis. Teſte meipſo apud Weſtmonaſter. xi. die Octobris Anno Regni noſtri Angliæ xliii. Regni verò noſtri Franciæ xx°. Quocirca Fraternitati veſtræ committimus & mandamus, virtute S. Obedientiæ firmiter injungentes, quatenus venerabiles Fratres noſtros Epiſcopos omnes & ſingulos dictæ noſtræ Provinciæ Suffraganeos noſtros, & electos confirmatos, ſiqui fuerint, & abſentium hujuſmodi Epiſcoporum Vicarios in ſpiritualibus Generales, & Cuſtodes noſtros Spiritualitatis in Civitatibus & Diœceſibus Exon. Hereford. & Norwic. Sedibus ibidem Epiſcopatibus Vacantibus, Generales; citetis peremptoriè, & per eos Decanos, & Priores Eccleſiarum Cathedralium, ac ſingula Capitula earundem, Archidiaconoſq;, Abbates, & Priores Conventus ſub ſe habentes, & alios Eccleſiarum Prælatos exemptos & non exemptos, Clerumq; cujuſlibet Diœceſeos Provinciæ noſtræ antedictæ citari peremptoriè & præmuniri volumus & mandamus, quòd iidem Epiſcopi, electi, Vicarii Generales, ac Cuſtodes noſtri prædicti, Decani, Priores hujuſmodi Eccleſiarum Cathedralium, Archidiaconiq;, Abbates & Priores ac cæteri Eccleſiarum Prælati, tam exempti quàm non exempti, perſonaliter; & quodlibet Capitulum Eccleſiarum Cathedralium prædictarum per unum, Cleruſq; cujuſlibet Diœceſeos noſtræ Provinciæ antedictæ per duos ſufficientes Procuratores compareant coram Nobis, aut noſtris in hàc parte locum tenentibus ſeu Commiſſariis, ſi nos tunc (quod abſit) impediri contigerit, in Eccleſiâ S. Pauli London. die Lunæ prox. poſt Feſtum S S. Fabiani & Sebaſtiani Martyrum prox. nunc futur. ad Tractandum nobiſcum cum continuatione & prorogatione dierum tunc ſequentium & locorum, ſuper hiis de quibus in dicto Brevi Regio fit mentio, & aliis arduis & urgentibus Negotiis Eccleſiam Anglicanam & Clerum ejuſdem concernentibus ibidem ſerioſius exponendis, ſuaq; Conſilia & Auxilia, ſuper eis impenſuri, & ad conſentiendum hiis quæ ibidem ex deliberatione communi ad honorem Dei & Eccleſiæ ſuæ, & Utilitatem Regni, & totius Reipublicæ, ut ſperamus, contigerit concorditer ordinari; facturiq; ulterius & recepturi quod juſtum fuerit, & Negotii hujuſmodi Qualitas & Natura exigunt & requirunt. Vos autem dictum Mandatum quatenus Vos & Diœceſim veſtram London. concernat, exequi per omnia faciatis, & eidem noſtro Mandato in omnibus pareatis cum Effectu. Tenore inſuper præſentium peremptoriè Vos citamus quatenus eiſdem die & loco compareatis coram Nobis, ſeu noſtris locum tenentibus & Commiſſariis, unà cum aliis noſtris Suffraganeis, ut præmittitur, tractaturi, facturi, nec non & recepturi, quatenus ad Vos attinet, prout ſuperius continetur. Prælatis etiam Eccleſiarum Exemptarum, non mendicantibus, veſtræ ac aliorum Coepiſcoporum dictæ noſtræ Provinciæ, Diœceſ. cujuſcunq; fuerint Ordinis, per Vos, & dictos Confratres noſtros, prout Vos & unumquemq; ipſorum concernit volumus intimari ut præfatis die & loco abſq; ſuorum Privilegiorum hâc in parte præjudicio, quibus per hoc derogari nolumus, nobiſcum interſint, facturi in præmiſſis & ea tangentibus quod ſuperius eſt expreſſum. Volumus inſuper & mandamus quòd intimetis, ſeu denuntiari faciatis, dictæ noſtræ Provinciæ Coepiſcopis & Confratribus ac Vicariis hujuſmodi, Decanis, Abbatibus, Prioribus, ac cæteris Eccleſiarum Prælatis ſupradictis, quòd eos à perſonali comparatione in hujuſmodi Congregatione dictis die & loco per Nos, ſeu noſtrâ Autoritate, Deo annuente, celebrandâ, habere non intendimus iſtâ Vice excuſatos, niſi ex Cauſâ neceſſariâ tunc ibidem allegandâ etiam & probandâ; ſed eorum contumacia, ſiqui forſitan abſentes fuerint, ſecundum Juris exigentiam canonicè punietur. Vobis autem ut ſupra injungimus & mandamus quòd omnibus & ſingulis dictis noſtris Suffraganeis, Vicariis, & electis hujuſmodi prædictis, ac dictis noſtris Cuſtodibus injungatis, ſeu faciatis injungi, ut ſinguli eorum ſingillatim de facto ſuo in hàc parte quatenus pertinet ad eoſdem, Nos, ſeu noſtros locum tenen-

tenentes & Commiſſarios noſtros antedictos, dictis die & loco per literas eorum patentes, citatorum etiam Nomina continentes, diſtinctè & apertè certificent ut eſt moris. De die verò receptionis præſentium, & quid feceritis in præmiſſis, Nos, noſtroſq; locum-tenentes & Commiſſarios prædictos eiſdem die & loco, modo debito certificare curetis per literas veſtras patentes harum ſeriem, & Citatorum Nomina veſtræ Diœcefeos in hâc parte, in Cedulâ ſeparatâ literis certificatoriis veſtris hujuſmodi annexâ, plenius continentes. Dat. apud Cherrynge viii Id. Novembr. Ann. Dom. 1369. Et noſtræ Tranſlationis Secundo. 1369.

NUM. XCIX.

Rot. Clauſ. 47. E. 3. m. 13. dorſo.

De Clero Convocando. A. D. 1373.

REX venerabili in Chriſto Patri W. eadem gratia Archiepiſcopo Cantuar totius Angliæ Primati, Salutem. Qualiter nos de aviſamento veſtro, ac aliorum Prælatorum, Magnatum & aliorum de Conſilio noſtro, tam pro Expeditione Guerræ noſtræ, ac Jurium noſtrorum, & Coronæ noſtræ, in partibus tranſmarinis, quam propter neceſſariam Defenſionem Regni noſtri Angliæ, & Eccleſiæ Anglicanæ, quam plures Dominos, & alios fideles & Ligeos noſtros tam ultra mare ad partes tranſmarinas, quam ſuper mare deſtinavimus vos, non credimus ignorare: Ad quorum Onerum ſupportationem abſq Adjutorio fidelium noſtrorum non ſufficimus, ſicut ſcitis: Nos ut dicta Negotia quæ Salvationem tam ſanctæ Eccleſiæ, quam Regni noſtri prædicti, veraciter concernunt, maturiori deliberatione valeant expedire. Vobis in fide & dilectione quibus nobis tenemini rogando mandamus quatenus attentis tam arduitate Negotiorum prædictorum, quâm periculis quæ pro Defectu Defenſionis hujuſmodi veriſimiliter evenire poſſunt, Suffraganeos veſtros, Decanos, & Priores Eccleſiarum Cathedralium, Abbates & Priores, & alios electivos, exemptos & non exemptos, necnon Archidiaconos, Capitula, Conventus, & Collegia totumq; Clerum cujuſlibet Dioc. dictæ veſtræ Provinciæ, ad comparendum coram vobis in Eccleſia Sancti Pauli London, vel alibi prout expedire videritis, ad breviorem diem quem poteritis more ſolito convocari faciatis; & expoſitis eis dictis Negotiis ibidem, ipſos ad aliquod competens Subſidium, nobis in Auxilium Supportationis dictorum Onerum concedend. cum efficacia inducatis & partes veſtras ad hoc effectualiter apponatis: Nos in Cancellaria noſtra de quantitate Subſidii illius, ac de Terminis Solutionis ejuſdem, certificantes. Et hoc ſicut Nos & Honorem noſtrum, ac Salvationem, & Defenſionem Regni, & Eccleſiæ prædictorum, diligitis, nullatenus omittatis. Teſte Rege apud Weſtm. quarto die Octobris.

NUM. C,

Liter. Reg. Abbati de Selby. A. D. 1377.

TResch, en Dieu; Il eſt bien cognuz au Reverent pere en Dieu l' Arceveſq' d' Everwik, & a vous auxi a ce que nos penſons coment en notre Parlement eſtient monſtres pluſons graundes cauſes pour quoy convenoit neceſſairement que les Diſmes & Quinziemes a nous grauntes au dit Parlement per le Clergie & per les Laqe de notre Royaume pur la defenſe de notre dit Royaume & pur reſiſter à la graunde Ordenance faite per noz Ennemis encontre Nous & notre dit Royaume feuſſent haſtiment paiez, & oyſt bien le dit Arceveſque la grande Inſtance & Requeſte ſur ceo fait en notre dit Parlement tant per les Grants come per les Communs, conſideranz & diſanz expreſſement que ſil y euſt aucun delay en le payement des ditz Diſmes & Quinziſmes le Voyage ordenez a eſtre fait per notre Uncle D' eſpaign Duc de Lancaſtr, & les autres graundes de notre dit Royaume en defenſe & Sauvacion de l' Eſtat de meſme nre Royaume ne purreyt eſtre accomplez einz demoreroit le dit voiage non fait, & notre dit Roy- Bibl. Cotton. *Cleopatra.D.3.* fol. 187.

1377. aume en tres graunde peril. Et pour ceo l' Arceveſq; de Canterbire, & les autres Prelas & Clergie de ſa Province veiantz les choſes deſſundets graunterent a paier lez ditz Diſmes le primer jour de Marcz proſchein venant, & en ceudiſmes Nous & notre Conſeil que le dit Arceveſq; D' Everwike & les autres Prelas de ſa Province que y eſtoyent graunterent & accorderent ſemblablement. Si avons entenduz que aſcuns de Clergie de la Province D' Everwike nyent conſideranz la graunde neceſſite & peril apparanz a preſent à noſtre dit Royaume volroient delaier plus longement le paiement des ditz Diſmes, encontre ce que feuſt acordez a notre dit Parlement, dont nous avons tres grande merveille & deſpleſer. Et ſur ceo eſcrivens au dit Arceveſq; D' Everwike en priant & requirant que conſideres les choſes ſuſdites & coment la Province D' Everwike, a condiz acuſtumez, en le temps de notre treſch, Sire & Aiel le Roy que Dieux aſſoil, affere ſemblablement & auxi bien com ont fait ceux de la Province de Canterbire, il veulle cuſi faire & acorder entre li & le Clergie de ſa dit province que les ditz Diſmes en ſa dit Province D' Everwyke ſoient paiez le dit primer jour de Marcz, ou a teut la haſte quils puſſont eſtre leuez apres le dit jour toutz Excuſations ceſſantz. Sur quoy treſch en Dieu nous vous prions & requirons en chargeantz le plus fermement que nous poions ſur la foy & legeance que vous nous devez que en ceſtes choſes vous vous aiez per tiel maner que nous vous en doions ſavoir greei & que nous puiſſons apperceuoir que vous aviez || noſtre honour & eſtat & l' Eſtat de notre Royaume ſiq; nous ne notre dit Royaume ne doins reputer a vous quel meſchier que amegne ſi l' avant dit Viage ſoit en brief Defaut Deſtembez ou Delaiez ſi come vous en volez reſponder en temps avenir devant nous & notre Parlement en ce caas. Donne ſouz notre prive ſeal a Weſtm. le x jour de Fevrier.

|| f. a Cœur.

NUM. CI.

Certificatorium Domino Regi directum pra Subſidio Conceſſo.

Regiſtr. *Melton* Arch. Eborac. fol. vi.

SEreniſſimo Principi & Domino, D. Ricardo, &c. Alexander, &c. Salutem. Breve veſtrum Regium nuper recepimus in hæc Verba. Ricardus dei gratiâ Rex Angliæ & Franciæ, Dominus Hyberniæ, venerabili in Chriſto Patri, &c. Salutem. Cum Inimici noſtri inter ſe alligati, & undiq; hoſtiliter congregati, Regnum noſtrum Angliæ in pluribus locis per terram, & per mare, ſæpius invaſerunt, Mala quamplurima & intollerabilia Nobis, & ligeis noſtris perpetrando, & non ſolum de hoc contenti, dictum Regnum noſtrum, & Eccleſiam ſanctam, Noſq;, ac Populum noſtrum Angliæ de die in diem ſe parent totis viribus ſubvertere, & deſtruere, niſi eorum malitiæ, adjuvante Deo, fortius Reſiſtatur; Unde in Salvationem Status Eccleſiæ ſanctæ, & Regni, ac Populi prædictorum, neceſſariam defenſionem, ſumptus ac Cenſus, & Expenſas ineſtimabiles, & aliquo tempore præterito magis ſolitò grandiores effundere Nos oportet: Verum quia de copiâ Theſauri, vel bonorum, in primordiis noſtri Regiminis, nec mirum, penitus alieni, ad ipſorum Onerum ad ſumptuum Supportationem abſq; juvamine Fidelium noſtrorum non ſufficimus, ſicut ſcitis, Vobis in fide & dilectione quibus nobis tenemini rogando mandamus, quatenus conſideratis tam arduitate Negotiorum prædictorum quàm grandibus periculis quæ Eccleſiæ & Regno prædictis oculatâ fide || ..... conſpicitis, attentis & debitè conſideratis Suffraganeos veſtros, &c. ad comparendum coram Vobis in Eccleſiæ S. Petri Ebor. vel alibi prout expedire videritis ad breviorem diem quem poteritis more ſolito convocari faciatis & rei dictis Negotiis & periculis ibidem plenius expoſitis & declaratis ipſos ad Subſidium in hâc parte competens & neceſſarium in ſupportationem dictorum Onerum, & ſumptuum, nobis concedendum eò ſpecialius, & cum Efficaciâ quâ magis ſciveritis, vel poteritis, tantâ Neceſſitate cauſante inducatis, & partes veſtras ad hoc effectualiter apponatis. Nos in Cancelleriâ noſtrâ de quantitate Subſidii illius, ac de Terminis ſolutionis ejuſdem certificantes. Et hoc ſicut Nos, & honorem noſtrum, ac Salvationem & Defenſionem Eccleſiæ, & Regni prædictorum, diligitis, nullatenus omittatis. Teſte meipſo apud Weſtmonaſterium xxix. die Septembr. Anno Regni noſtri primo cujus Brevis (vigore) Prælatos & Clerum noſtrarum Civitatis, Diœceſeos, & Provinciæ, ad diem Martis, videlicet primum

|| f. imminere.

primum diem Menſis Decembris ultimò præterito, in Eccleſiâ noſtrâ Eborac. Nobis tunc London. ex cauſâ Parliamenti veſtri exiſtentibus, convocari, & per certos noſtros Commiſſarios ibidem hujuſmodi Convocationem celebrari fecimus ſolemniter & teneri. Qui quidem Prælati & Clerus aliquod Subſidium notabile tunc concedere diſtulerunt; Licet ad hoc dicti Commiſſarii noſtri ipſos viis & modis quibus poterant inducere laborarunt. Et propterea iidem Commiſſarii noſtri præfatam Convocationem, ad diem Lunæ, videlicet quartum diem Januarii ex tunc proxime ſequentem continuaverunt. Quibus die & loco perſonaliter interfuimus ac dictis Prælatis & Clero inibi convocatis, omnia & ſingula in dicto Brevi veſtro Contenta, & alia quæ dictos Prælatos & Clerum ad conceſſionem Subſidii allicere debberant expoſuimus diligenter. Super quibus ſic expoſitis habitâ deliberatione tam dicto die Lunæ quàm diebus ſequentibus pleniori, dicti Prælati & Clerus allegarunt ſe variis quidem importabilibus Oneribus plus ſolitò incumbentibus gravatos multipliciter & depreſſos, præſertim propter Hoſtiles Invaſiones Scotorum, quos veriſimiliter formidabant quaſi in dies in foribus imminere. Demum tamen poſt longos tractatus per Nos cum eiſdem habitos, dicti Prælati & Clerus Decimam Biennalem de bonis & Beneficiis ſuis Eccleſiaſticis & Temporalibus ſpiritualibus annexis, primam videlicet Decimam integrè ſolvendam in Feſte Inventionis S. Crucis prox. futur. & alteram in Feſtis S. Andreæ Apoſtoli, & Annuntiationis B. Mariæ V. ex tunc prox ſequent. per æquales portiones ſecundum novam Taxam gratuito conceſſerunt. Poſtmodum vero xxvi° die Menſis Februar. recepimus literas veſtras, ſub privato Sigillo veſtro nobis directas per quas nos Rogaſtis & firmiter Oneraſtis, quòd ratione Viagii Dom. Ducis Lancaſtriæ & aliorum Nobilium in ultimo Parliamento condicti, & concordati; acceleracionem ſolutionis dictæ Biennalis Decimæ procuraremus, & interponeremus ad hoc cum Effectu diligentiæ noſtræ partes; Ac propterea de novo Convocari dictos Prælatos & Clerum noſtræ Provinciæ faceremus. Nos verò ſemper Votis veſtris complacere cupientes, Convocationem noſtram die Lunæ videlicet xxii° menſis Martii celebrari fecimus & teneri. Quo die congregatis Prælatis & Clero dictarum noſtrarum Civitatis Diæceſeos & Provinciæ; veſtris literis prius eiſdem, & nobis ſub Sigillo privato directis, publicè lectis, diverſa pericula quæ iſti Regno, niſi Deus avertat, imminent in præſenti, ac alia quæ eos rationabiliter movere deberent ad conformandum ſe Conceſſionibus Prælatorum & Cleri Provinciæ Cantuarienſis expoſuimus, & exponi fecimus, multum. Conſiderantes tandem neceſſariam defenſionem Eccleſiæ, Regni, & Populi prædictorum, ac volentes in Volts veſtris, in veſtris Primordiis, complacere quantum paſſint, Solutionem dictæ Biennalis Decimæ de Bonis & Beneficiis ſuis Eccleſiaſticis & Temporalibus Spiritualibus annexis faciendà ad Feſta Apoſtolorum Philippi & Jacobi, & B. Margaretæ Virg. prox. futur. per æquales portiones ſecundum novam Taxam liberaliter annuerunt, &c. Ad Regimen populi Vobis commiſſi conſervet Vos altiſſimus per tempora longiora. Dat. apud Cawode xxiv. Menſis Martii Ann. Dom. MCCCLXXVII. Et noſtræ Conſecrationis Quarto. 1377.

NUM. CII.

Rot. Clauſ. 2 R. 2. m. 15. dorſo.

De Clero convocando.

A. D. 1379.

REx venerabili in Chriſto Patri S. eadem gratia Archiepiſcopo Cantuar. totius Angliæ Primati, Salutem. Qualiter Inimici noſtri Franciæ, & alii ſibi adhærentes inter ſe alligati, & undiq; hoſtiliter Congregati, Regnum noſtrum Angliæ per terram & per mare ſæpius invaſerunt, mala quamplurima & intollerabilia Nobis, & Ligeis noſtris, inferendo; & non ſolum de hoc contenti dictum Regnum noſtrum, & Eccleſiam Sanctam, Noſq; & totam Linguam Anglicanam, ſubvertere & deſtruere de die in diem totis viribus ſe conantur, niſi eorum maliciæ adjuvante Deo fortius reſiſtatur, vos non credimus ignorare: Unde in Salvationem Status Eccleſiæ ſanctæ, & Regni, ac Populi noſtrorum, neceſſariam defenſionem, ſumptus, ac cenſus, & expenſas ineſtimabiles nos effundere oportet. Verum quia ad ipſorum Onerum, & ſumptuum ſupportationem

1379. tionem absq; Juvamine fidelium nostrorum non sufficimus sicut scitis, vobis in fide & dilectione quibus nobis tenemini rogando mandamus, quatenus tam arduitate Negotiorum prædictorum, quàm grandibus periculis quæ Ecclesiæ, & Regno prædictis, oculata fide imminere conspicitis, attentis, & debite consideratis, Suffraganeos vestros, Decanos, & Priores Ecclesiarum Cothedralium, Abbates & Priores & alios electivos, exemptos & non exemptos, necnon Archidiaconos, Capitula, Conventus, & Collegia, totumq; Clerum cujuslibet Dioc. vestræ Provinciæ, ad comparend. coram Vobis in Ecclesia Sancti Pauli London. vel alibi, prout expedire videritis, ad breviorem diem quem poteritis more solito convocari faciatis; & eis dictis Negotiis & periculis ibidem plenius expositis, & declaratis, ipsos ad Subsidium in hoc casu competens, & necessarium, in supportationem dictorum Onerum, & sumptuum, concedend. eo specialius, & cum efficacia qua magis sciveritis, vel poteritis, tanta necessitate causante, inducatis; & partes vestras ad hoc effectualiter apponatis: Nos in Cancellaria nostra de Quantitate Subsidii illius; ac de terminis Solutionis ejusdem, certificantes. Et hoc sicut nos, & honorem nostrum, ac Salvationem & Defensionem Ecclesiæ, & Regni prædictorum, diligitis, nullatenus omittatis. Teste Rege apud Westm. xvi° die Martii.

NUM. CIII.

A. D. 1380.] *Procuratorium pro* Parliamento, *&* Convocatione Cleri.

Registr. Magnum Prior. & Capit. *Wigorn.* fol. cccvi. b.

PAteat Universis per præsentes quòd Nos Frater Walterus Prior, &c. dilectos nobis in Christo Magistros Jo. Blanchard Archidiaconum Wygorn. LLD. & Jo. Blanchard Cler. conjunctim & divisim & quemlibet eorum in Solidum, nostros veros & legitimos ordinamus, facimus, & constituimus Procuratores, Negotiorum Gestores, & Nuntios speciales, ad comparendum pro Nobis, & Nominibus nostris, in quibuscunq; Conciliis, Congregationibus, & Parliamento per D. nostrum Regem convocatis, & convocandis, in quibuscunq; locis per ipsum Dominum Regem assignatis, & assignandis: Nec non in quibuscunq; Convocationibus, Conciliis, & Congregationibus Prælatorum, & Cleri Cantuarienſ. Provinciæ etiam per R. in Christo Patrem & Dominum, D. Simonem Dei Gratiâ Cantuar. Archiepiscopum totius Angliæ Primatem & Apostolicæ Sedis legatum, ordinatis & ordinandis; coram ipso Domino nostro Rege, ac Cancellario, & aliis Ministris; ac etiam coram prædicto Reverendissimo Domino Archiepiscopo Cantuar. & suis Commissariis in eâ parte specialiter Deputatis, Necnon ad omnia & singula facienda, exercenda, & expedienda quæ nos facere possumus si personaliter ibidem interessemus: Et præcipuè ad consentiendum unà cum cæteris Prælatis & Clero prædictis, hiis quæ in hujusmodi Congregationibus, Conciliis, Parliamentis & Convocationibus, ad honorem Dei & Conservationem Ecclesiæ Anglicanæ, ac ad statum & Gubernationem Regni Angliæ contigerit ordinari. Et Nos W. Prior antecedens Ratum, & stabile, & firmum habebimus quicquid iidem Magistri Jo. Procuratores nostri fecerint, aut alter eorum fecerit in præmissis, & singulis præmissorum, sub Hypothecâ & Obligatione omnium bonorum nostrorum, ad Ministrationem nostram pertinentium, per præsentes. In quorum Testimonium, &c. 4. Octobr. Anno 1380.

NUM. CIV.

Eli.. fol. 249, &c. Cleoyatra. *Processus* Courtneii *Archiepiscopi Cant. contra Hæreticos. Ex Bibl. Cotton.*

NUM.

JUdicium ſive Sententia *Willielmi* de *Berton* Cancellarii Univerſitatis *Oxon*, & Convocationis Ejuſdem Univerſitatis contra Errores quoſdam Hæreticos in dicta Univerſitate ſparſos per *Johannem Wickliffe* Anno V^to *Ricard.* II. A. D. 1382.

Nomina Doctorum qui præſenti Decreto ſpecialiter affuerunt, & eidem Unanimiter Conſenſerunt fuerunt hæc:

Magiſter *Jo. Lawdrey*: Et Alii Numero xii.

Prædicta condemnatio promulgata eſt publice in Scholis Auguſtinenſium ipſo *Johanne* ſedente in Cathedra & determinante contrarium, ſed Confuſus eſt audita iſta Condemnatione: —— Sed tamen appellavit ad Regem, &c.

Epiſtola xii Judicum Univerſitatis *Oxon.* ad Synodum Cleri Cantuar. in S. Paulo Convocatam ſuper Concluſionibus Erroneis e Libello *Johannis Wicklevi* extractis.

Nomina xii Judicum Oxonienſis Congregationis fuerunt hæc. ſc.

Doctores in Theologia, iv.
Baccalaurei in Theologia, iv. } fol. 151.
Studentes in Theologia, iv.

Nomina Epiſcoporum Conſentientium & Præſentium in Condemnatione illarum Concluſionum xxiv Præmiſſarum *Johannis Wickliffe*. 1 Convocat. Maii 21.

Willielmus Archiepiſcopus Cantuar':

Robertus Epiſcopus London.

Willielmus [Landavenſis.]

Johannes Herefordenſis.

Willielmus Winton'.

Johannes Dunelmens'.

Radulphus Sarum.

Thomas Roffenſis.

Johannes Lincoln'.

Thomas Exon'.

Nomina Doctorum Theologiæ, Numero xvii.

Nomina Baccalaureorum Theologiæ, Numero viii.

Nomina Baccalaureorum Leg. Numero ii.

Conf. Spelm. Concil. Vol. ii. p. 629, 630, 631.

Hi ômnes cum aliis Præſulibus erant Congregati in *prima Convocatione* facta pro Condemnatione Prædictarum Concluſionum Anno 1382. 21 die Menſis Maii in domo Fratrum Prædicatorum London. fol. 152.

In

A. D. 1382.

2 Convocatio Octav. Corp. Christi. In *secunda vero Convocatione* facta pro eisdem Conclusionibus reprobandis eodem Anno & Loco quibus prius in die Octava Corporis Christi, ultra Eosdem qui prius fuerunt in prima Convocatione erant hii præsentes, & in Earundem Conclusionum damnationem consentientes; Quorum nomina Subscribuntur:

Doct. Theologiæ Sæcularium, vii.
Doct. Legum, ii.
Baccalaur. Theologiæ, ii.
} fol. 153.

3 Convocatio Maii 19. In *tertia Convocatione* non fuerunt Aliqui Graduati novi præter Magistros *Nicholaum Hereford*, *Philippum Repingdon*, & *Johannem Aston*: Quibus tunc plane ad prædictas Conclusiones respondere nolentibus, scil. in domo Prædicatorum London. 14 Kal. Junii, præfixit Eis Archiepiscopus Cantuar'. 12 Kal. Julii diem peremptorium ad finaliter Respondendum.

4 Convocatio Jun. 20. In hac igitur *quarta Convocatione* Illis tam ambigue respondentibus, non clare, damnavit Archiepiscopus Magistrum *Johannem Aston* pro sua pertinacia tanquam Hæreticum. Magistros autem *Nicolaum* & *Philippum* non damnavit tunc, sed supersedit, præfigens Eis diem alium ad octo dies ut comparerent coram se. Quos illo die comparentes jussit comparere iterum coram se primo die Julii in Ecclesia Christi Cant'. Quos quia ibi coram Eo comparere nolebant pronuntiavit Contumaces, & Excommunicavit Eos solemniter cum Omnibus communicantibus & fautoribus Eorundem.

Confer Spelm. Concil. 2 Vol. p. 631, 632.

5 Congreg. Jul. 1. In illa igitur *quinta Convocatione* ultra Eos qui fuerant in quatuor præcedentibus erant præsentes, & in Condemnationem prædictarum Conclusionum consentientes Hii quorum nomina subscribuntur.

Doctores in Theologia, vi.

Baccalaurei in Theologia, iii.

Hæ igitur viginti quatuor Conclusiones erant damnatæ Solemniter *Londini* & *Cantuariæ* cum præsentia decem Episcoporum; Triginta Doctorum Theologiæ; Sedecim Doctorum Legum; Tredecim Baccalaureorum Theologiæ; & quatuor, vel Plurium Baccalaureorum Juris Canonici & Civilis.

Epistola *Willielmi* Cantuar'. Archiepiscopi ad Fratrem *Johannem Stokys* Sacræ Paginæ Professorem, Ordinis *Carmelitarum*, de processu nuper habito in diversis Congregationibus super Condemnatione viginti quatuor Articulorum Hæreticorum *Johannis Wicklevi* & Ejus Sequacium. Dat. in Manerio nostro de *Otteford* 28 die Mensis..... Anno Dom. 1382. Et nostræ Translat. Anno 1°.

Extract. e *MS.* Bibl. Cotton. *Cleopatra* E. ii. fol. 149. & seq.
Ubi hæc omnia fusius videat Lector qui plura desiderat.

A. D. 1382.

NUM. CV.

Rot. Clauſ. 6 R. 2 p. 1. M. 3.

De Procurando Clerum Eborum *Provinciæ ad concedendum* Decimam, *&c.*

REX venerabili in Chriſto Patri A. eadem Gratia Archiepiſcopo Eborum, Angliæ Primati, Salutem. Clara Memoria recordantes qualiter viceſimo Quarto die Septembris ultimo præterito exponentes vobis per Breve noſtrum Regium mala quamplurima & intolerabilia Nobis & Ligeis noſtris per hoſtium noſtrorum invaſionem ſæpius illata qui nos Regnum noſtrum Angliæ, ac Eccleſiam Anglicanam, omnino deſtruere abſq; Intermiſſione ſolicitè machinantur; Unde nos in Salvationem Status Eccleſiæ prædictæ ac Regni & Populi noſtrorum defenſionem neceſſariam, ac propter reſiſtentiam Hoſtium noſtrorum prædictorum, Cenſus & Expenſas ineſtimabiles effundere oporteret, quas quidem Expenſas perficere abſq; fidelium noſtrorum Juvamine non valemus; Vobis rogando mandavimus, quod convocatis Prælatis & Clero veſtræ Provinciæ, & Negotiis prædictis eis expoſitis & declaratis, ipſos ad Subſidium competens in hoc Caſu, nobis in Supportationem Expenſarum prædictarum concedend. induceretis, & ad hoc efficaciter apponeretis partes veſtras; Vobis jam ſignificamus, quod venerabilis Pater Willielmus Archiepiſcopus Cantuar. cui pro hujuſmodi Convocatione in Provincia ſua faciendâ per Breve noſtrum ſimiliter mandavimus, aliiq; Prælati ac Clerus dictæ Provinciæ ſuæ unam Decimam de eorum Beneficiis Eccleſiaſticis ejuſdem Cantuar' Provinciæ nobis certis Terminis ſolvendam, ad captandam noſtram Regiam Benevolentiam gratuite conceſſerunt: Vobis de quo ſumme confidimus in fide & dilectione quibus nobis tenemini, iterum rogando mandantes, quatenus gravibus periculis, quæ Eccleſiæ & Regno prædictis patulo intuitu imminere conſpicitis, attentis debiteq; propenſis, ac facta ſine Dilatione Convocatione Prælatorum & Cleri veſtræ Provinciæ in Eccleſia Beati Petri Eborum, ut eſt moris, eiſq; tam dictis Negotiis & Periculis quam Conceſſione Nobis per Clerum dictæ Cantuar. Provinciæ, de Una Decima, ut præmittitur factâ, declaratis; Ipſos ad hujuſmodi Decimam, ſeu aliud Subſidium competens & æquivalens, in ſupportationem expenſarum prædictarum, & defenſionem Eccleſiæ & Regni prædictorum, nobis concedend', & ad Feſtum Paſchæ, ſeu aliam diem brevem & propinquum, cum omni ſolicitudine quâ poteritis, & eo ſpecialius quo maxima habetur neceſſitas, inducatis & procuretis; & circa hoc corditer & fideliter laboretis; pro quo vobis, cæteriſq; Prælatis ac Clero dictæ Provinciæ veſtræ, magis teneri volumus in futurum. Nos de Quantitate dicti Subſidii, cum conceſſum fuerit, ac de Termino ſeu Terminis ſolutionis ejuſdem, certificantes indilatè. Et hoc ſicut Nos & Honorem noſtrum ac Salvationem & Defenſionem Eccleſiæ & Regni prædictorum diligitis nullatenus omittatis Teſte Rege apud Weſtm. xxviii° Die Januarii.

1. Per Regem ipſum.
2. Et Concilium.

A. D. 1384.

NUM. CVI.

Proteſtatio Courtney Archiepiſcopi Cantuar. *in* Parliamento *A.* 1384.

Regiſtr. *Courtney*, fol. lxxxi. b.

MEmorandum; Quòd xvii. die Menſis Decembris Anno 1384. Regis Richardi viii° in pleno Parliamento ejuſdem Domini Regis, die & Anno ſupradictis, tento apud Weſtmonaſter. audito per Reverendiſſimum in Chriſto Patrem Dominum W^m^ Dei Gratiâ Cantuarienſem Archiepiſcopum totius Angliæ Primatem & Apoſtolicæ Sedis legatum, quòd Milites Comitatuum, Cives Civitatum, & Burgenſes Regni Angliæ, tunc ibidem pro dicto Parliamento convocati, dicto Domino noſtro Regi quoddam Subſidium in Supportationem Oneris eidem Domino noſtro Regi & Regno ſuo incumbentis, duas

1384. Quintas decimas à Populo Regni ſui levandas ſub certâ conditione eidem Domino noſtro Regi ſolvendas conceſſerunt; viz. "Quod Prælati & Clerus dicti "Regni præfato Domino noſtro Regi duas Decimas de Beneficiis ſuis Eccleſiaſticis, ad Decimam ſolvere conſuetis, ſimili modo concederent; Prout in quâdam Cedulâ indentatâ, Conceſſionem & Conditionem hujuſmodi continente per eos porrectâ plenius apparebat; Statim præfatus Dominus Cantuarienſis Archiepiſcopus aſſiſtentibus ſibi aliis Confratribus Suffraganeis ſuis tunc præſentibus coram dicto Domino Rege Epiſcopis & aliis Prælatis, Comitibus Baronibus, & Populo in pleno Parliamento inibi congregatis, dixit expreſſè & publicè proteſtabatur; "Quod cum ſancta Mater Eccleſia tam toto tempore "dicti Domini Regis, quàm Progenitorum ſuorum, in plenâ ſuâ libertate per"ſtitit, non potuit de Jure, nec debuit, ad conditionem hujuſmodi obſervan"dam artari. Dixit inſuper publicè idem Archiepiſcopus, "Quòd nunquam "de cætero cum Clero ſuo ſuper aliquo Subſidio Regi concedendo tractaret, "nec Convocationem faceret hâc de Cauſâ, donec dicta Conditio rejecta fuerit "& deleta. Quâ Proteſtatione factâ, præfatus Dominus noſter Rex volens, ut aſſeruit, Eccleſiam ſuâ priſtinâ libertate gaudere, hujuſmodi Conditionem de Cedulâ memoratâ extrahi ſive abradi omninò præcepit, & fecit publicè tunc ibidem.

NUM. CVII.

Rot. Clauſ. 16 R. 2. m. 23. dorſo.

A. D. 1392. ### *De* Convocatione.

REX venerabili in Chriſto Patri W. eadem gratia Archiepiſcopo Cantuar. totius Angliæ Primati, Salutem. Quia ſicut clare ſcitis ad ſubeundum & ſupportandum ſumptuoſa & immenſa Onera, quæ nos pro Defenſione & Salvatione Regni noſtri ac Eccleſiæ ſanctæ poſt præſentes Treugas & Guerrarum abſtinentias inter Nos & Adverſarios noſtros nuperimè initas & firmatas facere oportebit, de Bonis noſtris abſq; fidelium Ligeorum noſtrorum adminiculo non ſufficimus nec valemus; Vobis in fide & dilectione quibus nobis tenemini rogando mandamus quatenus præmiſſis debito intuitu attentis & ponderatis Suffraganeos veſtros, Decanos & Priores Eccleſiarum Cathedralium, Abbates & Priores, & alios Electivos, exemptos & non exemptos, necnon Archidiaconos, Capitula, Conventus, & Collegia, totumq; Clerum cujuſlibet Dioc. veſtræ Provinciæ ad comparend. coram vobis in Eccleſia ſancti Swithuni Winton. vel alibi, prout expedire videritis in Craſtino Purificationis Beatæ Mariæ proximo futur. more ſolito Convocari faciatis; & ipſos in hac parte ex Cauſâ predictâ, ad Subſidium in hoc caſu competens & neceſſarium in Supportationem dictorum Onerum nobis concedend. eo ſpecialius & efficacius quo magis ſciveritis, aut poteritis, ſolicite inducatis, & partes veſtras ad hoc diligenter & effectualiter apponatis: Nos in Cancellaria noſtra de Quantitate Subſidii illius, & de Terminis Solutionis ejuſdem, ſub Sigillo veſtro diſtincte & aperte certificantes. Et hoc ſicut Nos & Honorem noſtrum ac Salvationem & Defenſionem Eccleſiæ Catholicæ ac Regni noſtri prædicti diligitis nullatenus omittatis. Teſte Rege apud Weſtm. xxi. die Decembris.

1 Per ipſum Regem.
2 Et Concilium.

A. D. 1398.

Regiſt. II d. Decan. & Capitul. Dunelm. fol. 139. a.

NUM. CVIII.

Procuratorium Prioris Dunelm. pro Convocatione.

PAteat Univerſis per præſentes Nos Johannem Priorem Eccleſiæ Cathedralis Dunelm. Ad comparendum in Convocatione Cleri xx° die inſtantis Menſis Junii coram Honorabili Viro Magiſtro Ricardo Clifford Decano Eccleſiæ Cathedralis Ebor. Guardiano privati Sigilli illue per ſereniſſimum in Chriſto Principem & Dominum noſtrum Dominum Ricardum Dei Gratiâ Regem Angliæ & Franciæ illuſtrem tranſmittendo in eâdem Eccleſiâ ſummo Mane (ut aſſeritur) celebrandâ, & ad Tractandum ſuper certis Materiis & Negotiis ſtatum Regis, & Regni & Eccleſiæ Anglicanæ concernentibus, unà cum aliis Provinciæ Ebor. Prælatis per literam privati ſigilli vocatis & præmunitis; Dilectos nobis in Chriſto magnæ Reverentiæ Virum Magiſtrum T. W. Canonicum Reſidentiar. dictæ Eccleſiæ Ebor. nec non Magiſtros I. S. &c. pro nobis in dicta Convocatione die & loco limitat comparend. & interellend. Cauſas abſentiæ noſtræ perſonalis Allegand. Proponend. & Proband. nec non ſuper Materiis & Negotiis quibuſcunq; pro tunc ibidem plenius exponend. Si & quatenus natura & qualitas præſentis Negotii hoc expoſcant unà cum aliis dictæ Provinciæ Prælatis Tractand. & hiis quæ ibidem Divinâ favente Clementiâ ad ſtatum Regis Regni & Eccleſiæ prædict. ſalubriter ordinari contigerint conſentiend. nec non omnia alia & ſingula faciend. exercend. & expediend. quæ in præmiſſis, &c. Dat. 16. Junii, 1398.

NUM. CIX.

Rot. Clauſ. 22 R. 2. p. 1. m. 30. dorſo.

De Convocatione.

REX venerabili in Chriſto patri R. eadem gratia Archiepiſcopo Eborum Angliæ Primati, Salutem. Cum nuper pro ſumptuoſis & immenſis Oneribus quæ Nos pro Defenſione & Salvatione Regni noſtri ac Marchiarum ejuſdem, necnon Eccleſiæ ſanctæ facere oporteret ſubeundis & ſupportandis venerabili patri Roberto nuper Archiepiſcopo loci prædicti rogando mandaverimus quatenus Suffraganeos ſuos, Decanos & Priores Eccleſiarum Cathedralium Abbates & Priores & alios electivos, exemptos & non exemptos, necnon Archidiaconos, Capitula, Conventus & Collegia, totumq; Clerum cujuſlibet Dioc. ſuæ Provinciæ ad comparend. coram eo in Eccleſia Cathedrali beati Petri Eborum, vel alibi, prout expedire videret, ad certum diem jam præteritum convocari faceret, & ipſos in hac parte ex cauſa prædicta ad Subſidium competens & neceſſarium, in ſupportationem dictorum Onerum, nobis concedend. eo ſpecialius & efficacius quo magis ſciret aut poſſet, ſolicite induceret; & partes ſuas ad hoc diligenter & effectualiter apponeret; & nos in Cancellaria noſtra de quantitate Subſidii illius, & de termino Solutionis ejuſdem, ſub Sigillo ſuo certificaret; & quia nobis in Cancellaria noſtra prædicta utrum idem nuper Archiepiſcopus hujuſmodi Convocationem prætextu rogatus noſtri prædict. fecerat necne, nondum eſt certificatum, vobis in fide & dilectione quibus nobis tenemini rogando mandamus, quod ſi dicta Convocatio in vita ipſius nuper Archiepiſcopi facta fuerit, ut eſt moris, tunc nos inde, ac de quantitate Subſidii nobis in Convocatione illâ conceſſi, ſi quod fuerit, & de termino Solutionis ejuſdem, ſub Sigillo veſtro, reddatis certiores; & ſi forte nulla Convocatio ad dictum rogatum noſtrum tunc facta extitiſſet, tunc præmiſſis debito intuitu attentis & ponderatis Suffraganeos veſtros, Decanos & Priores Eccleſiarum Cathedralium, Abbates & Priores & alios electivos, exemptos & non exemptos, necnon Archidiaconos, Capitula, Conventus, & Collegia, totumq; Clerum cujuſlibet Dioc. veſtræ Provinciæ, ad comparend. coram vobis in prædicta Eccleſia beati Petri, vel alibi, prout expedire videritis, 1° die Sept. proximo futuro more ſolito convocari fac. & ipſos in hac parte, ex cauſa prædicta, ad

Subſidium

A. D. 1398. Subſidium in hoc caſu competens & neceſſarium, in Supportationem dictorum Onerum, nobis concedend. eo ſpecialius & efficacius quo magis ſciveritis aut poteritis ſollicite inducatis; & partes veſtras ad hoc diligenter, & effectualiter apponatis: Et nos in Cancellaria noſtra prædicta de quantitate Subſidii illius, & de terminis Solutionis ejuſdem, ſub Sigillo veſtro diſtincte & aperte certificetis. Et hoc ſicut nos & honorem noſtrum ac Salvationem, & Defenſionem Eccleſiæ, & Regni prædictor. diligitis, nullatenus omittatis. Teſte Rege apud Weſtm. 1°. die Auguſti.

NUM. CX.

Bibl. Cotton. *Cleopatra. E. 2.* fol. 224.

Breve pro Concilio Oxon.

REX Venerabili in Chriſto Patri Jo. eâdem gratiâ Epiſcopo Hereford. Salutem. Quibuſdam certis de Cauſis nos ſpecialiter & intimè moventibus, vobis ſub fide & dilectione quibus nobis tenemini firmiter injungendo mandamus, quòd omnibus aliis prætermiſſis, & excuſatione ceſſante quâcunq; in propriâ perſonâ veſtrâ ſitis apud Villam noſtram Oxon. die Lunæ prox. poſt Converſionem S. Pauli prox futur. ad dicend. & declarand. Conſilium & Aviſamentum veſtrum, de & ſuper quibuſdam materiis nefarium Schiſma in Eccleſiâ Dei, quod dolendum eſt, multipliciter jam Regnum tangentibus per Univerſitatem noſtram Oxon. miniſtrand. & ad conſentiend. hiis quæ tunc de Aviſamento & Conſenſu Cleri noſtri contigerit affirmari; Et hoc nullatenus omittatis. Teſte R. apud Weſtmonaſter. ii die Januarii Anno Regni. xvii.

Conſimilia Brevia directa ſunt.

J. Epiſcopo Aſſavenſi.
H. Lincoln.
Priori Eccleſiæ Chriſti Cant.
Abbati S. Auguſtini Cant.
Abbati de Byland.
Abbati de Leyceſtre.
Priori Eccleſ. Chriſti Suthampton.
Priori S. Swithini Winton.
Decano Sarum.
Decano Lincoln.
Decano Exon.
Cancellario Ebor.

Et xiv. Aliis.

NUM. CXI.

Rot. Clauſ. 22. R. 2. p. 1. m. 1. dorſo.

De Convocatione.

REX venerabili in Chriſto patri R. eadem gratia Archiepiſcopo Eborum, Angliæ Primati, Salutem. Cum venerabilis pater Rogerus Archiepiſcopus, cæteriq; Confratres Coepiſcopi ac Suffraganei ſui, & alii Prælati, & Clerus Cantuar. Provinciæ, in ultimâ Convocatione Prælatorum & Cleri in Eccleſia ſancti Pauli London. 2° die Martii proximo præterito, per ipſum Archiepiſcopum facta, pro defenſione Regni noſtri ac Eccleſiæ Anglicanæ Nobis unam Decimam & medietatem unius decimæ, de beneficiis Eccleſiaſticis, taxatis & ad decimam ſolvere conſuetis, beneficiis pauperum Monialium, Religioſorum, Collegiorum, & Hoſpitalium, duntaxat exceptis, conceſſerint; unam videlicet medietatem inde in Feſto Sancti Martini Epiſcopi tunc proximo futuro, alteram medietatem in Feſto Nativitatis ſancti Johannis Baptiſtæ tunc proximo ſequend. & tertiam medietatem in Feſto Sancti Martini ex tunc prox. ſequend. fideliter perſolvend. Et quia ſatis clare ſcitis ad ſubeund. & ſupportand. ſumptuoſa & immenſa Onera quæ nos pro Salvatione, & Defenſione dicti Regni noſtri, ac Marchiarum ejuſdem, necnon Eccleſiæ ſanctæ facere oportebit de bonis noſtris abſq; fidelium ligeorum noſtrorum adminiculo non ſufficimus nec valemus; Vobis in fide & dilectione quibus nobis tenemini rogando mandamus, ſicut pluries mandavimus, quatenus præmiſſis debito intuitu attentis & ponderatis, ſuffraganeos veſtros, Decanos & Priores Eccleſiarum Cathedralium, Abbates, & Priores,

Priores, & Alios Electivos, Exemptos & non Exemptos, Archidiaconos, Capitula, Conventus, & Collegia, totumque Clerum cujuſlibet Dioceſ. veſtræ Provinciæ ad comparendum coram vobis in Eccleſia Cathedrali beati Petri Eborum, vel alibi, prout expedire videritis, die Lunæ in tertia ſeptimana Quadrageſimæ, prox. futur. more ſolito Convocari faciatis, & ipſos in hac parte ex cauſa prædicta ad Subſidium in hoc caſu competens & neceſſarium, ad ſupportationem dictorum onerum nobis concedendum eo ſpecialius & efficacius quo magis ſciveritis, aut poteritis, ſollicite inducatis, & partes veſtras ad hoc diligenter & effectualiter apponatis: Nos in Cancellaria noſtra de quantitate Subſidii illius, & de terminis ſolutionis ejuſdem, ſub Sigillo veſtro diſtincte & aperte, citra Octavum diem, eundem diem Lunæ proximo ſequent. Certificantes. Et hoc ſicut Nos, & honorem noſtrum, & Salvationem, & defenſionem Eccleſiæ Catholicæ, ac Regni noſtri prædicti, diligitis, nullatenus omittatis. Teſte Rege apud Weſtmonaſter. xxii die Januarij. A. D. 1398.

NUM. CXII.

Breve Reg. pro Convoc. Cleri Cantuar.

HENRICUS Dei Gratia, &c. Venerabili, &c. Quibuſdam arduis & urgentibus negotiis, Nos & Statum Regni noſtri, ac honorem & utilitatem Eccleſiæ Anglicanæ contingentibus, intime concernentibus, Vobis in fide & dilectione quibus nobis tenemini Rogando Mandamus, quatenus premiſſis debito intuitu attentis & ponderatis, univerſos & ſingulos Epiſcopos Cantuarienſis Provinciæ, ac Decanos & Priores Eccleſiarum Cathedralium, Abbates, & Priores, & alios Electivos, Exemptos & non Exemptos, nec non Archidiaconos, Capitula, Conventus, & Collegia, totumque Clerum cujuſlibet Dioc. ejuſdem Provinciæ ad comparendum coram Vobis in Eccleſia Cathedrali Sancti Pauli London, vel alibi, prout melius expedire videritis, citra craſtinum. S. Michaelis prox. futur. more ſolito convocari faciatis; Ad tractandum, concordandum, conſentiendum, & concludendum, ſuper præmiſſis & aliis quæ ſibi clarius exponentur tunc ibidem ex parte noſtra: Et hoc ſicut Nos, & Statum dicti Regni noſtri, & honorem & utilitatem Eccleſiæ prædictæ, diligitis, nullatenus omittatis. Teſte meipſo apud Weſtmonaſt. xx die menſis Julii, anno Regni noſtri tertio. A. D. 1402. Regiſtr. Arundel. Archiep. Cant. par. 1. fol. 554.

NUM. CXIII.

Breve pro Subſidio; & Decima Levanda.

HEnricus Dei Gratia Rex Angliæ, Venerabili Patri W. Winton Epiſcopo, &c. Cum Vos, cæterique Confratres veſtri, ac alii Prælati, & Clerus Cantuar. Provinciæ in ultima Convocatione Prælatorum & Cleri in Eccleſia Cathedrali Sancti Pauli London, 21 die April. prox. præter. incepta, & uſque ad ſextum diem Maij tunc proximo ſequent. continuata, facta pro defenſione Eccleſiæ & Regni Anglicani, Nobis conceſſeritis, & conceſſerunt, de Beneficiis & Officiis quibus temporalia vel ſpiritualia annectuntur Eccleſiaſticis quibuſcunque totius Provinciæ prædictæ, non taxatis, nec ad decimam ſolvere conſuetis, excedentibus ſummam Centum Solidorum juxta veram æſtimationem Valoris Annui Eor. fiend. per Epiſcopos Locorum, in quibus Beneficia & Officia prædict. ſituat. exiſtunt, unum Subſidium, videlicet de viginti ſolidis duos ſolidos ſolvend. in Feſt. Nativit. Sancti Joh. Baptiſtæ proximo futur. ad diſpoſitionem & utilitatem noſtras convertendas, ac etiam de quibuſcunque Beneficiis Eccleſiaſticis dictæ Provinciæ Cantuarienſis taxatis, & ad decimam ſolvere conſuetis (beneficiis pauperum Monialium & Hoſpitalium, ac Beneficiis in partibus Walliæ & Marchiis ejuſdem, & aliis per guerras, vel mare, deſtructis, de quibus ſtabitur Certificatoriis Ordinariorum duntaxat exceptis) Medietatem Unius Decimæ ſolvend. in Feſto Sancti Martini, in Hyeme proximo futur: ad ſolvendum debita mutuata, ac alia debita noſtra juxta diſcretionem Conſilii noſtri; & aliam medietatem Unius Decimæ ſolvendæ primo die Maij ex tunc prox. ſequenti, ad utilitatem A. D. 1404. Regiſtr. Wickham. par. ii. Lib. 4. fol. 46.

A. D. 1404. litatem noſtram, ac defenſionem dicti Regni noſtri, &c. Vobis mandamus, quod aliquos viros fide dignos de Clero veſtræ Dioceſis pro quibus reſpondere volueritis, ad Subſidium & Decimam prædictam in Dioceſ. veſtra prædicta, juxta formam Conceſſionis prædictæ levandum & colligendum, prout moris eſt, aſſignari & Deputari faciatis; Ita quod nobis de Subſidio & Decima prædicta ad eadem feſta in forma prædicta reſpondeatur: Theſaurarium, & Barones de Schaccario noſtro, de nominibus Eorum, quos ad hoc deputaveritis intra Feſtum Sancti Botulphi proximo futur. diſtincte & aperte certificantes: Et hoc ſicut nos & honorem noſtrum, & Salvationem Eccleſiæ & Regni prædicti diligitis, nullatenus Omittatis. Teſte Meipſo apud Weſtm. 17 Maij, Anno Regni noſtri quinto.

NUM. CXIV.

Rot. Clauſ. 5. H. 4. p. 2. m. 9. dorſo.

De Convocatione facienda.

A. D. 1404. REx Venerabili in Chriſto Patri R. eadem Gratia Archiepiſcopo Eborum, Angliæ Primati, Salutem. Quia, ſicut clare ſcitis, ad Subeundum, & Supportandum Sumptuoſa & Immenſa Onera, quæ Nos pro defenſione & Salvatione Regni noſtri, ac Marchiarum Ejuſdem, nec non Eccleſiæ ſanctæ, facere oportebit de Bonis noſtris, abſque fidelium Ligeorum noſtrorum adminiculo, non Sufficimus nec Valemus; Vobis in fide & dilectione, quibus nobis tenemini, Rogando Mandamus, quatenus præmiſſis debito intuitu attentis & ponderatis, Suffraganeos veſtros, Decanos & Priores Eccleſiarum Cathedralium, Abbates, & Priores, & Alios Electivos, Exemptos & non Exemptos, nec non Archidiaconos, Capitula, Conventus, & Collegia, totumque Clerum cujuſlibet Diœceſis veſtræ Provinciæ, ad comparendum coram Vobis in Eccleſia Cathedrali Beati Petri Eborum, vel alibi, prout expedire videritis, citra feſtum Sancti Johannis Baptiſtæ proximo futurum more ſolito Convocari faciatis, & ipſos in hac parte, ex Cauſa prædicta, ad Subſidium in hoc caſu competens & neceſſarium, in Supportationem dictorum Onerum Nobis concedend. eo ſpecialius & efficacius, quo magis ſciveritis, aut poteritis, ſollicite inducatis, & partes veſtras ad hoc diligenter & effectualiter apponatis: Nos in Cancellaria noſtra de quantitate Subſidii illius, & de terminis Solutionis ejuſdem, ſub Sigillo veſtro diſtincte & aperte certificantes. Et hoc ſicut Nos & Honorem noſtrum, ac Salvationem & Defenſionem Eccleſiæ Catholicæ, ac Regni noſtri prædicti diligitis, nullatenus omittatis. Teſte Rege apud Weſtm. vi die Maij.

NUM. CXV.

Mandatum pro Concilio Provinciali.

A. D. 1408. Regiſtr. *Arundel.* Arch. Cant. part. i. fol. lxxi. THomas permiſſione divina, &c. Venerando Fratri Noſtro Domino Ricardo, Dei gratia London Epiſcopo, Salutem & Fraternam in Domino Charitatem. Vox in Excelſo audita eſt lamentationis, fletus, & luctus Rachel, *i. e.* Sanctæ Matris Eccleſiæ plorantis filios ſuos Chriſtiani nominis Athletas; ſed lacrymæ ſuæ diuturnæ fletu ſiccantur in maxillis, quia non eſt qui conſoletur eam ex omnibus Charis Ejus: Luget namque mortem millium dum unicæ Columbæ Dei militantis Eccleſiæ ſecundum caput monſtruoſe appoſitum, membra quæq; alteræ parti adhærentia, etſi in ſe ſalva, aſperſione ſanguinis monſtruoſa, bona & utilia tanquam infructuoſa ſuſpendet, tanquam mala abſcindit & putrida, ac tanquam maledicta Excommunicationis Cenſura percellit; interdicit Regna ſibi adverſantia; Eccleſiarum ſuſpendit Organa; Reges & Prælatos diſcernit, Primates Officio, Clerum, populum, & vulgus Excommunicationis mucrone condemnat; Sic ut vix ſciat Ovis Erronea ubi veri Paſtoris caulas inveniet. Cujus quæſo muſica, his ſolide ponderatis, non vertetur in Luctum? Sed væ! væ! proch-

proch dolor! lacrymæ viduæ aſcendunt in Excelſum, ſed Dominus Exauditor non delectatur in illis. Quæſivit Eccleſia cum lacrymis pœnitentiæ locum, ſed jam per xxx annos & ultra clamans, non invenit eum, ſchiſmate perdurato, ſpesque pulcherrima de & ſuper unione Sanctæ Matris Eccleſiæ per Dominum noſtrum Papam & ſuos Cardinales in ſua Creatione promiſſa, juramentiſque, ac votis Eorundem firmata, jam redit ad fruſtra, poſteriorque peſtis ſupervenit priori deterior. Nam etſi omnes aquæ (Dominus ſcilicet noſter Papa & Cardinales) congregatæ ſint in locum unum, Civitatem Lucan. Terra tamen appareret arida, eo quod os putei aquas recipientis Lapide grandi, utinam non vanæ gloriæ cupidine, ſtat obſtruſum; nec ſupervenit Jacob, aut alius quiſquam cœleſti dono imbutus, qui lapidem amoveat ab ore putei, ut fluminis impetus lætificet Civitatem Dei. Scribunt namque Cardinales Domino noſtro Regi ac nobis & cæteris Confratribus noſtris Suffraganeis, quod Dominus noſter Papa contra formam in voto, juramento, ac diverſis tractatibus expreſſam, & ipſis Cardinalibus inconſultis, quin verius expreſſe reclamantibus, novos creavit Cardinales, ipſiſque antiquis Cardinalibus mandata & injunctiones tam importabilia indixit, ut ipſi omnes & ſinguli ab eiſdem mandatis & injunctionibus ab ipſoque Papa irrationabiliter & ſecundum non rectam informationem decernente, ad ipſumet ſecundum rectam rationem,& melius informatum,decreturum; Item ab ipſo Papa Vicario Chriſti in terris, ad Dominum noſtrum Jeſum Chriſtum, qui judicaturus eſt vivos & mortuos, & Seculum per ignem; Item ad Generale Concilium, a quo, & in quo ſolent geſta ſummorum Pontificum quæcunque judicari poſſint, decerni & judicari; Item ad Papam & Pontificem futurum, cujus eſt geſta inordinata ſui prædeceſſoris in melius reformare, appellârunt, ac metu majoris mali quidam Eorum pedeſtres & rebus omnibus ſpoliati, quidam vero Equeſtres, Novem videlicet in numero, de Civitate Lucana, & a Præſentia Domini noſtri Papæ uſque in Civitatem Piſanam receſſerunt, de unitate Eccleſiæ, niſi aut divinitus, aut ſagacitate humana, gratioſius provideatur, diffiſi. Supplicant igitur iidem Cardinales, Collegium videlicet antiquum, tam Domino noſtro Regi, quam Nobis & Suffraganeis noſtris, de bona aſſiſtentia in facto unionis, quia ipſi, Collegium Cardinalium, ad hoc effectualiter laboràrunt juxta vires: Dominusq; noſter Rex per nos aditus & conſultus tanquam Chriſtianiſſimus Pugil & Athleta Eccleſiæ, ſuum ad hoc auxilium, conſilium, & favorem, in omnibus pollicetur, in omnibus animo ſatis prompto, & ultra quam dicendum eſt ad præſens præparato. Nos igitur conſiderantes quod hoc maledictum Schiſma ultra omnia anteriora diutius noſcitur perdurâſſe, quodq; mala infinita & notoria quæ hic cauſa brevitatis recitare non expedit exinde provenerunt, Nos tamen de Regno Angliæ, quod tamen dolenter referimus, modicum hucuſque circa unionem laborare curavimus, cujus prætextu Anglicani nominis fama noſcitur diminuta: Volenti igiturquod ſegniter egimus provida emendatione corrigere, & ut eo ſagacius fiat, quo plurimorum firmetur diſcreto conſilio, ob hanc cauſam tantum, & non aliam, Prælatos & Clerum noſtræ Cantuarienſis Provinciæ ad certos diem & locum infra ſcriptos duximus convocand. de & ſuper hac ſancta & ſalubri materia unionis Sanctæ Matris Eccleſiæ tractaturos, ſuaque ſana conſilia & aſſenſum impenſuros, ulteriuſq; factur. quod ipſius materiæ arduitas exigit & requirit. Quo circa Fraternitati veſtræ committimus & mandamus, quatenus omnes & ſingulos dictæ noſtræ Cantuarienſis Eccleſiæ Suffraganeos infra dictam noſtram Cantuarienſ. Provinc. conſtitutos, & abſentium Epiſcoporum hujuſmodi ſi qui fuerint Vicarios in ſpiritualibus generales citetis peremptorie, & per eos Decanos & Priores Eccleſiarum Cathedralium, ac ſingula Capitula earundem, Archidiaconos, Abbates, & Priores Conventus ſub ſe habentes, & alios Eccleſiarum Prælatos, Exemptos & non Exemptos, nec non cæteros magnæ Literaturæ viros providos pariter & maturos uniuſcujuſque Dieceſ. quos ipſi Suffraganei noſtri in eorum Diœceſ. ad intereſſendum tractatui materiæ unionis antedictæ ſenſerint neceſſarios, Clerumque cujuſlibet Diœceſ. Provinciæ antedictæ, quod compereant coram nobis aut noſtris in hac parte locum tenentibus, vel Commiſſariis, ſi nos, quod abſit, tunc impediri contigerit, in Eccleſia Sancti Pauli London xxiij die menſis Julii proximo futuri, cum continuatione & prorogatione dierum tunc ſequentium & locorum; omnes videlicet Venerandi Fratres noſtri Epiſcopi Suffraganei, cæterique Prælati, perſonaliter, & meliori quo poterunt ſuffulti conſilio ſicut ſuper Deo in die extremi judicii, nobiſque ac Regi, ac Regno Angliæ in eventum voluerint reſpondere: Capitula

A. D. 1408.

vero

A. D. 1408. vero Eccleſiarum Cathedr. per unum, ad minus, ſide dignum ſufficienter Literatum providum & diſcretum, Cleruſque cujuſque Diœceſis per duos Procur. conſimiles, pariter & potentes, qui ſuis ſumptibus & expenſis abſque pauperis Cleri diſpendio poterunt intereſſe, ad tractandum ſuper materia Unionis Eccleſiæ ſupradictæ, ipſis tunc ibidem plenius exponenda, ſuaque conſilia & auxilia ſuper ea impenſur. & ad conſentiendum, his quæ ibidem ex deliberatione communi ad honorem Dei & Eccleſiæ contigerit,concorditer ordinari; facturique ulterius, & recepturi quod juſtum fuerit, & prædicti negotii qualitas exigit & requirit. Denunciantes eiſdem Venerandis Fratribus noſtris, ac cæteris Prælatis,Virisque literatis ſupradictis, atque Procuratoribus pro Capitulis Cathedralium Eccleſiarum, aut pro Clero in forma ſupradicta electis, quod ipſos aut ipſorum aliquem iſta vice nullo modo habebim. excuſatos vel excuſatum, Imo in caſu quo non comparuerint modo ſupradicto, acriori modo quo poterimus puniemus abſentes, & eo gravius & ferventius, quo nos & Deum, cujus cauſa agetur ibidem, in non veniendo duxerint contemnendos. Tenore etiam præſentium perempt. vos citamus, quod eisdem die & loco coram nobis, vel locum noſtrum tenentibus, aut Commiſſariis perſonaliter compareatis, ſuperdicto negotio una cum aliis Suffraganeis noſtris ut præmittitur tractaturi, facturiq; & recepturi quatenus ad vos attinet, prout ſuperius continetur, Præſenſque Mandatum noſtrum quatenus Veſtras Civitatem, Diœceſem concernit exequi per omnia faciatis. Prælatis quoque Eccleſiarum exemptarum, non mendicantibus, veſtræ & aliorum Venerabilium Fratrum noſtrorum Coepiſcoporum dictæ Provinciæ Dioceſ. cujuſcunque fuerint ordinis per vos & Confratres veſtros, prout vos & unumquemq; veſtrum concernit,volumus intimari, ut prætatis die & loco abſque præjudicio privilegiorum ſuorum in hac parte, quibus per hoc derogari nolumus, nobiſcum interſint, facturi & recepturi in præmiſſis & ea contingentibus, quod ſuperius eſt expreſſum. Vobis etiam ut ſupra injungimus & mandamus,quod omnibus & ſingulis Venerandis Fratribus noſtris Coepiſcopis & Suffraganeis noſtris antedictis, & Vicariis hujuſmodi injungatis, ſeu faciatis injungi, quod ſinguli eorum ſingillatim de facto ſuo, quatenus pertinet ad eoſdem, nos ſeu locum noſtrum tenentes, vel Commiſſarios dictis die & loco per ſuas Literas Patentes Citatorum nomina continentes, diſtincte certificent, & aperte; Vosq; pari forma Nos, vel Noſtros Commiſſarios quatenus ad vos attinet, eiſdem die & loco more ſolito debite certificetis literis veſtris patentibus habentibus hunc tenorem. Inſuper quia non modicum, imo permaximum & ex ipſis rerum argumentis probatiſſimum ſolet ſortiri effectumde precatio juſti aſſidua; ac difficile, imo verius impoſſible ſit, ut non impetretur quod multorum unanimi ac aſſidua petitione, non ad cujuſquam commodum temporalem, ſed ad Dei laudem & proſperationem ſuæ militantis Eccleſiæ juſte poſtulatur; dicente Domino in Evangelio, Quicquid orantes petitis, credite & fiet vobis; Fraternitati veſtræ committimus & mandamus, quatenus omnibus & ſingulis Coepiſcopis & Suffraganeis noſtris antedictis vice & auct. noſtris cum omni celeritate qua poteritis veſtris literis harum ſeriem continentibus denuncietis, & eiſdem diſtrictius injungatis, ut eorum ſinguli in Eccleſiis ſuis Cathedralibus, & aliis Eccleſiis Conventualibus & Collegiatis, tam regularibus quam ſecularibus, nec non Paroch. Eccleſiis ſuarum Civitatum & Diœceſium diebus Dominicis & Feſtivis, ſuos Subditos, Clericos & Laicos efficaciter moneant & inducant, ſeu moneri faciant, & induci, quod ipſi univerſi & ſinguli Omnipotenti Deo, in cujus manu ſunt corda Regium, ut Chriſtianiſſimum Regem noſtrum Zelo Unionis Eccleſiaſticæ, ut præmittitur, beatiſſimæ accenſum in eo firmiſſime ſtabilire, ipſumque ſic ſtabilitum ad tam ſanctum, tamque ſalubre Propoſitum exequendum dirigere & conſervare dignetur; ac Nobis & Clero noſtro antedicto ad ſui Nominis gloriam congregandis medius exiſtere, noſtriſque ſenſibus ſcientiæ ſuæ Lumen in hac Eccleſiæ ſuæCauſa ſumme neceſſarium infundere, ſicque dona gregis ſuæ nobis & unicuique noſtrum dividere, ut ea quæ ſibi placita ſunt, & ad enervationem præfati horrendi ſchiſmatis tam diu proch dolor! continuati,tendere valeant decernere,& ordinare poſſimus, in Miſſarum Solemniis, Sermonibus publicis, & Proceſſionibus conſuetis, quas propterea ſingulis quartis & ſextis Feriis eo ferventius & ſolertius quo poterit fieri volumus & mandamus,orationes devotas Jenuniis,Eleemoſinis, & aliis charitatis operibus vallatas & ornatas effundant & faciant a ſuis Subditis & Parochianis effundi. Vos autem, Venerabilis Frater, præmiſſa in Eccleſia veſtra Cathedrali ac aliis Conventualibus, Collegiatis, & Parochialibus Eccleſiis veſtra-

rum Civitatis & Dioœceſis modo ſimili faciatis & demandetis efficaciter obſervari. Et ut fidelium mentes ad hujuſmodi devotionis opera propenſius excitemus, de Dei omnipotentis immenſa miſericordia, & beatiſſimæ Virginis Mariæ, matris ejuſdem, ac beatorum Petri & Pauli Apoſtolorum ejus, nec non Sanctorum Alphegi & Thomæ Martyrum, Patronorum noſtrorum, omniumque Sanctorum meritis & precibus confident. ipſis fidelibus quibuſcunque per noſtram Provinciam antedictam ubilibet conſtitutis de peccatis ſuis vere pœnit. contritis & confeſſis præmiſſa ut prædicit. facientibus, quadraginta dies indulgentiæ concedimus per præſentes, & a vobis, cæteriſque Confratribus & Suffraganeis noſtris ſimiles indulgentias petimus elargiri. Dat. in Manerio noſtro de Lambith, xxv die menſis Junii, Anno Domini Milleſimo quadringenteſimo octavo, & noſtræ Tranſlationis Anno Duodecimo. A. D. 1408.

NUM. CXVI.

Mandatum pro Concilio Provinciali.

THOMAS permiſſione Divina Cant. Archiepiſcopus, totius Angliæ Primas, & Apoſtolicæ Sedis Legatus, Venerabili Fratri noſtro Domino Ricardo Dei Gratia, London Epiſcopo, Salutem & fraternam in Domino Charitatem. Naturalis Diſpoſitio, quæque tantum ad unitatem dinoſcitur inclinata, ut ab ipſa recedens vix in Natura aliquid reperiatur eſſe perfectum, quod & apes unum de minimis animalium recognoſcit, dum ſub uno Principe ſeu præpoſito avolans, naturæ ſuæ utilia prædiſponit: Multo ergo magis una electa Dei ſancta mater Eccl. quæ non ſolum naturalibus præceptis ſed ab uno Deo, uno Dom. ac unico ſummo Paſtore, ſub una fide, uno baptiſmate, una ſpe, & uno ſpiritu, aliisq; diverſis, ſupernaturali ratione, verbo & opere ad ipſam unionem multipliciter eſt inſtructa, ipſius unitatis vincula amplexabitur indefeſſe, & ſub uno Capite Vicario Chriſti in terris ſua gubernacula omnia ſolidabit, quæ tamen, quod dolenter referimus, diuturno jam tempore ſub diviſo Capite, ſed prætenſo, lamentabiliter fuiſſe dinoſcitur lacerata. Ad cujus reformationem aciem mentis noſtræ jam pridem, prout nobis poſſibile fuit, convertentes, ex certis cauſis rationabilibus tunc expreſſis, pro viis & modis, ad unionem Eccleſiæ directivis bona ac diligenti Induſtria reperiendis, Prælatos & Clerum noſtræ Cantuarienſis Provinciæ ad xxiii diem menſis Julii ultimo præteritum, in Eccleſia Cathedrali Sancti Pauli London fecimus Convocari. In qua convocatione laudetur ipſe qui [Cujuſque] Unitatis & perfectionis caput eſt & finis, ſub uno Spiritu ab ipſo Deo, ut ſperamus, Divinitus inſpirato, præhabitoque Domini noſtri Regis benigno ac favorabili conſenſu & favore de nonnullis ad ipſam Unionem præparatoriis honeſtis & inductivis, commmuniter diſpoſuimus, quæ ad præſens, eo quod pluribus nota ſunt, non expedit recitare. Veruntamen adveniente poſtmodum in Regnum Angliæ Reverendiſſimo in Chriſto Patre & Domino, Domino Cardinali Burdegalenſi, tam perfide dignos relatus ejuſdem coram Domino Rege, ac nobis & pluribus Confratribus noſtris Suffraganeis, aliiſque Prælatis Regni, & Proceribus ſolemni propoſitione emiſſos, quam per literas Collegii Cardinalium quarum quædam domino noſtro Regi, quædam nobis, & quædam aliis Confratribus noſtris tranſmiſſæ ſunt, inque clara luce quod Collegia Cardinalium utriuſque partis ſunt unita, & ad unionem Eccleſiæ Dei omnino diſpoſita, & ad hunc finem in Civitate Piſarum ad Feſtum Annuntiationis Beatæ Mariæ prox. futur. Generale Concilium de obedientia utriuſque partis, ex conſenſu Regum & Principum, atque Communitatum, celebrare intendunt, ac Unionem Eccleſiæ infallibiliter, ut ſeperatur, ibidem reformare: Quo Conſilio nos & Confratres noſtros Suffraganeos, Eccleſiarumque Cathedralium Capitula, & cæteros Prælatos, exemptos & non exemptos, perſonaliter, ſi poterunt, alioquin ipſorum Procuratores ſufficienter inſtructos, tractaturos, facturos, & recepturos, nec non & ſuum conſenſum & auctoritatem in his qui ibidem agentur præbituros, volunt intereſſe, & ex eadem Cauſa nos convocant, prout in literis inde confectis, & in Prælatorum atque Cleri inferius deſcripta Convocatione realiter exhibendis, omni volenti inſpicere, manifeſte liquebit; Quod utique ſanctum & ſalubre propoſitum ob negligentiam cujuſquam non convenit Regiſtr. Bedford Wint. fol. vi. A. D. 1408

A. D. 1468. retardari, ſed viis & modis poſſibilibus cum omni diligentia & ferventiſſimo ſtudio, ſemota quacunque vecordia, expediri. Nos igitur conſiderantes, quod tantum factum & inſolitum, ſumptuoſumque, abſque Prælatorum & Cleri noſtræ Cantuarienſis Provinciæ deliberatione, eorumque mutuo contractatu ad honorem Dei & Eccleſiæ ſuæ, Regniq; Angliæ Specialem non poſſet diſponi, ſeu ad finem debitum & honorabilem deduci cum effectu, de conſenſu Domini Regis & Confratrum noſtrorum tunc præſentium Conſilio, ex Cauſa præmiſſa Prælatos & Clerum noſtræ Cantuarienſis Provinciæ, ad xiv diem menſis Januarii prox. futur. duximus convocandos, ad effectum ut conſilium & auxilium in Conſolationem Dominæ Gentium Sanctæ Matris Eccleſiæ a diu deſolatæ facilius inveniamus, dum a pluribus illa quærimus, nec erit cuique grato filio oneroſum onus pro matre modice ſupportat'. Quocirca Fraternitati veſtræ Committimus & Mandamus, quatenus omnes & ſingulos dictæ noſtræ Cantuarienſ. Eccleſiæ Suffraganeos infra dictam noſtram Cantuarienſem Provinciam conſtitutos, & abſentium Epiſcoporum hujuſmodi, ſiqui fuerint, Vicarios in Spiritualibus generales, citetis peremptorie, & per eos Decanos & Priores Eccleſiarum Cathedralium, ac ſingula Capitula earundem, Archidiaconos, Abbates, & Priores, Conventus ſub ſe habentes, & alios Eccleſiarum Prælatos, exemptos & non exemptos, Clerumque cujuſlibet Diœceſ. Provinciæ antedictæ, quod compareant coram nobis, aut noſtris in hac parte locum tenentibus, vel Commiſſariis, ſi nos (quod abſit) tunc impedire contigerit, in Eccleſia Sancti Pauli London, xiv die menſis Januarii prox. futur. cum continuatione & prorogatione dierum tunc ſequentium, & locorum, Omnes videlicet Venerabiles Fratres noſtri Epiſcopi Suffraganei, cæterique Prælati, perſonaliter, & meliori quo poterunt ſuffulti Conſilio, ſicut Sanctæ Matris Eccleſiæ cupiunt unionem; Capitula vero Eccleſiarum Cathedralium per unum ad minus fide dignum, ſufficienter literatum, providum; Cleruſque cujuſque Diœceſ. per duos conſimiles, pariter & potentes, qui ſuis ſumptibus & expenſis, abſque pauperis Cleri diſpendio, poterunt intereſſe; Ita tamen, quod non ſint illi Cleri Procuratores, qui cum hoc in ultima Convocatione, de qua ſupra fit mentio, fuerant onerati; de & ſuper materia ſupraſcripta eis tunc ibidem ſerioſius exponenda tractaturi, ſuaque conſilia & & auxilia ſuper Ea impenſur. & ad conſentiendum his quæ ibidem ex deliberatione Communi ad honorem Dei & Eccleſiæ contigerit concorditer ordinari; facturique ulterius & recepturi quod juſtum fuerit, & prædicti Negotii qualitas exigit & requirit. Denunciantes eiſdem Venerabilibus Fratribus noſtris, ac cæteris Prælatis Procuratoribuſque Capitulorum & Cleri prædictorum, quod ipſos, aut ipſorum aliquem, iſta vice nullo modo habebimus Excuſatos vel Excuſatum; Imo in Caſu quo non comparuerint modo ſupradicto, acriori modo quo poterimus abſentes, puniemus, & eo gravius & ferventius, quo nos & Deum, cujus cauſa agetur ibidem in non veniendo duxerint contemnendos. Tenore etiam præſentium peremptorie vos citamus, quod eiſdem die & loco coram nobis, vel locum noſtrum Tenentibus, aut Commiſſariis, perſonaliter compareatis, ſuper dicto Negotio, una cum aliis Suffraganeis noſtris, ut præmittitur tractaturi, facturique & recepturi, quantum ad vos attinet, prout ſuperius continetur; præſenſque mandatum noſtrum quatenus veſtras Civitatem & Diœceſ. concernit, exequi per omia faciatis. Prælatis quoque Eccleſiarum exemptarum, non mendicantibus, veſtrorum, & aliorum Venerabilium Fratrum noſtrorum Coepiſcoporum dictæ Provinciæ Diœceſ. cujuſcunque fuerint ordinis, per vos & Confratres veſtros, prout vos, & unumquemque veſtrum concernit volumus intimari, ut præfatis die & loco, abſque præjudicio privilegiorum ſuorum in hac parte, quibus per hoc derogari nolumus nobiſcum interfuit, facturi, & recepturi in præmiſſis, & Ea contingentibus, quod ſuperius eſt expreſſum. Vobis etiam, ut ſupra injungimus & mandamus, quod omnibus & ſingulis Venerabilibus Fratribus noſtris Coepiſcopis, & Vicariis hujuſmodi injungatis, ſeu faciatis injungi, quod ſinguli eorum ſingillatim de facto ſuo, quatenus pertinet ad eoſdem, nos, ſeu locum noſtrum tenentes, vel Commiſſarios, dictis die & loco per ſuas Literas patentes citatorum nomina continentes, diſtincte certificent & aperte: Voſque pari forma, nos vel noſtros Commiſſarios, quatenus ad vos attinet, eiſdem die & loco more ſolito debite certificetis literis veſtris patentibus habentibus hunc Tenorem. Inſuper quia non modicum, imo permaximum, & ex ipſis rerum argumentis probatiſſimum ſortiri ſolet effectum deprecatio juſti aſſidua, ac difficile, imo verius impoſſible ſit ut non impetretur

quod

quod multorum unanimi ac aſſidua petitione, non ad cujuſquam commodum temporale, ſed ad Dei Laudem, ac proſperationem ſuæ militantis Eccleſiæ, juſte poſtulatur; dicente domino in Evangelio, Quicquid orantes petitis, credite & fiet vobis: Fraternitati veſtræ committimus & mandamus, quatenus omnibus & ſingulis Coepiſcopis & Suffraganeis noſtris antedictis, vice & auctoritate noſtris cum omni celeritate qua poteritis veſtris literis harum ſeriem continentibus denuntietis, & eiſdem diſtrictius injungatis, ut eorum ſinguli in Eccleſiis ſuis Cathedralibus, & aliis Eccleſiis Conventualibus & Collegiatis, tam regularibus, quam ſecularibus, nec non Parochialibus Eccleſiis ſuarum Civitatis & Diœceſ. diebus Dominicis & Feſtivis, ſuos ſubditos Clericos & Laicos efficaciter moneant & inducant, ſeu moneri faciant & induci, quod ipſi univerſi & ſinguli omnipotenti Deo, in cujus manu ſunt poſita cuncta, ut Sacrum illud generale Conſilium præmunitum, annuente Domino celebrandum, dirigere & proſperare dignetur, Chriſtianiſſimumque Regem noſtrum Zelo unionis Sanctæ Eccleſiæ Dei Beatiſſime accenſum, in eo firmiſſime ſtabiliri, Ipſumque ſic ſtabilitum ad tam ſanctum, tamque ſalubre propoſitum exequend. dirigere & conſervare; ac nobis, & Clero noſtro antedicto, ad ſui nominis gloriam congregandam, medius exiſtere, noſtriſque ſenſibus ſcientiæ ſuæ lumen in hac Eccleſiæ ſuæ cauſa Summe neceſſarium infundere, ſicque Dona gratiæ ſuæ nobis & unicuique noſtrum dividere, ut ea quæ ſibi placita ſunt, & ad enervationem præfati horrendi Schiſmatis tam diu, proch dolor! continuati, tendere valeant diſcernere pariter & ordinare poſſimus in hac dicta Cauſa, prout Nobis, & Unicuique noſtrum attinet, in miſſarum ſolemniis, Sermonibus publicis, & proceſſionibus conſuetis, quas propterea ſingulis quartis & ſextis feriis eo ferventius & ſolennius quo poterit fieri, volumus & mandamus, Orationes devotas, Jejuniis Elecmoſynis, & aliis Charitatis Operibus vallatas, & ornatas, effundant & faciant a ſuis ſubditis & parochianis effundi. Vos etiam, Venerabilis Frater, præmiſſa in Eccleſia veſtra Cathedrali, ac aliis Conventualibus, Collegiatis, & Parochialibus Eccleſiis veſtrarum Civitat. & Diœceſ. modo ſimili faciatis & demandetis Efficaciter obſervari. Et ut fidelium mentes ad hujus Devotionis opera propenſius excitemus, de Dei omnipotentis immenſa miſericordia, & Beatiſſimæ Virginis Mariæ Matris ejuſdem, ac Beatorum Petri & Pauli Apoſtolorum ejus, nec non Sanctorum Alphegi & Thomæ Martyrum, Patronorum noſtrorum, omniumque Sanct. meritis & precibus confidentes ipſis fidelibus quibuſcunque per noſtram Provinciam antedictam ubilibet conſtitutis, de Peccatis ſuis vere pœnitentibus, contritis & confeſſis præmiſſa ut prædicitur facientibus, Quadraginta Dies Indulgentiæ, toties, quoties concedimus per præſentes; Et a vobis, cæteriſque Confratribus & Suffraganeis noſtris ſimiles Indulgentias petimus elargiri. Dat. in Manerio noſtro de Lambith, Ultimo die Menſis Novembris, Anno Domini Milleſimo Quadringenteſimo Octavo: Et noſtræ Tranſlationis Anno Tertio Decimo. A. D. 1408.

NUM. CXVII.

Mandatum pro Concilio Provinciali.

HEnricus, &c. Venerabili Fratri noſtro, Domino Ricardo Dei Gratia, London Epiſcopo, &c. Olim a Sanctis Patribus ſalubriter novimus inſtitutum, ut Metropolitani ſingulis annis cum ſuis Suffraganeis non omittant Concilia celebrare, in quibus de Corrigendis exceſſibus, & moribus, præſertim in Clero Reformandis tractatum cum Dei amore habeant diligentem. Nos igitur, licet immeriti, Cantuarienſ. Provinciæ in Anglicana Eccleſia, jure Metropolitico præſidentes, volentes ſplendorem ſolitum Cleri Provinciæ antedictæ, velut Lucernam ſuper Candelabrum poſitam cunctis qui in domo ſunt perfectius rutilare, Conſiderantes juxta ſapientis eloquium, quod multitudo prudentium ſanitas eſt orbis terrarum, & in rebus arduis id quod a pluribus quæritur, mediante Altiſſimo, facilius reperitur, Concilium Provinciale ex Cauſis prædictis & aliis ſtatum & utilitatem Eccleſiæ præfatæ concernentibus, tempore & loco ſubſcriptis, duximus Convocandum. Quocirca Fraternitati Veſtræ committimus & mandamus, quatenus omnes & ſingulos noſtræ Cantuarienſ. Provinciæ Suffraganeos A. D. 1414. Regiſtr. *Cliſford.* Lond. fol. lxiii.

A. D. 1414. neos infra dictam noſtram Cantuarienſem Provinciam conſtitutos, & abſentium Epiſcoporum hujuſmodi, ſi qui fuerint, Vicarios in Spiritualibus generales, citetis peremptorie, & per Eos Decanos & Priores Eccleſiarum Cathedralium ac ſingula Capitula Eorundem, Archidiaconos, Abbates, & Priores Conventus ſub ſe habentes, & Alios Eccleſiarum Prælatos, exemptos & non exemptos Clerumque cujuſlibet Diœceſ. Provinciæ antedictæ, quod compareant Coram nobis, aut noſtris in hac parte locum tenentibus, vel Commiſſariis, ſi nos (quod abſit) tunc impediri contigerit, in Eccleſia Sancti Pauli London; primo die menſis Octobris proxim. futur. cum continuatione & prorogatione dierum tunc ſequentium & locorum; Omnes videlicet Fratres Epiſcopi Suffraganei, & cæteri Prælati ſuperius nominati, & etiam hi qui Juriſdictionem Eccleſiaſticam obtinent, & exercent perſonaliter; Capitula vero Eccleſiarum Cathedralium per unum, ad minus, fide dignum, ſufficientem, providum, & diſcretum Procuratorem; Cleruſque cujuſlibet Diœceſ. per duos conſimiles, pariter & potentes, ad tractandum nobiſcum de, & ſuper præmiſſis, & ea concernentibus ipſis tunc ibidem ſerioſius exponend. ſuaque conſilia & auxilia ſuper Eis impetrur. & ad conſentiend. his quæ ibidem ex deliberatione communi ad honorem Dei, & Eccleſiæ ſuæ contigerit, concorditer Ordinari, facturique, ulterius recepturi, quod præmiſſorum qualitas exigit & requirit. Denunciantes eidem Venerabilibus Fratribus noſtris, ac per Eos Decanis, Archidiaconis, cæteris Prælatis, exemptis & non exemptis, Juriſdictionem Eccleſiaſticam obtinentibus, ut præmittitur, & exercentibus, nec non Procuratoribus pro Capitulis Eccleſiarum Cathedralium, aut pro Clero in forma ſupraſcripta electi quod ipſos, aut Eorum aliquem a perſonali Comparitione in hujuſmodi Congregatione excuſatos, ſeu excuſatum nullo modo habere intendimus iſta vice; imo in caſu quo non comparuerint modo ſupradicto, ipſorum, qui abſentes fuerint, contumaciam juxta juris exigentiam canonice puniemus. Tenore etiam præſentium peremptorie, vos citamus, quod eiſdem die & loco coram nobis, vel locum noſtrum Tenentibus, aut Commiſſariis, perſonaliter compareatis de & ſuper præmiſſis, una cum aliis Suffraganeis noſtris, ut præmittitur tractaturi, facturique ulterius & recepturi, quatenus ad vos attinet, prout ſuperius continetur; præſenſque mandatum noſtrum, quatenus Veſtras Civitatem Diœceſ. concernit, exequi per omnia faciatis. Prælatis quoque Eccleſiarum exemptarum non mendicantibus veſtræ & aliorum Venerabilium Fratrum noſtrorum Coepiſcorum dictæ Provinciæ, Diœceſ. cujuſcunque fuerit Ordinis per Vos & Confratres noſtros, prout Vos, & unumquemque veſtrum concernit, volumus intimari, ut præfatis die & loco, abſque præjudicio privilegiorum ſuorum in hac parte, quibus per hoc derogari nolumus, nobiſcum interſint facturi, & recepturi in præmiſſis & ea contingentibus, quod ſuperius eſt Expreſſum. Vos etiam, ut ſupra injungimus & mandamus, quod omnibus & ſingulis Venerandis Fratribus noſtris Coepiſcopis & Suffraganeis antedictis, & Vicariis in Spiritualibus hujuſmodi injungatis, ſeu faciatis injungi; quod ſinguli Eorum ſingillatim de facto ſuo, quatenus pertinet ad Eoſdem, nos, ſeu locum noſtrum tenentes, vel Commiſſarios, dictis die & loco per ſuas literas patentes Citatorum nomina continentes, diſtincte certificent & aperte, Voſque pari forma, Nos, vel Commiſſarios noſtros, quatenus ad Vos attinet, eiſdem die & loco more ſolito debite Certificare curetis, literis veſtris patentibus habentibus hunc tenorem. Datum in Manerio noſtro de Lambith, xviii die menſis Auguſti: Anno Domini M CCCC XIV. & noſtræ Tranſlationis Anno Primo.

Nu

NUM. CXVIII.

Rot. Clauſ. 2. H. 5. m. 14.

De Eſſendo coram Archiepiſcopo Cantuar. in Convocatione ſua.

REx dilecto ſibi Magiſtro Stephano L'eſcrope, Cancellario Univerſitatis noſtræ Cantabr. Salutem. Cum, ut accepimus, diverſæ Diſſentiones, Diſcordiæ, & Debatæ, inter quoſdam Magiſtros, Regentes & non Regentes, & graduatos Scholares Juris Civilis & Canonici, Univerſitatis prædictæ, Occaſione cujuſdam Statuti in eadem Univerſitate jam noviter, ut dicitur, editi, motæ & ſubortæ exiſtant; Nos Diſſentiones, Diſcordias, & Debatas, hujuſmodi inter partes prædictas ceſſari & ſopiri volentes, Vobis mandamus, quod in propria perſona veſtra ſitis coram Venerabili Patre Henrico, Archiepiſcopo Cantuarienſi, & Confratribus ſuis, primo die Octobris prox. futur. apud Eccleſiam Sancti Pauli London, in Convocatione Cleri Cantuarienſ. Provinciæ ibidem, ac celebrand. ad finem, quod de Remedio opportuno in hac parte inter partes prædictas in Convocatione prædicta ordinari & provideri poterit, pro perpetuo duraturo: Vobis inſuper injungentes, quod ordinari faciatis, quod quatuor perſonæ ſufficientes ex una parte, & quatuor perſonæ ſufficientes ex altera parte ſufficientem poteſtatem a partibus prædictis habentes juxta ſanam diſcretionem veſtram de aſſenſu partium prædictarum ad hoc eligend. tunc ſint ibidem cauſa ſupradicta, & habeatis ibi nomina prædictarum octo perſonarum, & hoc Breve. Teſte Rege apud Weſtm. xvii die Septembris. A. D. 1414.

Per ipſum Regem.

NUM. CXIX.

Copia Literæ miſſæ Regi Henrico Vto, ab Univerſitate Oxoniæ.

Ex MS. in Bibl. Colleg. Corp. Chriſti Oxon. Num. 183.

CHriſtianiſſimo Principi, Catholicæque Fidei ſtrenuiſſimo defenſori, Henrico, divina magnificentia Regi Angliæ ac Franciæ, ac Domino Hiberniæ, &c. ſui devotiſſimi Oratores Regiæ Majeſtatis literis ad ſubſcriptum negotium nuper Oxoniæ convocati, ſubjectionem debitam, & ſuo temporali Regine regni cœleſtis ſolium fæliciter promereri. Rex Regum, & Dominus Dominantium, de excelſo Cœlorum Throno proſpiciens Almæ matris Eccleſiæ ſuæ inconſutilem veſanis Hæreticorum latratu & morſibus lacerari: ut placonſpicimus, ſublimavit cornu Chriſti ſui, & dedit imperium Regi ſuo: ſum Veſtram, Sereniſſime Princeps, inclitam dignitatem in regalis eminentiæ ſolium ſublimavit. Exſurrexit enim Deus, ut inimici ejus funditus diſſipentur, & in orbi terrarum illuxit fæliciſſimus dies ille, quo perhennis Triumphator gladii Regiæ Majeſtatis Gladium, velut redivivo nobili Machabæo veſtræ celſitudini cœlitus condonavit; in quo, nedum ſui populi, ſed & ſummi ſui muniminis adverſarios dejici cœleſti favore conceſſit. Quot putamus hunc diem inviciter præveniſſent ſtrages Principum, quot neces Nobilium, quot cum Deo dominantium Regum & Patrum Baſilicæ dirutæ, quot Civitates everſæ; niſi nunc aſpirante paracletoveſtra fortitudo, Sattellitum Antichriſti proditoriam malignam Chriſtianiſſima victoria caſtigaſſet? Fecit enim magna in nobis qui potens eſt, ut auris audiens tanti beatificet celebritatem tituli triumphalis. Quod dum in oriente piiſſimi, & divinitus ſublimati Conſtantinus, Marcianus, & Theodoſius imperantes, hoc in occidenti pari victoria triumphans de complicibus Antichriſti, ne totus vergetur occidens in occaſum, veſtra, gratioſiſſime Prin- A. D. 1414.

A. D. 1414. ceps, meruit eminentia Chriſtiana, ſatis etiam oſtendit Religioſiſſimus Miles Chriſti, quod autentica ſcripta clamat, quia pax & tranquillitas Reipublicæ aliàs Univerſalis Eccleſiæ pace noſcitur dependere, nec poterit quiſquam recte terrena regere, niſi noverit Dominica pacificando tractare. Cum igitur, inſigniſſime Princeps, in Eccleſiæ pullutantia perverſa reprimitis, tantam rempublicam ſublevatis, & de veſtri Regni pacifica prolixitate tractatis. Hinc & de regno gemiſcentis Eccleſiæ ſcandala penitus extirpentur, pulchraque Rachel deſinat ejulare. Sane ‖ dignitatis eſt regia ſublimitas Sacerdotes ſuos humiles convocare, & utinam ſine macula habentes in lege Domini voluntatem. Parentes igitur Regiæ ſanctiſſimæ juſſioni diſtinximus tractantes in Eccleſia notabiliores defectus, diſtinctos articulavimus, articulatos vero ſub caſtigato compendio ſubſcribimus Regiæ claritati. Suppliciter deprecantes, quatenus Regali prudentia ſuadente celebranda ſancta Synodus Prælatorum de Vinea Sancti Naboth, ſic ſpinas pullulantes ac tribulos reſecet ſcandalorum, ut Chriſti vineis per ordinem complantatis Unitatis & Pacis proſpera Succeſſio propagetur, quam ſemper veſtro regno diſpenſare dignetur ſpiritus, per quem Reges regnant, & Principes Dominantur. Amen.

‖ Dignata.

Articuli concernentes reformationem Univerſalis Eccleſiæ.

Articulus primus de Jure Papæ.

QUamvis de pleno jure ſanctiſſimi in Chriſto Patris & Domini noſtri, Domini Joannis Papæ xxiii, non ſit ullatenus diffidendum, ſua tamen Ceſſio libera & ultronea, nec non cæterorum contendentium de Papatu, foret opus alti meriti & mercedis, ſi per eam veriſimiliter tanquam membra in uno vero capite poſſent cuncti Chriſticolæ ‖ . . . . . unde pium videtur dictum Dominum noſtrum & cæteros contendentes ad hoc inducere mediis allectivis.

‖ Uniri.

Secundus de Aſſumptione Cardinalium.

Quia in primitiva Eccleſia varias Synodos celebrari legimus, unam de ſubſtitutione Mathiæ, aliam de Electione vii Diaconorum, valde videtur conſonum, ſummum Pontificem non debere quenquam in Cardinalem aſſumere niſi de majoris partis ſuorum Fratrum conſilio & aſſenſu: nec alio modo procedere ad proviſionem Epiſcopatuum juxta ſtilum, quo utitur, ita ſcribens, de conſilio Fratrum noſtrorum, &c.

Tertius de reſtitutione Patrimonii Crucifixi.

Vineam hæreditariam Sancti Naboth noluit Deus impune transferri, quanto magis nec Patrimonium Crucifixi, ſcriptum quippe eſt, Reddite quæ ſunt Cæſaris Cæſari, & quæ ſunt Dei Deo. Tributum Cæſaris, inquit Ambroſius, non negetur, & quod Eccleſiæ Dei eſt Cæſari, utique non debetur, quia jus Cæſaris eſſe non poteſt Templum Dei. A majori ergo ut credimus temporalibus Viris tradenda non eſt Chriſti hæreditas poſſidenda: Placeat igitur, ut in manus virorum, ſeu Dominorum temporalium Prioratus Alienigenarum non tradatur cum Eccleſiis Domino conſecratis.

Quartus de promotione Univerſitatis.

Quia Studii Generalis Univerſitas diverſis regnis ſtatui & nutriri debuit, ut ipſorum Lampas illuminans, purgans, & proficiens, terras & patrias adjacentes illuminans per doctrinam difficilium dubiorum, purgans a tenebris hæreſium & errorum, proficiens exemplis virtutum & morum. Ne igitur deficiente oleo lampadis lux & lumen ſimul deficiant, placeat virtuoſis ſtudentibus providere.

Quintus

A. D. 1414

Quintus de Symonia.

Quia Sedes Apoſtolica antiquitus dicebatur . . . ſancta, quod ſanctum recepit, vel ſanctum efficit, aut cito dejicit: Cujus tamen contrarium, quadam arte Magica jam molitur . . . . . conturbatorum Symon Magus hæreſim ab eo dictam Symoniacam, tam Apoſtolica, quam Sanctorum Patrum antiquitas omnium hæreſium errorumque Charibdin de Eccleſiæ finibus affugare ſategit, placeat igitur ad Extirpationem hujus Hæreſeos effectualiter laborare.

Sextus de Indulgentiis.

Sicut alias Angelorum Manna cibum dulciſſimum Iſraeliticus populus quodam Conſilio indemnitatis faſtidio in nauſeam & horrorem vertebat, ſic hodie indulgentiarum papalium tam larga, tam prodiga, & tam frequens conceſſio à pleriſque venalis creditur, ſicque populo quaſi contemptibilis jam vileſcit: quoſdam vero procliviores efficit ad peccandum, & ad opera pœnitentiæ tardiores: Et ideo videtur expediens ordinare remedium in præmiſſis.

Septimus de creatione & tranſlatione Epiſcoporum.

Quia nimium exceſſiva feoda, quæ in Epiſcoporum creationibus & tranſlationibus eorundem Sedes precepit Apoſtolica, nec non primorum fructuum reſervationes nullo juris ſcripto fulcitæ cedunt in nimis grave ſcandalum dictæ ſedis, totiuſque Eccleſiæ Chriſtianæ, Quam electiones & tranſlationes hujuſmodi ſunt diſſimiles, & minus diſſonæ prioribus in tempore Apoſtolorum, & longe poſt tempora eorundem! Placeat ordinare remedium in præmiſſis, ut domi dormiat avaritia, & ab Eccleſia ſponſa Chriſti exulet Symonia, qua plures Eccleſiaſtici his diebus flebiliter polluuntur.

Octavus de Executione feodorum Curiæ Romanæ.

Quia etiam ex mirabili gravitate exceſſum feodalium, quos pro literis ſuper indulgentiis, abſolutionibus, gratiis, proviſionibus & ſimilibus percipiunt Officiarii dictæ ſedis, datur occaſio inferioribus Prælatis, Clericis & Laicis ſimilia faciendi: ſicque omnia judicantur venalia, & de Symoniaca pravitate ſuſpecta, placeat ergo fælix remedium invenire & ut hujuſmodi feoda rationabiliter reſtringantur.

Nonus de indignis Prælatis & Curatis.

Marcus Evangelicus, & B. Antonius, ut Epiſcopatu & Sacerdotio reputarentur indigni, ſuos pollicem & auriculam reſecabant antiquitus: Quibus aliqui jam ſuccedunt tempore non virtute, moribus & ſcientia; ſacris indigni; qui ad præfata omnia impudenter ſe ingerunt, & admiſſi cœci cœcos ducunt; & ambo in foveam ſimul cadunt, ſicque laqueus ruinæ populi ſacerdotes mali, & ideo videtur expediens pro communi utilitate Eccleſiæ, his malorum vitiis viriliter obviare.

Decimus de malis miniſtris Prælatorum.

Eſt & malum ſequens ex priore peſſimum inter alia, quæ videntur ſub ſole, quod Pontifices, & cæteri in dignitate poſiti, contra conſilium circumſcripti; idcirco tales ſibi provident ac conſtituunt miniſtros & Judices ſuper plebem, ante quorum oculos non eſt Dei timor, in quibus non eſt veritas, ſed cupiditas radix omnium vitiorum; imo quamvis lex bona ſit ſiquis ea legitime utatur; talium tamen miniſtrorum laquei & abuſus illegitimi penes totum a lege Domini illegitimant Chriſtianiſſimum: Placeat ergo remedium invenire.

Unde-

A. D. 1414.

Undecimus de commendis Epiſcoporum.

Quia contra conſilium Eliſei Prophetæ relictis vacuis vaſa plena inutiliter ſuper-impleri videntur, dum Epiſcopis conceduntur Beneficia alia in Commendam, quod tamen univerſalis Eccleſiæ non videntur cedere ad emendam, placeat hunc morbum curare congrua medicina, &c.

Duodecimus de carnalitate Prælatorum.

Quia cœca carnalitas Syon edificat in ſanguinibus, & commutat Jeruſalem in pomorum cuſtodiam; dum ſuos conſanguineos aut nepotulos & imberbes comatulos ad animarum curam aſſumere non verentur; Placeat ergo tales exeſſus reſtringere in futurum.

Tertius Decimus de avaritia eorundem.

Quia a Propheta ad Sacerdotem omnes ſtudent avaritiæ, protendentes laqueos in capturam pecuniæ, in tantum, quod plerique Prælati quoſdam ſibi familiares promovent, ut de eorum beneficiis terram ſibi detorqueant, & eorum beneficia pro minori ætate in manibus ſuis detineant. Placeat, &c.

Quartus Decimus de Religioſis Beneficiatis.

Quia præcordia fatuorum, ſicut rota curri, & quaſi axis verſatilis cogitatus eorum, qui in Scandalum & Jacturam totius Religionis mittentes manum ad aratrum, & obliquo oculo reſpicientes retro pingues impetrant perſonatus. Placeat, &c.

Quintus Decimus de promotis armigeris.

Cum cedat ad ſubverſionem & ſcandalum antiqui regiminis Eccleſiæ, ... juvenes tanquam armis inſolentes, qui nec horas dicunt canonicas, nec habitu vel tonſura diſtinguunt. a Laicis Præbendas in Eccleſia occupant & Capellas; igitur ne deteriora contingant, deponant Prælati deſidiam, & legis Edictum aſpere exerceant contra tales, &c.

Sextus Decimus de Paſtoribus revocandis ad curam.

Quia conqueritur Scriptura de Paſtoribus paſcentibus ſemetipſos; quales moribus ſe oſtendunt, qui ut mercenarii a curis effugiunt, ut Lupi tamen rapaces gregem dilaniant, nec voces, ſed vellera gregis agnoſcunt. Diligentia ſtudeat prælatorum tales ſpecialiter ad ſua beneficia revocare curatos, qui extra ſuam curam voluptatibus & marſupiis vacant implendis in Civitatibus in Dominorum Curiis & Officiis ſoliciti in compotis & coquinis. Ac pro cæteris placeat ordinare, qui in Cathedralibus, Univerſitate, & aliis Officiis occupari videntur honeſte, ut limitandis temporibus ſub pœna taxanda diſpenſatio non excuſet, quin ſuas curas teneantur interim viſitare.

Septimus Decimus de pluralitate beneficiorum.

Cum pauci valde curam unicam aut proprias animas vix ſufficiant gubernare, ut poſt tubam ſcietur noviſſimam mira doctis cenſetur præſumptio, quod his diebus tot inſcii plus anhelantes rei mundanæ, cupidi, quam animarum ſaluti, tot ſibi Beneficia audeant cumulare: quod ſine cauſa purgandi non conſtat eſſe prohibitum a Canonicis inſtitutis. Cui quidem præſumptuoſo periculo vicinam eſſe ſenſimus practiſatam a quam pluribus congeriem pinguium præbendarum. Tantæ igitur cupiditatis voragini apponat diſcretio moderamen.

Decimus

A. D. 1414.

Decimus octavus de exceſſivis Conviviis Collegiatorum.

Cum in quibuſdam Cathedralibus, Collegiatiſve Eccleſiis hujus regni tam grandia ſunt ſtatuta, ut quaſi inſanis Jeroboam illa ponantur venalia, quæ a benefactoribus fuerant gratis data; ſicque pauperiores Canonici, ſi ad honorem Eccleſiæ & cultum divinum ampliandum perſonaliter reſidere voluerint, propter nimiam tamen exactionem pecuniarum, expenſarum & ſumptuum, quas dicta ſtatuta requirunt effectualiter in dictis Eccleſiis reſidere non poſſunt. Unde fit quod pauci ‖ . . . . . quarundam Eccleſiarum omnes poſſeſſiones & proventus earundem contra juſtam conſcientiam nimis applicant ſibi ipſis; ſicque de multis perſonis idoneis Eccleſiæ ſacro-ſanctæ ſubtrahitur, & divinis obſequiis & fundatoribus multipliciter derogatur. Ipſis conveniens appareat nimis remedium, ſi ſine talibus ſumptibus & pompoſis conviviis Canonici ad deſerviendum altari participandi æque cum Reſidentibus in una ſaltem Eccleſia libere forent admiſſi.

‖ f. *ſtagiarii.*

Decimus Nonus de Mercantia Beneficiorum.

Quia ſub ficta veritatis imagine fraus vera coram Deo, uti credimus, proprium decipiens inventorem ſub colore juſtitiæ glebas cum jure patronatus ultra omnes metas juſti pretii ſub ſpe beneficii in proximo vacaturi non ſine intentione corrupta mercatur communiter his diebus; & quia expreſſius conſcientiæ ‖ corruptela oſtendit viri religioſi perpetuo Dominis temporalibus ſuas alienant poſſeſſiones, hoc pacto præhabito, ut de propriato vel propriando beneficio ſint ſecuri; alii per alias . . . . . cas & Symoniæ cautelas inferni voragine ſe immergunt per medias mercandi perſonas & alia commercia fraudulenta. Ac ſi cuncta videntem Cautelarum velamine vitarentur cæcarum Compellantur igitur ſi placeat ſine more diſpendio tales Symoniaci ſic adepta beneficia reſignare, quia ab illo intoxicationis veneno aliter mundari non poſſunt, & provideatur artius de futuro pro Symoniacis celerius caſtigandis, ne promereantur vindictam Eccleſiæ Anglicanæ.

‖ f. *Corruptelam.*

Viceſimus de Appropriatione Eccleſiarum.

Quia ab ortu . . . . Schiſmatis peſtilentis per Suggeſtiones varias ſubdolas & Siniſtras facta eſt multiplex Eccleſiarum appropriatio, & preſertim menſis Epiſcopalibus ac etiam Monaſteriis in bonis temporalibus ſufficienter dotatis. Unde gravis ſuboritur parochianorum deſolatio pauperum ſubducitur hoſpitalis recreatio, & quod his deterius eſt cura negligitur animarum, placeat igitur habita requiſitione Debita Appropriationes hujuſmodi revocare, & pro futuris provide obviare.

Viceſimus primus de exili portione Vicariorum.

Quia plures nimis appropriantur Eccleſiæ, in quibus perpetui non ſubſiſtantur Vicarii, ſed Sacerdotes ad nutum remotivi, qui cum vix annuales habeant minus curant. Ac ubi inſtituti ſunt Vicarii aſſignatur eis portio tam exilis, quod ſeipſos congrue ſuſtentare nequeunt, neque ſuos recreare pauperes parochianos, ut tenentur. Placeat, &c.

Viceſimus Secundus de Exemptionibus Religioſorum.

Quia Viri Religioſi Exemptionum privilegia impetrantes, quod nullos de Glorioſa Chriſti familia feciſſe legimus in Scripturis; delinquunt enim frequenter tanto audacius quanto a jugo correctionis ordinariæ longius retraxere cervices; plurimum videtur expediens quod exceptiones hujuſmodi cum diſcretione ſemper provida revocentur; eo quod inter religioſos exemptos Brigæ oriuntur deteſtabiles; quibus horribiliter ſcandalizantur, favor minuitur, ac poſſeſſiones ac prædia eis collata, unde Deo deſerviant, in litibus conſumuntur: prout in ordine Ciſtercienſi & Cluniacenſi per Angliam ſatis patet.

A. D. 1414.

Viceſimus Tertius de punitione exemptorum.

Quia Religioſi exempti ſuadente Diabolo, frequenter carnalibus vitiis polluuntur nec puniuntur a Prælatis propriis, ſed peccata continuant impunita. Videtur expediens ſtatuere, ut locorum Ordinarii ad puniendos & reformandos omnes religioſos plenam habeant poteſtatem, & preſertim pro crimine fornicationis, quod committitur extra Clauſtrum, &c.

Viceſimus Quartus de Exceſſibus Ordinariorum.

Epiſcopi quidam his diebus & eorum Archidiaconi recipiunt feoda exceſſiva pro inſtitutionibus, permutationibus, confirmationibus Electionum, inſtallationibus Prælatorum, & literis Ordinum & pro teſtamentorum probationibus ſummas recipiunt exceſſivas; acquietando finaliter executores illorum finale compoto non audito: jure tamen ſcripto in oppoſitum acclamante. Ideo videtur expediens ut ubi ſunt feoda de jure ſolvenda limitentur ad certum. Dum tamen pro literis ordinum, inſtitutionum, inſtallationum, & preſentationum nihil ‖ ſolvat penitus in futurum.

‖ *ſolvatur.*

Viceſimus Quintus de Viſitationibus Epiſcoporum.

Quamvis cunctæ Viſitationes juridice ad correctionem criminum ordinentur, & non propter pecunias congregandas; quidam tamen Ordinarii his diebus non ſolum ut defectus corrigant, ſed ut colligant, ſuas Viſitationes exercent: ‖ *dele.* [‖&] contra intentionem juris ſcripti equitantes cum familia nimis magna, quod & illorum ſubditos gravat, & monet aliquos exemptionum privilegia impetrare. Et quidam Archidiaconorum recipiunt procurationes a Clero ut viſitationes omittant, quas ex Officio exercerent. Videtur ergo expediens in præmiſſis de remedio providere, &c.

Viceſimus Sextus de Mitris Abbatum.

Quoniam Abbates & Priores dignitatem Pontificii non attingunt, ſed ſtatum obtinent inferiorem, patens illorum præſumptio demonſtratur, dum prece ſuorum ordinum bullas adquirunt ut poſſint uti mitra atque ſandaliis cæteriſque inſigniis Epiſcoporum. Et ideo, ut unuſquiſque ea vocatione maneat, qua vocatus eſt, & alienentur a Religioſis hujuſmodi ſigna ſuperbia, videtur congruum atque expediens ſtatuere in generali Concilio quod non liceat Religioſis utendo Epiſcoporum inſigniis tranſgredi ſtatum ſuum, ſed ut cum devoto Vicario Euſebio & Benedicto, ſuiſque Sociis Sanctis Patribus, de his que pertinent ſtatui ſuo humiliter ſint contenti; Tales ‖ . . . . . mitrati, ut ait Bernardus, ſi eis nomen conferre privilegiorum poſſet ‖ . . . . . multo auro redimerent, ut poſſent pontifices appellari.

‖ f. *Domini.*
‖ f. *acquiſitio.*

Viceſimus Septimus de Infidelibus Baptiſandis.

Plerumque proclamatur a pluribus, quod ſi Pagani & ‖ fideles ſuæ gentilitatis errore depoſito, [*&] ſacri Baptiſmatis fonte voluerint expurgari, bona illorum temporalia Eccleſiæ confiſcantur, quod multos Judæorum, ut creditur, trahit a baptiſmo. Pium igitur eſſet & meritorium toti Concilio ordinare remedium in præmiſſis. Cum enim Philippus baptizavit Eunuchum, Currum ſuum ab eo non abſtulit neque bona, quæ ſecum attulit ad baptizandum.

‖ f. *Infideles.*
* *dele.*

Viceſimus Octavus de Juramentis Extortis.

Quia non videtur conſonum quempiam juramento conſtringi ne in cauſa juſta ‖ . . . . . ſui juris remedia poſtulare. Cumque Patroni varii pauperes promovendo Vicarios de non proſequenda augmentatione ſuæ portionis quantumlibet rationabiliter aſſignatæ juramentum ab eis exigunt & extorquent. Videtur expediens juramentis hujuſmodi obviare, ac etiam remedium ordinare, ne Vicarii vel

‖ f. *debeat.*

vel Rectores ad ſolvendas penſiones ignotas juramentis ſimilibus aſtringantur. A. D. 1414.

Viceſimus Nonus de Extraneis Beneficiatis.

Cum juxta Salvatoris ſententiam ſinguli curam habentes animarum teneantur paſcere gregem Chriſti pabulo doctrinæ Salvatoris, & Lupos effugare ab ovibus ſuis ſuæ prædicationis latratu: Quidam tamen ‖ . . . . . promoventur in Regno Angliæ ipſius Regni idioma penitus ignorantes quique ad informandum ſubditos indiſponuntur ut muti. Ideo videtur expediens ordinare, ut nullus ad beneficia Eccleſiaſtica promoveatur in aliquo regno, niſi idioma vulgare ejuſdem Patriæ ſufficienter intelligat, & . . . loquatur. ‖ f. *Extranei.*

Triceſimus de Literis Dominorum.

Quia nimium importunis literis Dominorum & precibus, quæ pleriſque patronis ſunt ſpecies violenta jubendi ad Beneficia Eccleſiæ plurimum promoventur indigni & quod magis deteſtabile & Deo diſplicens eſt quam-plurimi temporales Patroni maledicto quodam commercio præſentationes Eccleſiarum, ac etiam licentias permutandi vendunt damnabiliter pacto publico vel fraudulentis cautelis. Vivax igitur iſtis vitiis remedium apponatur, &c.

Triceſimus Primus de Prærogativis Eccleſiarum Cantuarienſis & Eboracenſis.

Quoniam Prærogativa Eccleſiarum Cantuarienſis & Eboracenſis, quæ nuſquam ‖ determinantur in jure inferiores Epiſcopos, alioſque Ordinarios atque ſubditos viſitando plurimum inquietavit. Ex qua eoque plena determinatione non agnoſcitur, multa juri diſſona conſequuntur, & poteſtas ordinariis attributa ab executione debita impeditur & ſæpius ‖ . . . . . Utile, igitur videtur & expediens toti Eccleſiæ Anglicanæ, quatenus ad quos & quot caſus talis prerogativa extendi debeat, in generali conſilio declaretur. ‖ f. *Determinantur.* ‖ f. *Enervatur.*

Triceſimus Secundus de Confeſſionibus per Fratres audiendis.

Cum nulla juris ſanctio ad humani ingenii varietatem ſufficiat, nec ad deciſionem lucidam ſuæ nodoſæ ambiguitatis attingat; quare vix aliquid adeo certum ſtatuitur, ‖ quoniam ex cauſis emergentibus revocari poſſit in dubium. Quia igitur inter Sæculares curatos & religioſos mendicantes gravis & continua eſt altercatio, utrum per ſtatutum Domini Clementis Capitulo Dudum, vel Domini Johannis Cap. Vas Electionis, aut aliquid ſimile derogatum ſit in toto vel in parte illi antiquo ſtatuto concilii Generalis omnis utriuſque ſexus. Placeat ergo Prælatis Eccleſiæ ambiguitatem tollere in præmiſſis. ‖ f. *Quod non.*

Triceſimus Tertius de Subſtractione Parvulorum per eoſdem.

Quia notabilitas gravioris culpæ videtur invita ſubſtractio alieni parvuli vel infantis, quam equi vel bovis. Cumque Religioſi mendicantes, pleroſque parvulos abſque conſenſu ſuorum parentum clauſtris vel domibus intrando ſurripiant. Fiat ordinatio in Generali concilio, qua ætate hujuſmodi juvenes debeant tam ſtricti Ordinis aſſumere habitum & tonſuram.

Triceſimus Quartus de Confeſſionibus.

Quoniam frequenter in vilibus & horrendis peccatis parochiani plurimi nobiles & ignobiles utriuſque ſexus nimio pudore ligati Curato proprio confiteri renuunt, eis datur abſolutio talis qualis a Fratre inſcio & ignaro, expedit Prælatis Eccleſiæ remedium apponere in præmiſſo.

Trice-

A. D. 1414.

Triceſimus Quintus de Prædicationibus eorundem.

Quia Verbum Domini ut venale contemnitur, dum plerique mendicantium ſine mora & medio poſt Sermonem mendicant. Igitur ut vitetur Scandalum expedire videtur, ut a mendicatione in Eccleſiis Fratres abſtineant in futuro.

Triceſimus Sextus de indigne Ordinatis.

Quia Regularium quorumcunque, ſicut & Secularium turba multa inſolens & indocta ad ſacros ordines indies convolare non ceſſat. Placeat ordinare quod eorum ſinguli cujuſcunque Religionis aut Conditionis extiterint a Miniſtris Epiſcopi ordinantis in receptione Ordinum, & præſertim Subdiaconi, ſtrictam examinationem ſubeant in futurum.

Triceſimus Septimus de Ordinatis in Roma.

Quia quoſdam‖ ad Ordinis Sacerdotalis faſtigium Eccleſia Anglicana non admittit, ſed tanquam inhabiles & indignos repulit Romena ſæpe Curia, quantumlibet inſcios & ignaros quaſi idoneos ordinatos remittere conſuevit. Fiat ſupplicatio ſummo Pontifici quatenus providere dignetur de remedio, ne tales illiterati ſimplices & ignari amodo in ſcandalum curiæ & totius Eccleſiæ ad ſacros ordines promoveantur.

‖ f. *Quos ad.*

Triceſimus Octavus de Sacerdotibus Fornicariis.

Quia carnalis vita & lubrica Sacerdotum univerſam hodie ſcandalizans Eccleſiam & eorum publica fornicatio penitus impunita, niſi forte levi & latente pœna pecuriaria, pernicioſis cæteris trahitur in Exemplum; Sanctum igitur videtur ad expurgationem Eccleſiæ, quod Sacerdos cujuſcunque ordinis extiterit, ſi publicus fornicator, exiſtat a Celebratione miſſarum abſtineat per tempus limitatum in jure & pœnas in publico ſubeat corporales.

Triceſimus Nonus contra Falſas Prædicationes Quæſtorum.

Quia inverecundi Quæſtores turpiſſimos ſuos quæſtus ad firmam ſumunt cum Symone, indulgentias vendunt cum Gyeſi, & adquiſita conſumunt cum filio prodigo inhoneſte, ſed quod magis eſt deteſtabile, cum non ſint ſacris ordinibus conſtituti publice prædicant ac falſe prætendunt, quod abſolvendi a pœna & a culpa tam ſuperſtites quam defunctos plenam habeant poteſtatem, cum aliis blaſphemiis quibus populum ſpoliant ac ſeducunt, & veriſimiliter ad tartara ſecum trahunt, præſtantes ſpem frivolam & audaciam ad Peccandum. Abuſus igitur hujuſmodi ſectæ peſtiferi ab Eccleſiæ Limitibus‖ deleatur.

‖ f. *deleantur.*

Quadrageſimus de Capellanis honoris.

Quia diſpenſatio conſueta pleriſque realibus, ſed ſuppreſſis Apoſtatis, ut nominales fiant Capellani honoris, notabilis eſt diſpenſatio Religionum; cederet ut videtur ad religionis commodum & honorem, ſi levis ſuggeſtio non moneret ſummum Pontificem cum Religioſis hujuſmodi de cætero diſpenſari.

Quadrageſimus Primus de Violatione Feſtivalium Dierum.

Cum, ut legitur in Scriptura, tam violatio Sabbati, quam inhonoratio templi ab ipſo Domino graviter ſint punitæ. Erat autem vir quidam lapidatus ad mortem, quia ligna collegit in Sabbato, & Chriſtus dejecit præcipitanter vendentes & ementes in Templo. Sanctum opus eſſet Principibus & Prælatis Eccleſiæ per ſtatuta pœnalia & cenſuras Eccleſiaſticas refrænare hujuſmodi mala, quæ jam abundant in plebe, publicum forum & nundinas diebus Dominicis & Feſtis exercente etiam plus ſolito & in locis ſacratis. Per hæc autem mala vehementer

menter Deus offenditur, devotio contemplationis ſubtrahitur, & fides etiam Chriſtiana non modicum vulneratur. A. D. 1414.

Quadrageſimus Secundus de Reformatione Hoſpitalium.

Quia ad pauperum & debilium ſuſtentationem fundantur hoſpitalia & dotantur, quibus ejectis Magiſtri hoſpitalium & cuſtodes eorum bona convertunt in uſus proprios & conſumunt, & id malum accidit in non paucis Abbatiis, Prioratibus, & Eccleſiis Collegiatis, quibus multæ poſſeſſiones & prædia conferuntur, ut ex eis omni anno certa portio diſtribuatur pauperibus & egenis, in hoc caſu cauſam . . . . defendere, ut tenentur.

Quadrageſimus Tertius de Extirpatione Hæreticorum.

Quia Chriſtianæ Religionis fides ſolida radix eſt & baſis, pro ſalute Eccleſiæ fiat juris executio de Epiſcopis, quorum ſiquis ſuper expurgando de ſua Diœceſi hæreticæ pravitatis fermento negligens fuerit aut remiſſus, cum idem certis indiciis apparuit mox ab Epiſcopali Officio deponatur.

Quia maxima laus eſt Chriſtiani Principis Chriſti Eccleſiam defendere ab infauſtis; Placeat Majeſtati Regiæ, quatenus ſui Officiarii publicis deputandi Officiis, Vicecomites ſcilicet, Majores, Ballivi, &c. quocunque nomine cenſeantur in ſuorum officiorum receptione juramentis ſpecialibus aſtringantur, ut capiendo, tenendo, & puniendo hæreticos ſeu Lollardos Epiſcopis pro viribus faveant & aſſiſtant.

Quadrageſimus Quartus de Anglicatione Librorum.

Quia diverſorum librorum & tractatuum inepta tranſlatio ſimplices idiotas doctrinis variis & peregrinis abducit, placeat Regiæ Majeſtati ſtatuere, quod libri & tractatus novelli ab ortu Schiſmatis Anglicani confiſcari valeant & eorum poſſeſſionibus ſubtrahi, donec per ſciolos non ſuſpectos ipſorum in linguam maternam tranſlatio comprobetur.

Quadrageſimus Quintus de nimio apparatu Clericorum.

Quia quidam ſolo nomine Clerici, habitu milites, actu neutri, & dum utriuſque ordinis eſſe cupiunt utrumque deſerunt & confundunt: Qui tot mortibus digni ſunt quot ad ſuos ſubditos exempla perditionis tranſmutant. Placeat ergo ordinarius luxus veſtium ſplendidarum & ornatus ſuperfluus a viris Eccleſiaſticis & eorum vernaculis non tam per . . . dictatas, quam actu ſecutas ſit effectualiter interdictus.

Quadrageſimus Sextus de Oppreſſionibus Eccleſiaſticorum.

Quoniam vera Charitas refrigeſcit, & crudelis iniquitas nunc abundat, jura & libertates Eccleſiæ per ſecularem potentiam impugnantur, decimæ retrahuntur, Vicarii ſimplices & Rectores per vim & violentiam opprimuntur, & de falſis criminibus . . . . . Duodenæ Conductæ per malitiam indictantur, & dum ſanguis damnatur innoxius, non audet multorum ſimplicitas Sacerdotum legis procurare remedia, dum mortis periculum pertimeſcunt: ſed vel redimunt injuſtas vexationes hujuſmodi cum bonis Eccleſiæ, aut ne perdant vitam cum pecuniis dimiſſa cura Gregis Dominici fugere ex patria aſtringuntur. His igitur malis crebeſcentibus remedium dignetur apponere Regia Celſitudo, & quod magna Carta de foreſta in defenſione Eccleſiæ executioni debitæ demandetur cum ſtatutis cæteris optimis.

Explicit, &c.

A. D. 1416.

NUM. CXX.

Mandatum pro Convocatione.

A. D. 1416. Regiſtr. *Chichley* fol. iii. a.

HEnricus, &c. Venerabili Fratri noſtro Domino Ricardo Dei gratia London Epiſcopo Salutem, & Fraternæ dilectionis continuum incrementum. Licet noſtræ mentis intentio poſtquam Cantuarienſis Eccleſiæ (cui donante Altiſſimo preſidemus) regimen aſſumpſimus, ad hoc ſummis ſtudiis teſtante Deo elaborare curaverit, ut tam Prælatorum quam Cleri noſtræ Provinciæ ſumptibus, laboribus, & expenſis, conſideratis variis & plus ſolito eiſdem incumbentibus Oneribus, proviſione paterna; quantum in nobis eſt, ut convenit, parceremus; verum tamen cauſarum & Negotiorum inopinate emergentium neceſſitas, quæ ipſorum deliberationem expoſtulat, nos impellit ut ipſos in his preſertim quæ maturo Conſilio & Deliberatione indigent ad noſtræ ſollicitudinis relevamen ſæpius convocemus: Hoc ſane dicimus; & tam Vobis quam Ipſis pro eo & ex eo, ad præſens intimare curavimus, quod literas diverſas, tam Excellentiſſimo Principi Domino noſtro Regi, quam Nobis, de Concilio Generali Conſtantiæ, & præſertim per Venerabiles Fratres noſtros Bathon. & Sarum Epiſcopos, per vos, ac cæteros noſtræ Provinciæ Suffraganeos Procuratores, ad dictum Generale Concilium deſtinat' ſuper diverſis materiis negotium Unionis. Sanctæ matris Eccleſiæ a cunctis Chriſtianis optat' tranſmiſſas concernent' ſollicite intuentes, plura concepimus ex eiſdem quæ tam ad regni Angliæ honorem, quam ad ipſius ſacratiſſimæ unionis Expeditionem feliciſſimam ſub bono & maturo . . . Conſilio celeriter pertractand. Conſiderantes igitur quod materiæ in literis ipſis contentæ Ipſorum Prælatorum & Cleri Provinciæ noſtræ Cantuarienſis expoſcunt auxilium, conſilium pariter & aſſenſum; Volentes etiam ut id quod ipſos, ac Eccleſiæ Anglicanæ, imo & Regni Angliæ honorem concernere dinoſcitur, ab ipſis, ut decet, communiter approbetur; Regiis ad hoc perſuaſionibus & monitis inſtigati; Venerabili Fraternitati veſtræ committimus & mandamus, quatenus omnes & ſingulos Coepiſcopos & Suffraganeos noſtros, ac Electos ſi qui ſint in noſtra Cant. Provincia conſtitut. & abſentium hujuſmodi Coepiſcop. ſi qui fuerint, Vicarios in Spiritualibus Generales, citetis peremptorie; & per Eos Decanos & Priores Eccleſiarum Cathedralium, ac ſingula Capitula Earundem; Archidiaconoſque Abbates & Priores, Conventus ſub ſe habentes; ac alios Prælatos Eccleſiarum, Exemptos & non Exemptos; Clerumque cujuſlibet Diœceſis Provinciæ noſtræ antedictæ, citari & peremptorie præmuniri volumus & mandamus; quod Iidem Epiſcopi, Electi, Vicarii Generales, Decani, Priores, Archidiaconi, ac cæteri Eccleſiarum Prælati, Exempti & non Exempti, Perſonaliter; & quodlibet Capitulum Eccleſiarum Cathedralium per Unum, Cleruſque cujuſlibet Diœceſis antedictæ noſtræ Provinciæ per duos Sufficientes Procuratores compareant coram Nobis, aut noſtro in hac parte Locum tenente, ſeu Commiſſario, ſi nos tunc (quod abſit) impediri contigerit, in Eccleſia Sancti Pauli London, primo die Menſis Aprilis proximo futuro, ad tractandum nobiſcum, cum continuatione & prorogatione dierum tunc ſequentium, & locorum, ſuper arduis & urgentibus cauſis & negotiis, Statum & Utilitatem Eccleſiæ, & Regni Angliæ concernentibus, ipſis tunc ibidem ſerioſius Exponend. ſuaque Conſilia & Auxilia ſuper eis impenſur. & ad conſentiend. his quæ ibidem ex deliberatione communi ad honorem Dei & Eccleſiæ ſuæ contigerit concorditer ordinari; facturique ulterius, & recepturi, quod hujuſmodi negotiorum qualitas exigit & requirit. Vos etiam dictum Mandatum noſtrum, quatenus Civitatem & Diœceſem veſtras concernit, exequi per omnia faciatis; & eidem Mandato noſtro in omnibus pareatis cum effectu. Tenore inſuper præſentium peremptorie vos citamus, quatenus eiſdem die & loco compareatis coram Nobis noſtriſve Locum tenentibus, & Commiſſariis, una cum aliis Suffraganeis Noſtris ut præmittitur tractaturi, facturi, nec non & recepturi, quatenus ad vos, prout ſuperius continetur, attinet. Prælatis etiam Eccleſiarum Exemptarum, non mendicantibus Veſtræ & Aliorum Coepiſcoporum dictæ noſtræ Provinciæ Diœceſ. cujuſcunque fuerint Ordinis, per vos & dictos Confratres noſtros, prout vos [&] unumquemque eorum concernit, volumus intimari, ut præfatis die & loco abſque præjudicio privilegiorum ſuorum in hac parte quibus nolumus derogari, Nobiſcum interſint, facturi & recepturi in præmiſſis

missis & ea contingent. quod superius est expressum. Volumus insuper, & mandamus, quatenus intimetis seu intimari & denuntiari faciatis dictæ nostræ Provinciæ Coepiscopis, & Confratribus, & Electis si qui sint, Decanis, Abbatibus, Prioribus, & Archidiaconis, ac Cæteris Ecclesiarum Prælatis supradictis, quod Eos a personali comparitione in hujusmodi Convocatione dictis die & loco nostra Auctoritate, Deo Annuente, faciend. Excusatos habere non intendimus ista vice, nisi ex causa necessaria tunc ibidem alleganda etiam & probanda; sed eorum Contumacia, si qui forsan absentes fuerint, secundum juris exigentiam canonice punietur. Vobis etiam, ut supra, injungimus & mandamus, quod omnibus & singulis dictis nostris Suffraganeis, & Vicariis hujusmodi injungatis, seu faciatis injungi; ut singuli Eorum singillatim de facto suo in hac parte, quatenus pertinet ad Eosdem, nos, seu loca nostra Tenentes, & Commissarios antedictos, dictis die & loco per literas Eorum patentes, Citatorum nomina continent' distincte & aperte Certificent, ut est moris; De die vero receptionis præsentium, & quid feceritis in præmissis; Nos, nostrosve Locum tenentes, & Commissarios antedictos eisdem die & loco modo debito certificare curetis, per literas vestras patentes harum seriem, & citatorum nomina Vestræ Diœcesis in hac parte, in cedula separata hujusmodi literis vestris Certificatoriis annectenda, plenius continentes. Dat. in Manerio nostro de Lamhith, Sexto die mensis Martii, Anno Domini Millesimo Quadringentesimo Decimo Quinto; Et nostræ Translationis Anno Secundo. A. D. 1416.

NUM. CXXI.

Mandatum pro Concilio Provinciali.

HEnricus Permissione Divina Cantuariensis Archiepiscopus, totius Angliæ Primas, & Apostolicæ Sedis Legatus; Venerabili Fratri nostro Domino Ricardo, Dei Gratia London Episcopo, Ipsove in Remotis agente ejus in Spiritualibus Vicario Generali, Salutem & Fraternam in Domino Charitatem. Olim a sanctis Patribus salubriter novimus institutum, ut Metropolitani singulis Annis cum suis Suffraganeis Provincialia non omittant Concilia celebrare; in quibus de Corrigendis excessibus & moribus, præsertim in Clero, Reformandis, tractatum cum Dei timore habeant diligentem. Nos igitur qui licet immeriti Cantuariensi Provinciæ, in Ecclesia Anglicana Jure Metropolitico præsidemus, Concilium Provinciale ex causis prædictis, & aliis Statum & Utilitatem Ecclesiæ præfatæ, ac honorabilium Universitatum Oxoniæ & Cantabrigiæ illuminationem concernentibus, tempore & loco subscriptis duximus convocand. Quocirca vobis committimus & mandamus quatenus omnes & singulos nostræ Cantuariensis Ecclesiæ Suffraganeos infra dictam Provinciam nostram constitutos, & absentium Episcoporum hujusmodi, si qui fuerint, Vicarios in Spiritualibus Generales, citetis peremptorie, & per Eos Decanos & Priores Ecclesiarum Cathedralium, ac singula Capitula Earundem; Archidiaconosque Abbates, & Priores Conventus sub se habentes, & Alios Ecclesiarum Prælatos, Exemptos & non Exemptos, Clerumque cujuslibet Diœcesis Provinciæ nostræ antedictæ, quod compareant coram Nobis, aut nostris in hac parte locum tenentibus, seu Commissariis, si nos (quod absit) tunc abesse contigerit, in Ecclesia Cathedrali Sancti Pauli London xxvito die mensis Novembris proximo futur. cum continuatione dierum tunc sequentium, si oporteat, & locorum; Omnes videlicet Venerabiles Fratres nostri Episcopi Suffraganei, cæterique Prælati, & Absentium Episcoporum Vicarii Generales, nec non Archidiaconi, & Ecclesiarum Cathedralium Decani personaliter, & meliori quo poterunt suffulti Consilio, Capitula vero Ecclesiarum Cathedralium per unum, vel duos Canonicos, sive Monachos, ipsarum Ecclesiarum Confratres, sufficienter literatos, providos, & discretos, ita quod UnusEorum, ad minus, si Canonici sint, sit de actualiter Residentibus in Eisdem; Conventualium vero, in eventum quo Eorum Prælati ex causis necessariis comparere non poterunt, per unum de Confratribus in Conventu magis idoneum; Cleruſque cujuslibet Diœcesis per duos consimiles sufficientes Procuratores, ad tractandum nobiscum de & super præmissis, & aliis arduis & urgentibus negotiis, statum & utilitatem Ecclesiæ Anglicanæ, splendidarumque Universi- A. D. 1417. Registr. *Chicheley* fol. x.

A. D. 1417. versitatum prædictarum Oxon. & Cantabrig. per nos diutinus affectatam, ac Graduatorum in eisdem proficientiam concernentibus, ipsis tunc ibidem seriosius Exponendis, suaque consilia & auxilia super eis impensuri, & ad consentiendum his quæ ibidem ex deliberatione communi ad honorem Dei, & Ecclesiæ suæ contigerint Ordinari, facturique ulterius & recept' quod præmissorum qualitas & natura exigunt & requirunt. Denuntiantes eisdem Venerabilibus Confratribus nostris, & Eorum Vicariis Generalibus, ac per eos Decanis, Archidiaconis, ac cæteris Prælatis, Exemptis & non Exemptis, jurisdictionem Ecclesiasticam sic ut præmittitur obtinentibus, & exercentibus; nec non Procuratoribus pro capitulis Ecclesiarum Cathedralium, ac pro Clero in forma supradicta electis, quod Ipsos, aut Eorum Aliquem, a personali comparitione in hujusmodi congregatione excusatos, seu excusatum, nullo modo habere intendimus ista vice; imo in casu quo non comparuerint modo supradicto, contra Absentes eo gravius procedemus, quo quidam confratrum nostrorum cum pluribus Prælatis & Clericis sint in Concilio Generali Constantiens. & alibi in Regni & Ecclesiæ negotiis occupati; quidam vero, quod dolenter referimus, ab hac luce subtracti; quidam etiam variis Infirmitatibus quo minus dictæ convocationi interesse poterunt sint detenti. Tenore etiam præsentium peremptorie Vos citamus, quod eisdem die & loco compareatis personaliter coram Nobis, aut Commissariis nostris, seu locum tenentibus prædictis, de, & super, præmissis & ea concernentibus nobiscum una cum aliis Prælatis, & Clero prædicto tractaturi, facturique ulterius & recepturi, quatenus ad vos attinet, quod superius continetur; præsensque Mandatum nostrum, quatenus Civitatem & Diœces. London concernit exequi per omnia faciatis. Prælatis quoque Ecclesiarum Exemptarum non mendicantibus Vestræ & Aliorum Venerabilium Confratrum nostrorum Coepiscoporum dictæ Provinciæ, Diœcesis cujuscunque fuerint ordinis, per vos & confratres nostros, prout vos & unumquemque vestrum concernit, volumus intimari ut præfatis die & loco absque præjudicio privilegiorum suorum in hac parte, quibus per hoc derogari nolumus, nobiscum intersint facturi & recepturi in præmissis & ea concernentibus quod superius est expressum. Vobis etiam, ut supra, injungimus & mandamus quod omnibus & singulis Venerabilibus Confratribus nostris Coepiscopis & Suffraganeis, ac Vicariis in Spiritualibus Generalibus injungatis, seu faciatis injungi, quod singuli eorum singillatim de facto suo, quatenus ad eos attinet, Nos, seu Locum nostrum Tenentes, vel Commissarios distincte certificent & aperte; Vosque pari forma pro Civitate & Diœces. London dictis die & loco debite certificare curetis, Vestris & Eorum Literis patentibus habentibus hunc tenorem. Dat. in Manerio nostro de Lamehith, xiii die mensis Octobris, Anno Domini Millesimo Quadringentesimo Decimo Septimo. Et nostræ Translationis Anno Quarto.

NUM. CXXII.

Rot. Claus. 7 Henr. V. m. 5. D.

De Convocatione facienda.

A. D. 1419. REX Venerabili in Christo Patri Henrico, eadem Gratia Archiepiscopo Eborum, Angliæ Primati, Salutem. Quia, sicut clare scitis, ad subeundum & supportandum sumptuosa & immensa Onera quæ Nos pro defensione & salvatione Regni nostri ac Ecclesiæ sanctæ præsentibus guerris inter nos & adversarium nostrum Franciæ durantibus facere oportebit, de bonis nostris absque fidelium ligeorum nostrorum adminiculo non sufficimus, nec valemus; Vobis in fide & dilectione quibus nobis tenemini Rogando mandamus, quatenus præmissis debito intuitu attentis & ponderatis, Universos & Singulos Episcopos vestræ Provinciæ, ac Decanos & Priores Ecclesiarum Cathedralium, Abbates, & Priores, & alios Electivos, Exemptos & non Exemptos; nec non Archidiaconos, Capitula, Conventus, & Collegia, totumque Clerum cujuslibet Diœces. ejusdem Provinciæ, ad comparendum coram Vobis in Ecclesia Cathedrali beati Petri Eborum, vel Alibi, prout melius expedire videritis, in Octab. Epiphaniæ Domini proximo futur' more debito convocari faciatis, ad Tractandum, Concordandum,

dum, Conſentiendum, & Concludend. ſuper præmiſſis, & aliis quæ ſibi clarius exponentur tunc ibidem ex parte noſtra: Et hoc ſicut Nos, & Statum Regni noſtri, ac honorem & utilitatem Eccleſiæ prædictæ, diligitis, nullatenus omittatis. T. præfato Cuſtode apud Weſtm. 22 die Nov. A. D. 1419.

NUM. CXXIII.

Approbatio Pacis inter Regna Angliæ & Franciæ nuper Concluſæ. E. Rot. Parl. 9 Hen. V. num. 18.

1420.

MEmorandum quod cum Tretis viceſimo primo die Maii, Anno Domini MCCCCxx & Regni Sereniſſimi & metuendiſſimi Domini noſtri Regis Henrici Quinti Octavo, inter Sereniſſimum Illuſtriſſimum Principem Dominum Carolum Dei Gratia Francorum Regem, patrem ſuum, & Eundem metuendiſſimum Dominum noſtrum Regem; & inclita Angliæ & Franciæ Regna, Eorundem Regnorum ſubditos & ſubjectos pax finalis & perpetua, largiente pacis Auctore, concluſa fuerit pariter & concordata: In cujus pacis tractatu inter cætera continetur quod dicta pax nedum per dictos Dominos Reges jurari, ſet etiam per *tres Status* utriuſque *Regni* debeat Laudari Acceptari & Approbari; quam quidem pacem idcirco idem Sereniſſimus Rex Franciæ pro parte ſua in verbo Regio, nec non ad Sancta Dei Evangelia per ipſum corporaliter tacta, de pura & ſpontanea voluntate ſua promiſit, & in propria Perſona ſua juravit ſe obſervaturum, ac omnia & ſingula in dicta pace contenta ſine dolo & fraude impleturum; nec non ad majorem firmitatem ſtabilimentum & robur pacis predictæ; idem Illuſtriſſimus Princeps Rex Francorum, per *tres Status Regni* ſui, viz. *Prælatorum & Cleri*, nec non *Procerum & Nobilium*, ac etiam *Civium, Burgenſium Civitatum Villarum* ac *Communitatum* dicti regni, præfatos *tres Status* facientium & repreſentantium, quos ad Aulam Pallacii ſui apud Sanctum Paulum Civitatis Pariſien. propter expeditionem præmiſſorum evocari fecit ad ſextum diem menſis Decembris Ultimo præteriti eandem pacem laudari & approbari fecit, ac de ipſius mandato Eis ſuper hoc vivæ vocis Oraculo facto, præhabita matura deliberatione decimo die ejuſdem Menſis Decembris ipſo Domino Rege in Regali ſolio ſedente loco prædicto eandem pacem, ac omnia & ſingula contenta in eadem, ipſi *tres Status*, prout ex tenore dictæ pacis aſtringebantur, approbarunt, laudarunt, acceptarunt, & auctorizarunt, ſicut in Actis inde confectis plenius continetur: Volenſque idem Sereniſſimus Dominus noſter pro parte ſua dictam pacem, & omnia & ſingula contenta in eadem, modo conſimili per ipſum, & *tres Status Regni ſui* jurari, firmari, & roborari, prout ex dictæ pacis tenore aſtringitur & obligatur, dictam pacem bene & fideliter in omnibus ſe obſervaturum in verbo regio & ad Sancta Dei Evangelia per ipſum corporaliter tacta juravit & promiſit; ac dictos *tres Status*, viz. *Prælatos & Clerum*, *Nobiles & Magnates*, nec non *Communitates* dicti Regni ſui ad Secundum Diem Menſis Maii Anno Regni ſui Nono ad Palatium ſuum Weſtm. London. ad Majora firmitatem & robur pacis predictæ, nec non propter alias Cauſas ſuum Statum Regium ac dicti Regni utilitatem concernentes, juxta morem & conſuetudinem ejuſdem, fecerat congregari; coram quibus *Statibus* idem Sereniſſimus Dominus noſter Rex per Venerabilem in Chriſto Patrem Dominum Thomam Dei Gratia Dunelmen. Epiſcopum ſuum Cancellarium tenorem dictæ pacis, & omnes & ſingulos Articulos ejuſdem ſerioſe exponi fecit, & ſpecifice declarari: Mandavit inſuper idem Dominus noſter Rex eidem Cancellario ſuo quod dicti *tres Status* tenorem dictæ pacis inſpicerent & viſi tarent, quibus ſic diligenter & mature per actis, ipſi *tres Status* conſiderantes, cenſentes, & reputantes dictam pacem laudabilem, neceſſariam, & utilem utriſque regnis & ſubditis Eorundem, immo & toti Chriſtianitati, ipſam pacem & omnia & ſingula contenta in eadem ipſius Domini noſtri Regis ut prefertur Mandato, velut *tres Status* dicti regni ſui, approbarunt, laudarunt, auctorizarunt, & acceptarunt, ac eandem ſe, & Eorum quemlibet, pro ſe ſuiſque hæredibus Succeſſoribus bene & fideliter perpetuis futuris temporibus, quantum ad eos & ſingulos eorum pertinet, obſervaturos & impleturos promiſerunt.

A. D. 1424.

NUM. CXXIV.

Par le Roy.

E Regiſtro Abatiæ de Eveſham MS. in Bibl. Cotton. Titus. c. ix. fol. 18. a.

TRyſti and wel by loved yn God, for certeyn Matiers chargeable concernyng the Worſhipe of God, as wel as the Goode of youre Ordre wyth his Grace we wolle and charge you ſtreitly that ye do come togedre, not only the Fadres, bote alſo tho that ben Clerks ant othere that been notable Perſones yn every Houſe of the ſame Ordre, yn as gret Nombre as is goodly poſſible to aſſemble unto oure Abbeye of Weſtminſter, the vth Day of May next comynge. Ant ſeythe that non ſuche as is byfore ſeid be excuſed fro the ſaid Congregacion withoute ſo reaſonable ant evident a Cauſe that by alle Reſon oythe to be except as yeo ant they both deſiren to eſchue our Indignation. Yeven under oure Signet of the Egle, yn the Abſence of our Other, at our own Town of Lyceſtre the xxvth Day of Marche.

NUM. CXXV.

Mandatum pro Convocatione.

A. D. 1421.

Regiſtr. *Chichley*, fol. xxiii. b.

HEnricus permiſſione Divina Cant. Archiepiſcopus, &c. Venerabili fratri noſtro Domino Ricardo, Dei Gratia London Epiſcopo Salutem, &c. Fraternam in Domino Caritatem. Magna & ardua tam Eccleſiæ quam Regni negotia, quæ vobiſcum & aliis confratribus noſtris London nuper dum eſſemus communicavimus, & quæ pro eorum Expeditione noſtra Communi deliberatione, maturiore egebant conſilio, nos inducunt ut cum omni celeritate poſſibili, De Dei miſericordia, ope, & Gratia confiſi, provinciale Concilium celebremus. Veſtræ idcirco Fraternitati tenore præſencium committimus & mandamus quatenus omnes & ſingulos noſtræ Cantuarienſ. Eccleſiæ Suffraganeos infra dictam noſtram provinciam Cantuarienſ. conſtitutos, & abſentium Epiſcoporum hujuſmodi ſi qui fuerint vicarios in Spiritualibus generales citetis peremptorie, & per Eos Decanos & Priores Eccleſiarum Catholicum, ac ſingula Capitula Earundem; Archidiaconos, Abbates, & Priores Conventus ſub ſe habentes, & alios Eccleſiarum Prælatos, exemptos & non exemptos, Clerumque cujuſlibet Dioc. Provinciæ noſtræ antodictæ, nec non Univerſitatum [Oxon.] & Cantebrigg. Cancellarios, cæteroſque omnes & ſingulos Eccleſiaſticam Juriſdiccionem obtinentes, cujuſcunque Condicionis, Status, aut Gradus extiterint, quod compareant Coram nobis, aut noſtris in hac parte locum tenentibus, ſeu Commiſſariis, ſi nos (quod abſit) tunc impediri contigerit, in Eccleſia Sancti Pauli London quinto die Menſis Maii prox. futur. cum continuatione & prorogatione dierum tunc ſequentium & locorum; Omnes videlicet venerabiles fratres noſtri Epiſcopi & Suffraganei, ac cæteri Prælati, & Decani Eccleſiarum Cath. & Archidiaconi ſuperius nominati, nec non prædicti Cancellarii perſonaliter; Capitula vero Eccleſiarum Cath. ac cæteri qui Juriſdictionem obtinent Eccleſiaſticam, ut præmittitur, per Unum ad minus fide dignum ſufficienter litteratum, providum, & diſcretum; Cleruſque cujuſlibet Dioc. per duos conſimiles compareant procuratorem & procuratores, ad tractand. nobiſcum de & ſuper præmiſſis & ea concernentibus, ipſis tunc ibidem ſerioſius exponendis, ſuaque conſilia & auxilia ſuper Eis impenſuri; & ad conſenciendum hiis quæ ibidem ex deliberatione communi ad honorem Dei, & Eccleſiæ ſuæ contigerit ordinari; facturique ulterius, & recepturi quod præmiſſorum qualitas exigit & requirit: Denunciantes eiſdem venerabilibus fratribus noſtris ac per eos Decanis, Archidiaconis, ac cæteris Prælatis, exemptis & non exemptis, nec non procuratoribus pro Capitulis Cath. Eccleſiarum, aut pro Clero, in forma prædicta Electis, quod ipſos, aut eorum aliquem, a perſonali comparitione in hujuſmodi Convocatione excuſatos ſeu excuſatum, nullo modo habere intendimus iſta vice, immo in caſu quo non comparuerint modo ſupra dicto ipſorum qui abſentes fuerint contumaciam juxta juris exigentiam canonice puniemus. Te-

nore

nore etiam præſentium peremptorie vos citamus quod eiſdem die & loco coram Nobis, vel Locum noſtrum tenentibus, aut Commiſſariis perſonaliter compareatis, de & ſuper præmiſſis una cum aliis Suffraganeis noſtris, ut præmittitur, tractaturi, facturique & recepturi, quatenus ad vos attinet, quod ſuperius eſt expreſſum. Vobis inſuper, ut ſupra, injungimus & mandamus quod omnibus & ſingulis prælatis Eccleſiarum Exemptarum, non mendicantibus, veſtræ & aliorum venerabilium fratrum noſtrorum Coepiſcoporum dictæ provinciæ noſtræ Dioc. cujuſcunque fuerint Ordinis, per vos & ipſos Confratres noſtros prout vos & Unumquemque Veſtrum concernit, effectualiter intimetis, ut præfatis die et loco abſque præjudicio privilegiorum ſuorum in hac parte, quibus per hoc derogari nolumus, Nobiſcum interſint facturi & recepturi in præmiſſis, & ea concernentibus, quod ſuperius continetur. Singulis etiam venerabilibus fratribus noſtris Coepiſcopis & Suffraganeis noſtris antedictis & Eorum Vicariis in Spiritualibus hujuſmodi injungatis, ſeu faciatis injungi, quod ſinguli Eorum ſingillatim de facto ſuo quatenus pertinet ad Eoſdem, Nos, ſeu Locum noſtrum tenentes, vel Commiſſarios, dictis die & loco per ſuas literas patentes Citatorum nomina continentes, diſtincte certificent & aperte: Voſque pari forma Nos, vel Commiſſarios noſtros, quatenus ad vos attinet eiſdem die & loco more ſolito debite certificaretis Literis Veſtris Patentibus habentibus hunc tenorem ſigillo veſtro ſigillat. Dat in manerio noſtro de Otteford xiv die menſis Marcii Anno Domini Milleſimo ccccmo xxmo, Et noſtre Tranſlationis Anno Septimo. A. D. 1421.

NUM. CXXVI.

Mandatum pro Conovatione.

A. D. 1426. Regiſtr. *Chichley*, fol. lxv. a.

HEnricus permiſſione Divina Cantuar. Archiepiſcopus totius Angliæ primas, & Apoſtolicæ ſedis Legatus Venerabili Fratri noſtro Domino Johanni Dei Gratia Londonienſi Epiſcopo, Salutem & Fraternam in Domiuo Caritatem. Magna nunc arduis & urgentibus negotiis Defenſionem Fidei juriumque & libertatum Eccleſiæ Anglicanæ, nec non utilitatem Reipublicæ ac Statum & Proſperitatem Regis & Regnicolarum Ejuſdem concernentibus nos impellit neceſſitas, Prælatos & Clerum noſtræ Cantuariens. Provinciæ convocare. Fraternitati igitur Veſtræ committimus & mandamus quatenus omnes & ſingulos dictæ noſtræ Cant. Eccleſiæ Suffraganeos infra noſtram provinciam conſtitutos, & abſentium Epiſcoporum, ſi qui fuerint, vicarios in Spiritualibus Generales, ac Dioceſium vacantium Cuſtodes Spiritualitatis & Officiales, citetis ſeu citari faciatis peremptorie, & per Eos Decanos & Priores Eccleſiarum Cathedralium, ac ſingula Capitula Eorundem, Archidiaconos, Abbates, & Priores Conventus ſub ſe habentes; & alios Eccleſiarum Prælatos, Exemptos & non Exemptos, Clerumque cujuſlibet Dioc. provinciæ noſtræ antedictæ citari peremptorie & præmuniri volumus & mandamus, quod iidem Epiſcopi, Suffraganei noſtri, vicarii Generales, Decani, & Cuſtodes ſive Officiales, Abbates Priores, Archidiaconi, ac Cæteri Eccleſiarum Prælati, Exempti & non Exempti, Perſonaliter, & quodlibet Capitulum Eccleſiarum Cath. per unum de Capitulo Graduatum, vel magis idoneum; dictique ſinguli Abbates, ſive Priores Conventus ſub ſe habentes obſtante impedimento legitimo per unam Religioſam perſonam de Conventu Graduatum, ſi quæ ſit, ſeu alias per unam magis idoneam de eodem Conventu, Cleruſque cujuſlibet Dioc. Provinciæ antedictæ per duos procuratores Graduatos ejuſdem Dioc. ſeu alias, ſi non fuerint, per duos ſufficientiores & habiliores Dioc. in Eorum beneficiis realiter Reſidentes, compareant coram nobis aut noſtris in hac parte Locum tenentibus vel Commiſſariis, ſi nos tunc (quod abſit) impediri contigerit, in Eccleſia Cath. Sancti Pauli London, die lunæ prox. poſt dominicam qua contat. in Eccleſia Miſericordias Domini, viz. xv die menſis Aprilis prox. futur. cum Continuatione & Prorogatione dierum tunc ſequentium, ſi oporteat, & locorum; ad tractand. nobiſcum de & ſuper præmiſſis, & ea concernentibus, ipſis tunc ibidem ſerioſius exponendis, ſuaque Conſilia & auxilia ſuper eis impenſuri, & ad conſentiendum hiis quæ ibidem ex deliberatione Communi ad honorem Dei & Eccleſiæ contigerit concorditer ordinari; facturique

A D. 1426. facturique ulterius, & recepturi, quod juſtum fuerit, & quod negotiorum inibi tractandorum qualitas & natura exigunt & requirunt: Denunciantes Eiſdem venerabilibus fratribus noſtris, ac per eos Decanis, Archidiaconis ac cæteris Prælatis, exemptis & non exemptis, nec non procuratoribus pro Capitulis Ecclesiarum Cath. aut pro Clero in forma ſupradicta Electis, quod ipſos aut ipſorum aliquem a perſonali comparitione in hujuſmodi Congregatione excuſatos ſeu excuſatum nullo modo habere intendimus iſta vice; immo in caſu quo non comparuerint modo ſupradicto ipſorum qui abſentes fuerint contumaciam juxta juris exigentiam canonice puniemus. Tenore etiam præſencium peremptorie vos citamus quod Eiſdem die & loco coram nobis vel locum noſtrum tenentibus aut Commiſſar. perſonalit. compareatis de & ſuper Præmiſſis una cum aliis Suffraganeis, ut premittitur, tractaturi, facturique & recepturi quatenus ad vos attinet prout ſuperius continetur; præſenſque mandatum noſtrum quatenus veſtras Civitatem & Dioc. concernit exequi per omnia faciatis. Prælatis item ſuper non mendicantibus veſtræ & Aliorum venerabilium fratrum noſtrorum Coepiſcorum dictæ provinciæ dioceſium, cujuſcumque fuerint ordinis, per vos & confratres noſtros, prout vos & unumquemque Eorum concernit, volumus intimari ut Præfatis die & loco, abſque prejudicio privilegiorum ſuorum in hac parte quibus per hoc derogari nolumus, nobiſcum interſint, facturi & recepturi in præmiſſis, & ea contingentibus, quod ſuperius eſt expreſſum. Vobis etiam ut ſupra injungimus & mandamus quod omnibus & ſingulis venerabilibus fratribus noſtris Coepiſcopis & Suffraganeis antedictis vicariiſque in Spiritualibus ac Dioceſium vacancium Cuſtodibus Spiritualitatis injungatis, ſeu faciatis injungi, quod ſinguli Eorum ſingillatim de facto ſuo quatenus pertinet ad Eoſdem Nos, ſeu Locum noſtrum Tenentes vel Commiſſarios dictis die & loco per Literas Eorum patentes tenorem præſentium, ac etiam Citatorum nomina continentes, diſtincte certificient, ut eſt moris: voſque pari forma, Nos vel Commiſſarios noſtros, quatenus ad vos attinet, eiſdem die & loco more ſolito debite certificare curetis litteris veſtris patentibus habentibus hunc tenorem. Data in Hoſpitio noſtro Leiceſtriæ xix die menſis Martii, Anno Domini Milleſimo ccccmo xxvto. Et noſtræ Tranſlationis Anno Duodecimo.

NUM. CXXVII.

Recommendatio Magiſtri Willielmi Lyndewode utriuſque Juris Doctoris, ad Eccleſiam Herfordenſem, in Eventu fiendæ Ceſſionis, &c.

A. D 1438. Ex Epiſtol. *Tho.* de *Bekyntona.* in Bibl. Lambeth. num cexi. fol. 1.

POſt Recommendationes obnixas, ac Pedum Oſcula beatorum, Patrum Beatiſſime: Intelligi nobis datum eſt quod Reverendus in Chriſto Pater Thomas Herfordens. Epiſcopus jam annoſus ac Senio & nimia Corporis debilitate fractus, implorata primitus & Obtenta in ea parte Apoſtolicæ ſedis Gratia, de liberavit, & ſecum concluſit, in brevi Paſtoralis Officii cedere Dignitati; Et reliqua deinceps, extremaque Vivendi tempora, ſub Obſervantia monaſticæ Vitæ, & Sanctæ Contemplationis Ocio conſummare. Et cum Nobis jam deſiderium ingens ſit, & Cura non facilis, ut Herfordenſi Eccleſiæ, quæ in Regni noſtri Angliæ confinio, & inter Populos non parum natura feroces ac indomitos ſita conſiſtit, migrante Venerabili Patre prædicto, de Succeſſore Electiſſimo & per Omnia Laudabilium ac Inſignium meritorum per Sanctitatem Veſtram, quam id ipſum ſapere non ambigimus, Sancta & tam Deo quam Hominibus Charaacceptaque nimis fiat prociti, en cum ad plurimos Regni noſtri Valentes, probos, Scientificoſque Viros Oculos convertiſſemus, tum demum ad Egregia, & maxima laude digna, Virtutes & Morita Egregii & ſincere nobis dilecti Clerici & Conſiliarii noſtri Magiſtri Willielmi Lyndewode, Utriuſque Juris Doctoris Cuſtodis Privati Sigilli noſtri, lumina deflectentes, Ipſum utique non ſecus quam ut Virum Eminentioris Scientiæ, probatæque per Omnia, & Mundiſſimæ Vitæ magnique Conſilii & Experientiæ in Agendis, Virum denique ita Caſtum, Humilem, & Modeſtum, ac inflexibiliter ubi opus ſit, Juſtum, ut locorum quocunque pervenerit Omnia Vitæ propriæ integritate Purificet; Quemque ab Ambitu eatenus ſepoſitum Scimus ut malit nunquam, quam vel ſuis uſquam Precibus aut Opera ad hoc data ſua, ſeu precio Cujuſquam Ordinari Antiſtes: Ipſum, [illegible] quam, ut Summe meritum, & præfatæ Herfordenſi Eccleſiæ, ac diſpenſatio

Ejuſdem

jusdem, attenta temporum & locorum malitia, non modo accommodum & uti- A. D. 1438.
m, sed valde perneceſſarium, non abſque Dei inſpiratione, uti ſperamus, fa-
oribus Apoſtolicis duximus Commendandum. Ipſum igitur Beatiſſime ac Be-
igniſſime Pater, humiliter ac devotiſſime Supplicamus, non tam ſui, quam
ictæ Eccleſiæ Gratia, ut in Ea prodeſſe magis, quam præeſſe queat; Dignetur
eatitudo Veſtra in Eventum fiendæ Ceſſionis de qua Supra meminimus, gratioſe
favorabiliter ſuſcipere Recommiſſum. In hoc, Beatiſſime Pater, rem magni
oud Deum meriti, & laudis apud Homines immenſæ, penes Nos vero Gratu-
tionis & Complacentiæ Singularis, & generaliter Rem Omnibus propitiam &
ratulabundam, operabitur Apoſtolica Celſitudo. Quam diu & fæliciter præ-
rvet & muniat Æternus Eccleſiæ Sponſus & Pontifex, Jeſus Chriſtus. Script. in
latio noſtro apud Weſtmonaſterium juxta Civitatem noſtram London, duode-
mo die Julii, Anno Domini Mecccxxxviii. Et Regnorum noſtrorum Sexto-
cimo.

NUM. CXXVIII.

Procuratorium pro Convocat. *Feb.* 7. 1508.

Ateat Univerſis per Præſentes quod nos Capitulum Eccleſiæ Metropoliticæ A. D. 1508.
B. Petri Ebor. dilectos nobis in Chriſto Ven. Viros, A. B. &c. noſtros ve-
legitimos & indubitatos Procuratores Excuſatores & Nuncios ſpeciales E Regiſtro Dec. & Capit. Ebor. ab Anno 1504. fol. 32, 33.
ojunctim & diviſim, Ordinamus facimus & Conſtituimus per præſentes: Ad
nparend. coram Reverendiſſimo in Chriſto Patre & Domino Domino Chriſto-
ro Dei Gratia Ebor. Archiepiſcopo Angliæ primate & Apoſtolicæ ſedis le-
o, Ejuſve Locum-tenente, aut Commiſſario ſeu Commiſſariis quibuſcunque
Convocatione Cleri Dioc' & Provinciæ Ebor. in Eccleſia Metropolitica Ebor.
ict. die Mercurii, viz. 7 die Febr. prox. futur. poſt Dat. præſentium, cum
inuatione & prorogatione dierum, ſi oporteat, ſequentium, & locorum
brand. Ad tractand. coram Eodem Reverendiſſimo Patre ejuſve Locum te-
e, aut Commiſſario ſeu Commiſſariis, ac Cæteris Prælatis ac Cleri procu-
ribus, tunc præſentibus, de & ſuper hiis quæ præfatum Dominum Archie-
opum, ſtatumque, Libertatem, & Honorem Eccleſiæ Metropoliticæ præ-
æ, ibidem exponi contigerit, Concernent. ſuumque ſanum Conſilium im-
dend. Concordand. etiam Conſentiend. & Concludend. & ſi opus fuerit
ſentiend. ſuper hiis quæ tunc ibidem de Communi Conſilio & Aſſenſu
orum Prælatorum & Procuratorum, divina favente Clementia, ſalubriter
ntigerit Ordinari. Ratum, Gratum, & Firmum habentes & habituri quicquid
ti Procuratores noſtri, nomine noſtro fecerint in præmiſſis. In cujus, &c.
t. ultimo die Januar. Anno Domini 1508.

NUM. CXXIX.

Commiſſio ad Colligend. primæ Decima duarum Decimarum ſecundam Medietatem.

Arolus permiſſione Divina Herefordens. Epiſcopus Dilecto nobis in Chriſto A. D. 1514.
Priori & Convent. De Wenlock noſtræ Dioc. Salutem Gratiam & Bene-
ctionem. Cum nos virtute brevis Regii cujus Dat. eſt apud Weſtm. xv die E Regiſtr. Car. Bothe. Heref. Epiſc. fol. xxvi, xxvii.
enſis Junii Prædict. Domini noſtri Regis Anno nono nobis tranſmiſſi ad aſſig-
ndum, & deputandum, aliquos viros fidedignos noſtræ Dioc. pro levatione &
lectione duarum Decimarum eidem Domino noſtro Regi a Prelatis & Clero
nt. Provinciæ in ultima Convocatione ſive ſacra Synodo Provinciali Prælato-
m & Cleri hujuſmodi in Eccleſia Cathedrali divi Pauli London, xxii die men-
Junii Anno Domini Milleſſimo quingenteſimo xiv inchoata Ac uſque ad & in
mum diem menſis Decembris Anno Domini prox. ſequent. extunc de diebus
dies continuat. & prorogat. pro conſervatione & defenſione hujus incliti
gni Angliæ & Eccleſiæ Anglicanæ, ac aliis Conſiderationibus, ſub certis mo-
formis, Conditionibus, Proviſionibus, & Exceptionibus, conceſſarum & de

A. D. 1514. quibuſcumque beneficiis & poſſeſſionibus Eccleſiaſticis, taxatis & non taxatis, & ad Decimam ſolvere conſuetis etiam de quibus cunque beneficiis & poſſeſſionibus Eccleſiaſticis prioratuum alienigenarum in quorumcunque manibus Eccliaſticorum, ſeu ſæcularium virorum exiſtent, ſolvend. vos ad levand. & colligend. primam Decimam dictarum duarum Decimarum, & utramque medietatem ejuſdem unam viz. & primam medietatem ejuſdem levand. colligend. & ſolvend. in Feſto Sancti Michaelis Archangeli Anno Domini Milleſimo quingenteſimo xviii inſtant. de beneficiis & poſſeſſionibus Eccleſiaſticis ſupradictis infra Archidiaconatum Salop. Collectorem deputavimus, prout in prioribus literis noſtris tenorem plenum dict. brevis in ſe continent. vobis tranſmiſſis evidenter liquet; vobis igitur mandamus quatenus præfatam ſecundam Medietatem dictæ primæ Decimæ levare ut præfertur & colligere curetis, & de dicta medietate Domino noſtro Regi ad Feſtum Sancti Michaelis Archangeli prox pro ſolutione Ejuſdem, medietatis limitat. fideliter reſpondeatis: Ita tamen quod de beneficiis & poſſeſſionibus Eccleſiaſticis tam in dicto brevi regio ſpecificatis quæ a ſolutione antedictarum Decimarum & cujuſlibet medietatis ſive partis Earundem in Conceſſione ipſarum excipiuntur quamque etiam in Schedula præſentibus annex. expreſſis quæ a ſolutione ſecundæ medietatis dictæ primæ decimæ ex cauſis in conceſſione notatis & ſpecificatis excuſantur, exonerantur, ac noſtro Certificatorio relinquuntur, nichil exigatis, levetis, aut colligatis: Ceteraque omnia & ſingula faciatis expediatiſque juxta memorati brevis Regii tenorem, vim, formam, & effectum; In cujus rei teſtimonium ſigillum noſtrum præſentibus eſt appenſium. Dat. apud Ludlow xxiii die menſis Junii Anno Domini Milleſimo quingenteſimo xviii. Et noſtre Conſ. Anno Secundo.

NUM. CXXX.

Mandatum pro Concilio Prov. Ebor. 22 *Jan.* 1514.

A. D. 1514. Regiſtr. Dec. & Capit Ebor. fol. 71. a.

THomas permiſſione Divina Ebor. Archiepiſcopus Angliæ Primas, & Apoſtolicæ ſedis Legatus, dilectis in Chriſto Filiis Decano & Capitulo Ejuſdem, ſalutem, Gratiam & Benedictionem. Quia propter quædam ardua & urgentia Negotia, Nos, ſtatum, libertatem, & honorem Eccleſiæ noſtræ Metropoliticæ Ebor. concernentia Prælatos & Clerum noſtrarum Civitatis Diæceſeos & Provinciæ Ebor. decrevimus Convocare, ut ſuper præmiſſis, & ea concernentibus ad Dei Laudem, morum Reformationem, & Vitiorum Extirpationem, ipſiuſque Eccleſiæ noſtræ, ſtatus, libertatis, dignitatis & honoris Conſervationem, Concilium cum Eiſdem Prælatis & Clero habere poſſimus & tractatum; Quocirca tenore præſentium, peremptorie vos citamus, & per vos Canonicos & Confratres veſtros Abſentes, ſic citari volumus & mandamus, quod vos Decane antedicte perſonaliter, dictumque Capitulum per Unum, & Clerus Juriſdictionis ejuſdem per duos Procuratores ſufficientes & idoneos, ab ipſis Capitulo & Clero deputatos, Compareatis, & compareat Quilibet Eorundem coram Nobis, aut Noſtris Locum-tenentibus, Commiſſariis, aut Commiſſario, Pluribus aut Uno, in hac parte deputat. aut deputandum in Eccleſia noſtra Metropolitica Ebor. prædict. die Lunæ, viz. xxii die menſis Januarii, prox. fut. poſt Dat. præſentium, cum continuatione & prorogatione dierum tunc ſequent' ſi oporteat, & locorum, ad tractand. conſentiend. & concludend. ſuper præmiſſis, & aliis præmiſſa Concernentibus, vobis & ipſis tunc ibidem ſerioſius exponendis, veſtraque & ſua ſana Conſilia in hac parte impenſuri, facturique ulterius & recepturi quod ipſum proinde Concilium divina favente Gratia duxerit concorditer Ordinandum tunc ibidem. De die vero receptionis præſentium, & qualiter hoc præſens Mandatum noſtrum fueritis executi, nec non de nominibus per vos in hac parte citand. nos, aut noſtrum locum tenent. Commiſſarios aut Commiſſarium prædict. citra diem xxii dict. mens. Januarii, diſtincte & aperte Certificetis, per Literas veſtras patentes harum ſeriem continentes Dat. noſtro ſub ſigillo in hoſpitio noſtro prope Weſtm. xii die Menſ. Nov. Anno Domini, M. D. xiv. & noſtræ Tranſlat. Anno primo.

NUM.

NUM. CXXXI.

Mandatum pro Continuatione Convocationis.

A. D. 1515. E Regiſt. Sylveſter. Epiſc. Wigorn. fol. 141.

WIllielmus permiſſione Divina Cant. Archiepiſcopus totius Angliæ Primas, &c. Ven. Confratri noſtro Ricardo, &c. Inchoata nuper Sancta Synodo Provinciali ſive Convocatione Prælatorum & Cleri noſtræ Cant. Provinciæ in Eccleſia Cathedrali Sancti Pauli London, die, viz. xxii menſis Junii ult. preteriti, & aliquandiu de diebus in dies continuata, non nulla inibi negotia & materias utilitatem, honorem, & defenſionem Univerſalis Eccleſiæ, & præſertim Eccleſiæ Anglicanæ, & libertates Eccleſ. concernentia expoſita tractata & communicata fuere, quorum quædam propter eorum arduitatem pretextu abſentiæ quorundam Suffraganeorum noſtrorum ac Prælatorum & Cleri hujus modi Procuratorum nec non & aliorum de Clero noſtræ Provinciæ Predictæ Magnæ literaturæ providorum, qui in dicta Synodo Provinciali ſive Convocatione intereſſe & perſonaliter juxta & ſecundum monitiones & Citationes alias per nos, & noſtra autoritate eis in hac parte legitime factas Comparuiſſe debuiſſent, & alias Cauſas legitimas Coram nobis per Clerum prædictum tunc & ibidem allegat. Expediri non poterant, ſed remanſerunt, prout adhuc remanent, inexpedita & indeterminata: Unde quamvis contra dictos abſentes acriter procedere, & eorum Contumaciam legitime punire nec non Procuratoria non Perſonaliter juxta Monitiones prædictas Comparentium inſolita & inſufficientia pronuuciare potuiſſemus, de Conſenſu tamen Confratrum meorum ad tunc nobis in ea parte aſſidentium, alias contra ipſos procedendum decrevimus; & ne (quod abſit) negotia tam ardua & materiæ in grave damnum & præjudicium Eccleſiæ Univerſalis & Angliæ Eccleſiæ tranſeant & remaneant inexpedita & indeterminata, ſed ut majori habita maturitate eo facilius & celerius terminentur quo plurium ſapientum ac proborum fulciantur autoritate & Conſenſu ipſam Sanctam Synodum Provincialem ſive Cleri Convocationem uſque ad & in diem Martis, viz. xiii diem Menſis Novembris proxime futur. de conſilio & aſſenſu Confratrum noſtrorum, ac Prælatorum, ac Cleri antedicti, duximus Continuandam & prorogandam, prout de facto prorogavimus & continuavimus tunc & ibidem præfatos Suffraganeos noſtros ac Prælatos & Clerum ac alios viros providos Provinciæ noſtræ antedictæ modo & forma ſubſcriptis, ac ad effectum infraſcriptum autoritate Convocationis prædictæ denuo præmuniendos & citandos fore decrevimus ac decernimus per præſentes: Veſtræ igitur fraternitati committimus & mandamus firmiter injungendo quatenus prorogationem & Continuationem noſtras prædict. debite publicando omnes & ſingulos Epiſcopos Suffraganeos noſtros in Provincia noſtra Cant. prædicta Conſtitutos, & abſentium Epiſcoporum & Dioc. Vacantium Vicarios in Spiritualibus Generales præmuniatis & ex abundanti peremptorie Citetis, & per Eos prout Conſuetum, & ad eoſdem pertinet, Decanos & Priores Eccleſiarum Cathedralium & ſingula Capitula earundem, Archidiaconos, Abbates, & Priores ſub ſe Conventus habentes, & alios Eccleſiarum Prælatos exemptos & non exemptos Clerumque cujuſlibet Dioces Provinciæ antedictæ citari & præmuniri volumus & mandamus, quos nos etiam tenore præſentium ſic Citamus, quod ipſi omnes Venerabiles Fratres noſtri Epiſcopi Suffraganei, Vicarii Generales (ſi qui ſint) Decani Archidiaconique ac Abbates & Priores, & aliarum Eccleſiarum Prælati exempti & non exempti, & quilibet Eorum, ceſſante omni excuſatione affectata & quacunque ligitime abſentandi per nos alias Conceſſione non obſtante perſonaliter & meliori quo poterint ſuffulti conſilio, Capitulum vero Eccleſiarum Cathedralium per Unum ad minus fide dignum ſufficienter literatum, providum & diſcretum; Cleruſque cujuſlibet Dioceſ. per duos Conſimiles Procuratores Compareant Coram nobis aut noſtris in hac parte locum tenentibus vel Commiſſariis, ſi nos tunc impediri (quod abſit) vel abeſſe contigerit, in Domo Capitulari in Eccleſia Cathedrali S. Pauli London prædicta dicto xiii die menſis Novembris proxime futuro, cum Continuatione & Prorogatione dierum tunc ſequentium ſi oporteat & locorum, una nobiſcum in dicta Convocatione ſive ſacra Synodo Provinciali proceſſuri, viſuri & audituri tractaturi & ſua ſana Conſilia & Auxilia ſuper præmiſſis & aliis præmiſſa Concernent. Impenſuri, Communicaturi ulteriuſque facturi & Recepturi quod juſtum fuerit & negotiorum inibi

A D 1515. inibi tractandorum qualitas & natura exigent & requirent. Denunciantes eiſdem Ven. Fratribus noſtris & Vicariis in Spiritualibus, Decanis, Archidiaconis Abbatibus Prioribus & cæteris Eccleſiaſticis Prælatis exemptis & non exemptis atque Procuratoribus pro Capitulis Eccleſiarum Cath. & pro Clero in forma Supradicta electis quod ipſos & eorum aliquem iſta Vice nullo modo Niſi ex cauſa legitima & probabili coram Nobis ſufficienter alleganda & probanda habebimus excuſatos vel excuſatum; Immo in caſu quo non Comparuerint modo & forma ſupradictis acriori modo quo poterimus procedere & abſentes punire intendimus prout juſtum fuerit in hac parte. Tenore in ſuper præſentium peremptorie vos citamus quatenus Eiſdem die & loco coram nobis ſeu locum noſtrum tenentibus & Commiſſariis noſtris modo & forma præmiſſis Compareatis præſenſque noſtrum mandatum quatenus Vos ac Civitatem & Dioceſ. veſtras London concernit modo & forma ſuperius expreſſatis exequi per omnia faciatis; & quid feceritis, & quid dicti Suffraganei noſtri fecerint in præmiſſis, nos ſeu locum noſtrum tenent. vel Commiſſarios dictis die & loco debite certificare curetis per veſtras, ſingulique confratres noſtri ſic curent certificare per ſuas literas Patent harum ſeriem, modumque & formam Executionis eorundem una cum Schedulis veſtris Citatorum nomina Continent veſtris & eorum literis Certificatoriis annectendis authentice ſigillatis. Dat. apud Lamehith quoad ſigillationem præſentium ultimo die Menſis Maii, Anno Domini 1515. & noſtræ Tranſlationis Anno 12°.

NUM. CXXXII.

Literæ Legati Miſſæ Cant. Archiepiſcopo ne celebret Generale Concilium.

A. D. 1518. Regiſtr. Car. Bothe. Heref. f. l. xxxvii.

MY Lorde after Right hertye commendacyons: This day to my no lytle mervaile I have ſeyn the Copye of ſuche Monitions as ye have directed to your Suffraganes commanding them by the ſame to Repaire to Lamebyth where ye intende to kepe a generail Counſail with them for the Reformacyon of dyverſe greate enormyties expreſſed in your ſaide monicyons and committed through your Province Alleging that the rather ye be moved ſo to do foraſmoche as it hath pleas'd the Kings grace like a noble and vertuoſe Prince to move you therunto. My Lorde albeit ſuch and many other things as be ſpecially expreſſed in your ſaid monycions be to be reformed generally through the Churche of England as well in my province, as in your, And that being Legate a latere to me chyefly it apperteyneth to ſe the Reformacyon of the Premyſſis though hyderto nor in tyme coming I have ne woll execute any Juryſdictyon as Legate a latere but only as ſhall ſtande with the Kings pleaſure, yet aſſured I am that his grace woll not I ſhulde be ſo lytle eſtemed that ye ſhulde interpryſe the ſayde Reformacyon to the expreſs derogacyon of the ſaid dignitee of the See Apoſtolike, And otherwiſe then the Law woll ſuffre you, without myne advyſe, conſent, and knowlege; Nor ye had no ſuch commaundement of his Grace but expreſſely to the contrary: And that well appered wher his Grace and Highnes Willed you to Repaire to me at Grenewiche ſyttyng in adminyſtracyon of Divines in the Quere; At whiche tyme I appoynted to have ſpecyall communicacyon with you aparte, Affor any Monicyons ſhulde be ſente furthe. Wherefore my Lorde ſythens ye have don otherwiſe than was aggreyde at that tyme and the King commanded you, Neceſſary it ſhalbe that furthwith ye Repare to me as well to be lerned of the conſyderacyons which moved you thus to do beſydes my knowledge as alſo to have communicacyon with you for dyverſe things concernyng your Perſon and Declaracyon of the ſame of the Kings Pleaſur further as at this tyme it ſhall not be moche incommodyous unto you thus to come to me foraſmoche as I intende to lie at Richemount viii or x days from whens your place of Mortelake is not ferr dyſtaunt Wher ye may for the time right eaſely And pleſauntly be logged and We bothe withe lytle payne often Repare togyther as the Caſe ſhall Requyre: And thus hartely fare ye well/ From my Houſe of Yourke, &c.

NUM. CXXXIII.

Literæ Legati a latere miſſæ Epiſcopo Hereford. ad intereſſendum Concilio apud Eccleſiam Weſtm. Celebrando.

REverende in Chriſto frater plurimam ſalutem ac perpetuum bonorum omnium incrementum. Quoniam ob perſpectam fidem præcipuamque noſtram erga Sanctitatem ſuam Apoſtolicamque ſedem obſervantiam Sanctiſſimus D. N. aliorum Reverendiſſimorum Cardinalum cætu & concilio ita maxime adnuente, Legationis honore nos, licet immeritos, Decorare dignatus eſt; Ne tam ſublime fidei diligentiæque noſtræ creditum munus uſque quaque indigne gerere, faſtigioque tam excelſo appellatione ſolummodo frui videamur, conſilia, cogitationes, vigiliaſque omnes noſtras eo intendimus, ut juxta nobis commiſſam Authoritatem ſuæ beatitudini Devotionem noſtram comprobare, rem toti Chriſtianitati perutilem Deoque altiſſimo acceptam facere, ac demum hujus incliti Regni Eccleſiæ imprimis prodeſſe queamus. Ad quod ſane egregium opus abſolvendum veſtræ fraternitatis conſilio plurimum inniti ſtatuimus. Quam ob rem velutiſ Eccleſiæ membrum eam hiis literis ſtudioſe Rogamus & hortamur ut proxima die Lunæ poſt feſtum Cinerum ad ſacras divi Petri Weſtmon' Ædes, ubi conſeſſui habendo que concilio locum præſcripſimus, convenire atque adeſſe non gravetur, quo de hiis quæ in Clero Reformanda, quæque ad noſtre fidei augmentum ſpectare Cenſuerimus, commodius atque ſalubrius in commune conſultari poſſit. Noſtris igitur literis veſtram fraternitatem Denuo rogamus ut omni mora aliiſque Excuſationibus poſt habitis, ad præſcriptum tempus illuc accedere velit; nihil ambigentes preſentes literas tantum perinde ponderis apud Eam habituras ac ſi monitoria alia noſtra ad ipſam miſiſſemus. Super quibus omnibus veſtræ Fraternitatis Sententiam atque Reſponſum quanto brevius fieri poteſt expectamus: Et bene valete. Ex noſtris Ædibus apud Weſtmon' die ultimo Decembris. Ibid. fol. xli. a

Veſter tanquam frater T. Car'lis Ebor'

NUM. CXXXIV.

Prorogatio Concilii Epiſcoporum per Legatum.

REverende in Chriſto noſter tanquam frater amantiſſime, ſalutem & Sinceram in Domino Dilectionem, Etſi quum noviſſime pro Cleri Reformatione una cum veſtra paternitate, cæteriſque Reverendis Confratribus hujus Regni præſulibus in Ædibus noſtris ſimul Omnes conveniſſemus, dies in craſtino Nativitatis beatæ Mariæ Virginis ad bonum iſtud opus Abſolvendum preſcripta fuerit; Quoniam tamen iniquam peſtem per unverſam Londonienſem Civitatem, loca que illi adjacentia nunc maxime ſævire intelligimus, adeo ut ad præfixum tempus non abſque magno perſonæ noſtræ noſtrorumque ac veſtrorum familiarium diſcrimine convenire poſſimus: Nec præterea a Religioſis ſuper Capitulis quæ illis ſubeunda propoſuimus quid agere decreverint certiores adhuc facti ſumus; hanc ob cauſam, tum etiam ut graſſantem peſtem pro Viribus declinemus; Convocationem iſtam ad primum diem Lunæ poſt feſtum Cinerum prox' futur' differre Statuimus, ea tempora ſalubriora eſſe judicantes & conficiendis hiis quæ ad Laudem Dei & Chriſtianæ Religionis dignitatem per petuamque omnium noſtrum gloriam tractare incepimus aptiora. Veſtram igitur paternitatem in Domino monemus & hortamur ut ad præfatum diem Lunæ ſic omnino adeſſe velit, ac interim diligenter Articulos pro Cleri Reformatione conceptos in ſua dioceſi exequi non gravetur, ut ad ſuum huc adventum quid boni illic egerit nobis cumulatius referre poſſit: Quæ bene valeat. Ex noſtris Ædibus die xxi Auguſti M. D. xviii. Reg. Bothe Hereford. fol. 50. a.

Veſter tanquam frater T. Car'lis Eborum.

Reverendo in Chriſto patri domino Epiſcopo Hereforden. noſtro tanquam fratri Chariſſimo

NUM. CXXXV.

Commiſſio ad monendum Clerum quod Compareant, &c. ad Synodum Celebrandam, &c. Super quibuſdam Articulis.

Regiſtr. Car. Bothe Heref. fo' xliii.

CArolus permiſſione divina Herefordenſis Epiſcopus, Dilecto nobis in Chriſto filio Magiſtro Willielmo Webbe Archidiacono noſtro Hereford' Salutem Gratiam & Benedictionem. Cum ad regimen Eccleſiæ Chriſti, Divina diſponente Clementia, Vocatis, inter alia pro commiſſorum ſubditorum votiva delectione nihil occurrit præſtantius quam Ipſorum curam ſolicite exercere; ne igitur gregis noſtri cuſtodiam ad inſtar Mercenarii negligere videamur, vigilanti ſollicitndine aſſidue Errata corrigere, aſpera & devia in plana & directa convertere, commiſſoque nobis populo ſalutis incrementa minis trare, & circa reformandos in Clero mores & actus, prout nobis ex alto committitur, ſolertius intendere meditamur. Quod facilius ad effectum perducemus ſi Sanctorum patrum monita & decreta ad vitiorum extirpationem ſanctæque matris Eccleſiæ honorem & utilitatem tam conſulte quam ſabubriter edita Executioni debitæ demandare curaverimus. Cui nunc efficacibus Studiis & promptis operibus intendere decrevimus: verum quoniam (ut ſacræ atteſtantur leges & canones) Integrum eſt Judicium quod plurimorum ſententiis confirmatur non per nos ſolum præcipites, & noſtræ prudentiæ innitendo; ſed cum prudentum conſilio, ac totius noſtri Cleri aſſiſtentia ad præmiſſa procedendum fore decrevimus. Ipſoſque de Clero omnes, & cujuſcumque gradus, ſtatus, vel dignitatis ad Synodum noſtram in domo Capitulari Eccleſiæ noſtræ Cath' die infra ſcript' per nos inchoand' tenend' & celebrand' cum continuatione & prorogatione dierum ex tunc ſequentium & locorum, ſi oporteat, ad nobiſcum de & ſuper arduis cauſis & negotiis, ac præſertim quibuſdam Articulis a Reverendiſſimo in Chriſto patre & Domino Domino Thoma miſeratione Divina tituli ſanctæ Ceciliæ Sacroſanctæ Romanæ Eccleſiæ presbitero Cardinali, Archiepiſcopo Eborum, etiam ſanctiſſimi Domini noſtri Papæ Legato a latere, nobis in Concilio Epiſcoporum Cant' & Ebor' Provinc' ſimul apud Weſtmon' nuperrime celebrat' tradit' ac per Nos Clero noſtræ Dioc' publicand' & declarand' honorem & utilitatem Eccleſiæ concernentia procedend' tractand' communicand' conſentiend' & concludend' citandos monendoſque & vocandos fore decrevimus. Quocirca tenore præſentium peremptorie vos citamus & monemus, ac per vos Omnes & Singulos veſtri Archidiaconatus Rectores, Portionarios, Vicarios perpetuos, Cantariſtas, Stipendiarios, & Sacerdotes quoſcumque citari & moneri volumus & mandamus, quos nos etiam tenore præſentium ſic citamus & monemus, quatenus compareatis & compareant Eorum omnes & ſinguli coram nobis die Jovis quinto die menſis Maii prox' futur' in domo Capitulari antedicta, cum continuatione & prorogatione dierum tunc ſequentium, ſi oporteat, & locorum, in Synodo antedicta, de & ſuper Cauſis ſupradictis, & Articulis ac aliis tunc & ibidem exponendis, honorem & utilitatem Eccleſiæ concernent. ut premittitur, tractaturi, proceſſuri, conſilium aſſenſum & conſenſum impenſuri, Monitiones, Injunctiones, & Mandata canonica ſubituri, Ipſis in omnibus & ſingulis quatenus vos, & ipſos, & eorum quemlibet concernunt pariter Intimantes, vobis & Eiſdem ſic citatis monitis & vocatis, quod ſi in dicta Synodo comparere neglexeritis, neglexerint, aut eorum aliquis neglexerit, Nos tamen vna cum tunc præſentibus ad publicationem & executionem dictorum Articulorum, & Aliorum tunc ibidem exponend' deciſionem & finalem determinationem procedemus prout de Jure fuerit procedendum, veſtra ſeu Eorum abſentia ſive contumacia, in aliquo non obſtante. Nec vos aut eorum aliquem ulterius vocare intendimus etiam ſi hujuſmodi terminum continuari aut prorogari contigerit: Et quid in præmiſſis feceritis, Nos dictis die & loco per veſtras literas patentes, harum ſeriem & ſingularum perſonarum per vos in hac parte nomina citat. in ſe continent' Autentice ſigillat' Certificare curetis. Dat. Herefordiæ xxvi die menſis Aprilis, Anno Domini Milleſimo quingenteſimo xix. Et noſtræ Cons' Anno tertio.

Certifica-

Certificatorium Citat. ad Comparendum in Synodo.

REverendo in Chriſto patri ac Domino Domino Carolo permiſſione Divina Herefordens' Epiſcopo; veſter humilis & devotus Willielmus Webbe Archidiaconus Hereford. Reverentiam Omnimodam & obedientiam tanto patri debitam cum honore. Mandatum veſtrum Reverend' pro Convocatione Cleri Archidiaconatus mei Hereford' ad Synodum veſtram in domo Capitulari Eccleſiæ veſtræ Cath' Herefordiæ quinto die Maii inchoand' cum ea qua decuit Reverentia xxvii die menſis Aprilis Recepi in hec Verba, Carolus permiſſione divina, &c. Et noſtræ Cons' Anno tertio. Quarum Literarum veſtrarum Reverend. vigore & auctoritate omnes & ſingulos Eccleſiarum Rectores, Portionarios, Vicarios perpetuos, Cantariſtas, Stipendiarios & Sacerdotes alios quoſcunque Archidiaconatus mei prædicti quos tam arcto temporis intervallo per me, aut Officialem meum, & Apparitores apprehendere, aut quoquo alio modo citare & præmonere potui, debita & exacta impenſa ex parte mea diligentia peremptorie citavi & citari feci & moneri, quod comparent & eorum quilibet compareret coram paternitate veſtra, tempore & loco in dictis literis veſtris limit' ad ea faciend' que tenor & qualitas ejuſdem mandat' veſtr' in ſe exigunt & Requirunt, Intimavimus, &c. ut ſupra. Et ſic mandat' veſtrum Reverend' juxta vim, formam & effectum ejuſdem, in omnibus quatinus in poſſibili fuit humiliter ſum Executus. Nomina vero omnium & ſingulorum in dict. Archidiaconatu meo, ut præmittitur, citat' in Scedula præſentibus annexa deſcribuntur. In cujus Rei Teſtimonium Sigillum Archidiaconatus mei prædict' præſentibus apponi feci, Dat' Hereford' Quarto die menſis Maii Anno Domini Milleſimo quingenteſimo Decimo nono. Fol. xliii. b.

Die loco & anno præſcriptis, emanarunt conſimiles literæ mutatis mutandis, Decano Eccleſiæ Cath' Hereford' ad citandum & monendum, ſeu citari & moneri faciend' omnes dict' Eccleſiæ in Dignitate conſtitut' & præbendar' vicarioſque Chorales & Cantariſtas In eadem: nec non omnes Rectores proprietar' Vicarios perpetuos, Catariſtas, Cæteroſque Capellanos quoſcunque Civitatis & Juriſdictionis Decanalis Hereford' quod compareant Die & loco ſupradictis in literis limitatis ad faciend' juxta vim, formam, tenorem, & effectum earundum literarum, & de nominibus in hac parte citat. debit. per ſuas literas, Die & loco perſcriptis autentice ſigillat. certificavit ac penes Regiſtrarium & Act' dimiſit, &c.

Acta in dicta Convocatione ſive ſacra Synodo Prælatorum & Cleri Civitatis, Decanatus, & Archidiaconatus Hereford' celebrat' in Eccleſia Cath' Hereford' Quinto die menſis Maii Anno Domini Milleſimo quingenteſimo xix.

DEcantata primo Miſſa de Spiritu Sancto ad ſummum ſive autenticum altare in Choro Eccleſiæ Cath' antedictæ, & percantatis Letaniis a Clero antedict' de Eccleſia Cath' Prædict' in Proceſſione generali per Civitatem pro gredient' & ad Eccleſia Cath' reverſis, ibique ſubſecut' inclinat' & Orationibus in Synod' dici ſolitis perlectum eſt Evangelium *Deſignavit*, cum decantatione hymni Veni Creator, factaque collatione Clero, ad domum Capitularem progreſſum eſt, ibique certificat' Domino de nominibus citat' & præmonitorum, tam per Decamum in Civitate & Decanatu, quam per Archidiaconum in Archidiaconatu Hereford' per literas Dict' Decani & Archidiaconi patentes; Venerabilis vir Magiſter Willielmus Burghill Decretorum Doctor Theſaurarius Eccleſiæ Cath' antedict' & Conſiſtorii Epiſcopalis ejuſdem Officialis, Auctoritate & Mandato memorat' Reverend' in Chriſto patris & Domini Domini Caroli permiſſione divina Hereford' Epiſcopi tunc & ibidem perſonaliter conſtituti & preſentis quædam Capitula Articulos ſive quaſdam Conſtitutiones (de quibus patebit inferius) a Reverendiſſimo in Chriſto Patre & Domino Domino Thoma miſeratione divina tituli ſanctæ Cæcilie ſacroſanctæ Romanæ Eccleſiæ Presbytero Cardinali, Archiepiſcopo Eborum ſanctiſſimi Domini noſtri Papæ Legato a latere, in Concilio Epiſcoporum Cant' & Eborum Provinc' ſimul apud Weſtm. celebrat' tradit' & Clero publicand' & declarand' honorem & utilitatem

tem Eccleſiæ vitam honeſta temque Clericorum, habituum morumque Eorund Reformationem concernentia publicavit & declaravit; ſicque Continuata eſt dict' Synodus uſque ad horam tertiam poſt meridiem ejuſdem diei, & ad domum capitularem antedict' facta monitione quod omnes & ſinguli citati tunc & ibidem interſint, Nulluſque illicentiatus a Synodo Recedat. Quibus loco & tempore qui prius intererant ibidem Convocatis, Quibuſdam capitulis ſive Articulis precipuis de habitu Clericorum, de que vita Moribuſque Ordinandorum in vulgari, pro faciliori & uberiori Eorundem intellectu, per memoratum venerabilem virum Magiſtrum Willielmum Burghill expoſitis & publicatis, ad quædam alia Capitula & Articulos prælatos tangentia, & ad publicationem Eorundem progeſſus, Eadem perlegit & publicavit, & copiam ſive Exemplar dict' Articulorum ſive Capitulorum quibuſcunque petentibus fiend' & tradend' fore decrevit dict' Reverendus in Chriſto Pater; omneſque proprietarios, ſive Eccleſias appropriatas in ſua Dioc' habentes citat' preconizat' & nullo modo comparentes pronunciavit contumaces, pœna contumaciarum hujuſmodi uſque horam nonam ſequentis diei Reſervata, & comparitionem præſentium & comparentium Ratificand' & Approband'; preſtita benedictione ſua ſolemni, hujuſmodi Synodum explevit finivit & Ordinar' auctoritate diſſolvit.

NUM. CXXXVI.

Mandatum pro Convocatione Ex Orig' Epiſc' Lincoln.

A. D. 1523. WIllielmus permiſſione Divina Cant' Archiepiſcopus totius Angliæ Primas, & Apoſtolicæ ſedis Legatus, Venerabili Fratri noſtro Domino Cuthberto Dei Gratia London Epiſcopo ſalutem & Fraternam in Domino Caritatem. Literas Domini noſtri Regis, ſigillo ſuo ſigillatas, nuper recepimus in hæc verba. Henricus viii. Dei Gratia Angliæ & Franciæ Rex, Fidei Defenſor, & Dominus Hiberniæ, Reuerendiſſimo in Chriſto Patri Willielmo eadem Gratia Archiepiſcopo Cant' totius Angliæ Primati, Salutem. Quibuſdam arduis & urgentibus negotiis, Nos ſecuritatem & Defenſionem Eccleſiæ Anglicanæ, ac Pacem Tranquillitatem Bonum publicum & Defenſionem Regni noſtri, & Subditorum noſtrorum concercentibus, vobis in fide & dilectione quibus nobis tenemini Rogando Mandamus, quatenus Præmiſſis debito intuitu attentis & ponderatis, Univerſos & Singulos Epiſcopos veſtræ Provinciæ, ac Decanos & Priores Eccleſiarum Cath' Abbates & Priores & alios Electivos, Exemptos & non Exemptos, nec non Archidiaconos, Capitula, Conventus, & Collegia, totumque Clerum cujuſlibet Dioc' Ejuſdem Provinciæ, ad Comparend. coram nobis in Eccleſia S. Pauli Lond' vel alibi, prout melius expedire videritis, cum Omni Celecitate accommoda modo debito Convocari faciatis, ad tractand' conſentiend' & concludend' ſuper præmiſſis & aliis quæ ſibi clarius exponentur tunc ibidem ex parte noſtra: Et hoc ſicut nos, & Statum regni noſtri, ac Honorem & Utilitatem Eccleſiæ prædictæ diligitis, nullatenus omittatis. Teſte meipſo apud Weſtmon' ſexto Februar' Anno Regni noſtri xiv. Quocirca Fraternitati veſtræ committimus & mandamus, quat' omnes & ſingulos dictæ Eccleſiæ noſtræ Cant' Suffraganeos infra dictam noſtram Provinciam Cant' conſtitutos, ac abſentium Epiſcoporum & Dioceſium vacantium Vicarios in ſpiritualibus Generales citetis peremptorie, ac per eos Decanos, ac Priores Eccleſiarum Cath' ac ſingula Capitula Earundem, Archidiaconos, Abbates, Priores, Conventus ſub ſe habentes, & alios Eccleſiarum Prælatos Exemptos & non exemptos, Clerumque cujuſlibet Dioc' Provinciæ noſtræ antedictæ Citari peremptorie & præmuniri volumus & mandamus, Quod iidem Epiſcopi Suffraganei, Vicarii Generales, Decani, Abbates, Priores, Archidiaconi, ac cæteri Eccleſiarum Prælati, Exempti & non Exempti, perſonaliter & quodlibet Capitulum Eccleſiarum Cath' per Unum; Cleruſque cujuſlibet Dioc' Provinciæ antedictæ per duos ſufficientes Procuratores habentes Auctoritatem Poteſtatem & Mandatum ſufficient' Continuationi & Prorogationi eorum extunc ſequentium & Locorum, ſi oporteat, Conſentiend'; Coram nobis aut noſtris in hac parte Locum tenent. vel Commiſſar' ſi nos tunc impediri contigerit, in Eccleſia Sancti Pauli London xx die menſis Aprilis prox' futur' cum Continuatione & Prorogatione dierum ex tunc ſequentium & Locorum ad Tractand' ſuper arduis & urgentibus Negotiis ſecuritatem & defenſio

Ecc

Eccleſiæ Anglicanæ, ac Pacem & Honorem, Bonum publicum, & Defenſionem hujus Regni concernent' Ipſis tunc ibidem ſerioſius exponendis ; ſuaque Conſilia & Auxilia ſuper eis impenſur' & ad conſentiendum hiis quæ ibidem ex deliberatione Communi ad honorem Dei & Eccleſiæ contigerit ſalubriter ordinari in præmiſſis ; factur' ulterius & receptur' quod juſtum fuerit, & hujuſmodi negotiorum qualitas exigit & requirit. Tenore etiam præſentium peremptorie vos citamus quod iiſdem die & loco coram nobis aut noſtr. locum tenent' vel commiſſar' perſonaliter compareatis ſuper dictis negotiis tractaturi ; Et noſtrum mandatum quat' veſtram Civitatem & Dioc' concernit Exequi per omnia faciatis. Vobis etiam injungimus, ut Supra, & Mandamus, quod omnibus & ſingulis venerabilibus Fratribus noſtris Coepiſcopis veſtris, vel vicariis hujuſmodi injunctis, quod ſinguli eorum ſingillatim de facto quat' pertineat ad eoſdem Nos, ſeu locum tenent' noſtrum vel noſtros Commiſſarios, dictis die & loco per Literas eas Patentes, Citatorum nomina continentes, diſtincte certificent & aperte ; poſque pari forma nos, ſeu Commiſſarios noſtros, quat' ad vos attinet, eiſdem die & loco more ſolito debite certificetis per Literas veſtras Patentes * *hunc* tenorem habentes, ſigillo veſtro ſigillat. Dat in Manerio noſtro de Lamehith Septimo die Mens' Februar' Anno Dom. 1522. & noſtræ Tranſlationis Anno xx°.

Ex Autographo. *Ibid.*

Reverendo in Chriſto Patri & Domino Domino Jo' permiſſione divina Lincoln Epiſcopo veſtrove in hac parte Vicario in ſpiritualibus Generali ſive Commiſſario deputato ſeu in poſterum deputando, veſter humilis & devotus Georgius Hennage in decretis Baccalaureus Archidiaconus Archidiaconatus Oxon, omnimodam Reverentiam & Obedientiam tanto Patri debitas cum honore. Literas veſtras Reverendas, præſentibus annexas, nobis nuperime dictas, primo die inſtantis Menſis *Martii* cum omni ea qua decuit Reverentia recepimus Exequendas, ipſarumque Literarum veſtrarum Auctoritate pariter & vigore, Omnes & ſingulos Abbates & Priores, viz. Willielmum permiſſione divina Abbatem de *Oſeney* ; Henricum eadem permiſſione Abbatem de *Eyenſham*, Albertum miſeratione divina Abbatem de *Bruera*, & Jo' eadem miſeratione Priorem *S. Frideſwidæ Oxon*, ac alios Eccleſiarum Prælatos Exemptos & non Exemptos, per quadam Schedula præſentibus annexa deſcriptos, ac totum Clerum Archidiaconat' noſtri prædict' quorum nomina pariter ac Cognomina in eadem Schedula conſcribuntur peremptorie citari & præmuniri fecimus, quod dicti Abbates & Priores perſonaliter, Clerus quoque univerſus noſtri Archidiaconatus per eos Procuratores peritos & ſufficientes, jurium & ſecularium negotiorum Experientiam atque notitiam meliores habentes, compareant coram Reverendiſſimo in Chriſto patre & Domino Domino Willielmo permiſſione divina Cant' Archiepiſcopo totius Angliæ Primate, & Apoſtolicæ ſedis Legato, aut ejus locum tenente aut Commiſſario in Eccleſia Cath' S. Pauli London 20 die Mens' April, in prox' futur' cum continuatione & prorogatione dierum ex tunc ſequentium locorum, ſi oporteat, cum Præfato Reverendiſſimo Patre, & Aliis Reverendis Patribus Epiſcopis, Archidiaconis, Decanis, Collegiorumque Magiſtris Cuſtodibus, Abbatibus, Prioribus & Procuratoribus totius Cleri Provinciæ ſunt' ſuper arduis & urgentibus Cauſis & Negociis, &c. Dat' 27 die menſis Martii A. D. 1523.

A. D. 1523.

Collat. cum Priori Mandato ad Epiſc. Lond. Regiſtr. Tunſtall, fol. 34. Et ad Epiſc. Hereford, Regiſtr. Bothe. fol. 93.

NUM. CXXXVII.

Citatio Concilii Legatini ; ex ipſo Mandato ad Epiſcopum Lincoln Tranſmiſſo.

THomas miſeratione Divina titulo S. Ceciliæ Sacroſanctæ Romanæ Eccleſiæ Presbyter' Card' Ebor' Archiepiſcopus Apoſtolicæ ſedis Legatus Angliæ [& nuper Domini noſtri Thomas, & Cancellarius necnon felicis Recordationis [*dudum illius nominis*] Papæ X. Sanctiſſimique in Chriſto Patris & Domini noſtri Domini Adriani divina providentia [illius] nominis Papæ VI. moderni, & [*hujus*] ſacræ ſedis ad ſereniſſimum & [potentiſſimum in Chriſto] Principem & Domi- [*illuſtriſſimum*]

num noſtrum Hen. viii. Dei gratia Angliæ & Franciæ Regem fidei Defenſorem & Dominum Hiberniæ, Univerſumque ejus Angliæ Regnum, ac omnes & ſingulas ipſius Regni provincias, civitates, terras atque loca illi ſubjecta & alia illi adjacentia etiam de latere Legatus; Venerabili Fratri noſtro Jo. *Lincoln* Epiſcopo *. Cum non ſolum ex juris Communis Diſpoſitione ſed etiam ex præfati fœlicis recordationis Domini *Leonis* nuper Papæ decimi per ſuas ſub Plumbo literas, ſpeciali Commiſſione, & Sanctiſſimi Domini noſtri *Adriani* divina providentia Papæ VI. moderni dictarum literarnm cum omnibus & ſingulis in eis contentis facultatibus, & aliis clauſulis, per ſuas etiam ſub Plumbo literas extenſione & prorogatione, nobis inter Cætera ſit conceſſa poteſtas non modo Regulares, verum etiam Sæculares Eccleſiaſticas perſonas, tam exemptas quam non Exemptas, ac Clerum Regni & Locorum * Reformandi, & ad honeſtiores vivendi mores tam in Capite, quam in membris reducendi; proque hujuſmodi Reformatione fienda facultatibus ampliſſimis utendi, prout in [‖ ipſis] Literis Apoſtolicis * Nobis conceſſis plenius continetur. Nos igitur Thomas Cardinalis, & Legatus de Latere an[illegible]ctus onus hujuſmodi Reformationis pro divina & ſacroſanctæ ſedis Apoſtoli[illegible] reverentia in Nos aſſumentes, & juxta datam nobis a Deo prudentiam ſollicite ad implere cupientes; atque ad memoriam [revocantes] quod Venerabilis Frater noſter Dominus Willielmus Cant' Archiepiſcopus totius Angliæ Primas & Apoſtolicæ ſedis Legatus, ad Eccleſiam Cathedralem S. *Pauli* London Prælatos, & Clerum ſuæ Cantuarienſis Provinciæ ad Tractandum cum eis ſuper quibuſdam arduis negotiis & cauſis tam ſecuritatem & defenſionem Eccleſiæ Anglicanæ, quam Tranquillitatem & Bonum Publicum hujus Regni Angliæ, Viceſimo die Menſis Aprilis ult' præterit' per ſuas literas monitorias & Citatorias convocaverit. Scientes inſuper, quod & ſacri Canones atteſtantur, magis integrum fore judicium quod plurimorum judiciis roboratur, Prælatos & Clerum noſtræ Ebor' Provinciæ ad Eccleſiam Conventualem Exempti Monaſterii S. Petri Weſtmon' pro hujuſmodi Regularium & Sæcularium perſonarum Eccleſiaſticarum & Cleri Reformatione Convocavimus; atque etiam illuc præfatum Venerabilem fratrem noſtrum Cantuarienſem Archiepiſcopum, cum Provinciæ ſuæ Cant' Prælatis ac Clero, Locorum & Temporis opportunitate captata, pro hujuſmodi Reformatione efficacius & melius fienda advocavimus: Eodemque venerabili fratre noſtro ac Prælatis & Clero ſuæ Cant' Provinciæ xxii die dicti menſis *Aprilis* juxta noſtram Monitionem illis in hac parte factam ad dictam Eccleſiam Conventualem accedentibus, & coram nobis in domo Capitulari dicti Monaſterii comparentibus cum inter cætera quæ ibidem tractari Cæperunt ſuper Mandatis Procuratoriis tam Decanorum [* Priorum Eccleſiarum Cathedralium, & Capitulorum Eorundem Aliorumque Prælatorum abſentium, & Cleri dictæ Cant' Provinciæ ac Procuratorum in eis conſtitutorum ſufficienti poteſtate nonnihil dubietatis emerſerit, ex eo videlicet quod ipſis Procuratoribus in Eorum hujuſmodi mandatis non erat, prout antea deliberatum * & concluſum [fuit,] expreſſe data * facultas Coram Nobis in noſtra hujuſmodi Convocatione *Legatina* in dicta Eccleſia Conventuali comparendi cum ſufficienti poteſtate ad Tractand' & Communicand' ſuper hujuſmodi Regularium & Sæcularium perſonarum Eccleſiaſticarum ac Cleri Reformatione, & aliis [Arduis negotiis ſecuritatem & defenſionem Eccleſiæ Anglicanæ, nec non Bonum publicum & Tranquillitatem hujus Regni Angliæ] concernentibus: Veſtræ igitur Fraternitati tenore præſentium, Auctoritate noſtræ Legationis prædictæ firmiter injungendo mandamus quat' cum omni celeritate accommoda Decanum Eccleſiæ veſtræ Cathedralis, Capitulum Ejuſdem, Abbates * Priores ‖ & Archidiacones ac Clerum veſtræ Dioceſis pro hujuſmodi procuratoriis in forma debita & ſufficienti conficiendis, citetis, convocetis, & moneatis, ſeu citari convocari & moneri faciatis, & quod [‖ die Martis, viz. 2do die menſis Junii prox' futur'] Decanus [* dictæ] Eccleſiæ † Cathedralis Lincoln, [‖ Abbateſque Priores] & Archidiaconi qui hactenus [† non comparuerunt legitime coram Nobis in dicta Convocatione noſtra] perſonaliter, * Capitulum † per Unum, Clerus vero per duos ſufficientes Procuratores in dicta Eccleſia Conventuali Weſtmon' ‖ cum prorogatione dierum tunc ſequentium, ſi oporteat, & locorum, coram nobis, aut noſtris in ea parte locum-tenentibus ſive Commiſſariis Uno vel pluribus, compareant, ad tractandum nobiſcum ſive locum noſtrum tenent'

[ſive]

* *Salutem & fraternam in Domino Caritatem.*

* *Prædictorum.*

[‖ *deeſt.*]

* *deſuper.*

[*reducentes*]

[* *Et Priorum ac Capitulorum Eccleſiarum Cath' quam aliorum Prælatorum.*

* *erat.*

[*deeſt.*]

* *vel prorogata.*

[*quibuſdam Articulis hujuſmodi reformationem Concernentibus;*]

* *quoque &*

‖ *Exemptos & Non Exemptos.*

‖ *deſunt.*

* *deeſt.*

† *veſtræ.*

‖ *Abbates quoque & Priores Exempti & non Exempti.*

[† *coram nobis in noſtra hujuſmodi Convocatione legitime non comparuerunt.*] * *vel Saltem per Unum.* † *etiam.* ‖ *die Lunæ poſt feſtum Corporis Chriſti 8. viz. die menſis Junii prox' fut'*

[ſive] Commiſſar' una cum præfato Venerabili Fratre noſtro Cant' Archiepiſcopo Aliis[que] Epiſcopis & Prælatis, ac Clero tam noſtræ Ebor' quam Cant' Provinciæ, ſuper hujuſmodi Regularium & Sæcularium perſonarum Eccleſiaſticarum & Cleri Reformatione, Eorumque honeſte vivendi & incedendi modo, atque aliis [negotiis arduis, Securitatem & Defenſionem Eccleſiæ Anglicanæ, ac Bonum publicum & tranquillitatem hujus Regni Angliæ concernentibus] ipſis tunc ibidem ſerioſius exponendis, ſuaque conſilia & auxilia ſuper hiis impendend' & inſuper ad conſentiend' hiis quæ ibidem ad Honorem Dei & Eccleſiæ Anglicanæ, [Pacemque & tranquillitatem ac Bonum Publicum hujus regni] tam noſtra & præfati Venerabilis fratris noſtri Cant' Archiepiſcopi, quam Prælatorum & Cleri utriuſque Provinciæ communi deliberatione ‖ contigerit Ordinar; Noc non ad ulterius faciend' & recipiend' quod hujuſmodi * negotiorum Qualitas & Natura de ſe † Exigit & requirit; una cum clauſula rati habitionis Omnium & ſingulorum per [dictos] Procuratores in Præmiſſis, & circa ea ipſorum * Nominibus in noſtra hujuſmodi Convocatione actorum & agendorum. De diebus vero receptionis præſentium & quid in præmiſſis feceritis Nos aut Locum tenentes ſive Commiſſarios noſtros, dictis die & loco perſonaliter, vel per literas veſtras patentes harum ſeriem continentes ſigillo veſtro ſigillat' una cum Nominibus Omnium & Singulorum per vos ‖ Citatorum & Monitorum ‖ debite certificetis. Dat' ſub ſigillo noſtro in Ædibus noſtris prope Weſtmon' † vii die Menſis Maii Anno Dom. 1532.

[*aut*]
[*quoq;*]
[*Articulis hujuſmodi Reformationem concernentibus*]
[*Deſunt*]
‖ *in præmiſſit & circa ea.*
* *Negotii.*
† *Exigunt & Requirunt.*
[*Hujuſmodi*]
* *Conſtituentium.*
‖ *in hac parte.*
† *2do die.*

Quarum quidem literarum Reverendiſſimarum, vigore pariter & autoritate vos Archidiaconum tonore præſentium peremptorie citamus & monemus, Vobiſque earundem Autoritate mandamus, quod vos virtute Earundem Literarum Reverendiſſimarum Omnes & ſingulos Abbates & Priores, & alios Eccleſiarum Prælatos, exemptos & non exemptos, infra veſtrum Archidiaconatum ubilibet Conſtitut' peremptorie Citetis & Moneatis quod compareatis & compareant coram dicto Reverendiſſimo in Chriſto patre Cardinali & Legato de Latere antedicto, ſeu ejus Commiſſario ſive Commiſſarlis, Uno vel pluribus, aut locum tenent' die & loco in dictis ſuis Literis Reverendiſſimis ſpeficatis & limitatis; cum Continuatione & Prorogatione dierum & locorum, ſi oporteat, ad Tractand' cum præfato Reverendiſſimo Domino Cardinali & Legato de Latere antedicto Ejuſve Commiſſariis una cum Præfato Reverendiſſimo Patre Cant' Archiepiſcopo Aliiſque Epiſcopis, & Prælatis, ac Clero tam Ebor' quam Cant' Prov' nec non ad impendendum veſtra & eorum Conſilia & Auxilia ac ulterius faciend' & recipiend' Ea quæ Tenor & Effectus dictarum literarum RR. in & de ſe exigunt & requirunt. Citetis inſuper & moneatis peremptorie Clerum dicti veſtri Archidiaconatus quod ſufficienter & legitime per unum compareant vel Duos Procuratorem ſeu Procuratores, coram Nobis aut noſtro in ea parte Deputat' quocumque in Eccleſia Paroch' Omn' Sſ. villæ Northampton die Jovis in Septimana Pentecoſtes prox' futur' ad Nominand' Conſtituend' & Eligend' una cum Clero Aliorum Archidiaconatuum noſtræ Dioc' Lincoln' duos ſufficientes Procuratores pro Clero totius noſtræ Dioc' Lincoln' ad comparend' coram præfato Reverendiſſimo in Chriſto Patre Cardinali & Legato de Latere prædict' Ejuſve Commiſſario ſſve Commiſſariis aut Locum Tenent' die & loco in dictis literis RR. limitatis & ſpecificatis, cum Continuatione & Prorogatione ſi oporteat dierum & locorum, ad Tractand' Communicand' & Conſentiend' ac ulterius faciend' & recipend' ea quæ tenor' & effectus Prædictarum Literarum RR. de ſe exigunt & requirunt; Cum clauſula rati-habitionis Omnium & Singulorum per dictos Procuratores in præmiſſis & circa ea, ipſorum nominibus, in huſmodi Convocatione Actorum & Agendorum. Et quid in præmiſſis feceritis nos aut Deputatum noſtrum hujuſmodi dicto die Jovis in ſeptimana Pentecoſtes prox' in præfata Eccleſia Parochiali Omn' Sſ. villæ Northampton debite certificare curetis per literas veſtras patentes harum ſeriem, Nominaque Omnium & Singulorum per vos in ea parte Citandorum in ſe Continentes Sigillo veſtro autentice Sigillat. Dat' ſub ſigillo noſtro apud vetus Templum London xi die Menſis Maii, Anno Dom' 1532. Et noſtræ Conſecrat' Anno Tertio.

NUM. CXXXVIII.

Breve Reg' pro Convocatione Ebor'.

A. D. 1530. Regiſtr. Dec. & Capit. Ebor. ſede Vacant. fol. 637.

HEnricus Octavus Dei Gratia Angliæ & Franciæ Rex, Fidei Defenſor, & Dominus Hyberniæ, Cuſtodi Spiritualitatis Archiepiſcopatus Eborum, ipſa ſede Vacante, Salutem. Quibuſdam arduis de Cauſis & Urgentibus Negotiis Nos, ſecuritatem & Defenſionem Eccleſiæ Anglicanæ, ac Pacem, Tranquillitatem, Bonum Publicum, & Defenſionem Regni Angliæ & ſubditorum noſtrorum Ejuſdem concernentibus, Vobis in fide & dilectione quibus Nobis tenemini Rogando Mandamus quatenus Præmiſſis debito intuitu attentis & ponderatis, Univerſos & ſingulos Epiſcopos Provinciæ Archiepiſcopatus illius, ac Decanos & Priores Eccleſiarum Cathedralium, Abbates, Priores & alios Electivos, Exemptos & non Exemptos, nec non Archidiaconos, Capitula, Conventus, & Collegia, totumque Clerum cujuſlibet Dioces' Ejuſdem Provinciæ ad Comparendum Coram Vobis in Eccleſia Cathedrali B. Petri Ebor' vel alibi prout melius expedire Videritis, duodecimo die Januarii prox' futur' more debito Convocari faciatis: Ad tractandum, conſentiendum, & concludendum ſuper Præmiſſis, & aliis quæ ſibi clarius exponentur tunc ibidem ex parte noſtra. Et hoc ſicut Nos & Statum Regni noſtri, ac Honorem & Utilitatem Eccleſiæ prædictæ diligitis, nullatenus Omittatis. Teſte Meipſo apud Weſtmonaſter' vii die Decembris Anno Regni noſtri xxiido.

NUM. CXXXIX.

Breve Reg. pro Convocatione, cum Procuratorio Decani & Capituli Ebor'.

A. D. 1531. Regiſtr. Dec. & Capit. Ebor. ab Ann. 1504. fol. 181.

HEnricus Octavus Dei Gratia, &c. Quibuſdam arduis [ut ſupra] Univerſos & ſingulos Epiſcopos veſtræ Provinciæ— Ad comparend' coram vobis in Eccleſiæ B. Petri Ebor' vel alibi prout melius expedire Videritis, cum Omni Celeritate accommoda modo debito Convocari faciatis, &c. Teſte Meipſo apud Weſtm' 23 die Mens' Decembr' Anno Regni noſtri 23.

Pateat Univerſis per Præſentes, quod Nos Brianus Decanus, & Capitulum Eccleſiæ Metrop. Ebor' dilectos nobis in Chriſto Honorabiles & Circumſpectos Viros confratres noſtros, Magiſtr' Lancellotum Collyns Theſaurarium Eccleſiæ Metrop' Ebor' prædict' Canonicumque Reſidentiarium Ejuſdem, Willielmum Clyfton Subdecanum, Willielmum Clayton Decretorum Doctores, & Willielmum Moke A. M. Canonicos Eccleſiæ noſtræ Metropol' Ebor' Præbendarios, ac Magiſtros Thomam Taſhe in Legibus Bacchalaureum Cauſarum noſtrarum Auditorem, & Thomam Marrer in Decretis Baccalaureum Cuſtodem fabricæ Eccleſiæ noſtræ Metropol' Ebor' prædict' noſtros veros & legitimos Procuratores, Excuſatores, & Nuncios ſpeciales Ordinamus, Facimus, & Conſtituimus per Præſentes, ad Comparend' pro Nobis & Nomine Noſtro coram Reverendiſſimo in Chriſto Patre ac Domino, Domino Edwardo permiſſione Divina Ebor' Archiepiſcopo Angliæ Primate & Apoſtolicæ ſedis Legato, Ejuſve Locum tenent' aut Commiſſariis ſeu Commiſſario, pluribus aut uno, in Convocatione Cleri Civitatis, Dioceſeos, & Provinciæ Ebor' in Eccleſia Metropol' Ebor' prædict' die Mercurii, viz. Septimo die Menſis inſtantis Februarii prox' futur' poſt Dat' præſentium, cum continuatione & prorogatione dierum ſi oporteat ſequentium & Locorum celebranda, ad Tractand' coram Eodem Reverendiſſimo Patre, Ejuſve Locum-tenent' aut Commiſſariis ſeu Commiſſario, pluribus aut Uno, Deputat' aut Deputand' Deputatove ſeu Deputando, ac Cæteris Prælatis & Cleri Procuratoribus tunc præſentibus de & ſuper hiis quæ Dominum noſtrum Regem, Pacem, Tranquillitatem, Bonum Publicum & Defenſionem Eccleſiæ & Regni Anglicani & Subditorum Ejuſdem, nec non Statum, Honorem, Utilitatem, & Neceſſitatem Noſtram & Eccleſiæ Civitat' Dioces' & Provinciæ Noſtrarum concernent' & aliis quæ Clarius ex parte Domini noſtri Regis ibidem exponi

exponi contigerit, ſuumque Sanum Conſilium impendend' Concordand' Conſentiend' & Concludend' ſuper hiis quæ tunc ibidem de Communi Conſilio & Aſſenſu dictorum Prælatorum, divina favente Clementia, ſalubriter contigerit Ordinari: Ratum, Gratum, & Firmum habentes & habituri, quicquid dicti Procuratores noſtri, aut aliquis Eorum nomine noſtro fecerint ſeu fecerit in Præmiſſis: In Cujus Rei teſtimonium Sigillum noſtrum quo in hac parte utimur præſentibus apponi fecimus. Dat' in domo noſtra Capitulari quinto die menſis Februar' Anno Dom' 1531.

NUM. CXL.

Mandatum Prioris & Capitul' Cant' pro Continuatione Convocationis, Anno 1532.

Ex ipſo Originali Epiſc' Lincoln'

Collat' cum Regiſtro Hieronymi Wigorn' Epiſcopi, fol. 79.

JO' permiſſione divina *Lincoln* Epiſc', &c. Literas Reverendi Confratis noſtri Domini Domini Jo' London Epiſcopi recepimus in haæc verba: Jo', &c. veſtræ fraternitati tenore præſentium innoteſcat quod nos Venerabilis & Religioſi viri Thomæ Eccleſiæ Chriſti Cant' Prioris & ejuſdem loci Capituli literas ſub eo qui ſequitur verborum tenore recepimus. Thomas permiſſione divina Eccleſiæ Chriſti Cant' Prior' & Ejuſdem loci Capitulum, ad quos omnis & omnimoda Juriſdictio ſpiritualis & Eccleſiaſtica quæ ad Archiepiſcopum Cant' pertinuit ſede plena, ipſa ſede jam per obitum bonæ Memoriæ Domini Willielmi Warham nuper dictæ ſedis Archiepiſcopi Vacante, notorie dinoſcitur pertinere, Reverendo in Chriſto Patri & Domino Domino Jo' Dei gratia London Epiſcopo, Omnimodam Reverentiam tanto Patri debitam cum honore. * Quoddam Breve Excellentiſſimi ‖ Principis & Domini noſtri Domini Henrici viii Dei Gratia Angliæ & Franciæ Regis, Fidei Defenſoris, & Dom' Hiberniæ Illuſtriſſimi, magno ſub ſigillo ſigillat' & nobis direct' cum omni Reverentia recepimus in hæc verba. Henricus viii, &c. dilectis ſibi in Chriſto Cuſtodi ſive Cuſtodibus Spiritualitatis Archiepiſcopatus Cant' ad quem omnis & omnimoda juriſdictio Spiritualis & Eccleſiaſtica quæ ad ipſum Archiepiſcopum pertinuit ſede plena, ipſa ſede jam vacante notorie dinoſcitur pertinere, Ejuſve aut Eorum Deputato ſive Deputatis in hac parte, Salutem. Cum nos xv *die Maii* ult' præterit' per Breve noſtrum Reverendiſſimo in Chriſto Patri Willielmo Cant' Archiepiſcopo tunc ſuperſtiti direct' ob diverſas Cauſas & Conſiderationes nos moventes de Aviſamento Concilii noſtri præſentem Convocationem per Clerum Cant' Provinciæ de mandato noſtro per aliud Breve noſtrum Eidem Archiepiſcopo direct' apud Weſtm' ‖ tent' duximus Prorogand' ad & uſque Weſtm' prædict' ibidem v*to die Novemb'* prox' futur' etiam tenend' Sicque dicta Concocatio per Eundem Archiepiſcopum Eodem xv *die Maii* uſque Weſtm' prædict' ad & uſque dictum v*tum diem Novemb'* progat' fuerat & extiterat, ibidem tunc tenenda. Nos certis urgentiſſimis cauſis Nos movent' ac Statum Regni noſtri nec non Republ' & tranquillitatem Ejuſdem Regni concernent' Vobis mandamus quod dictam Convocationem uſque dictum v*m diem Nov'* Sic in forma prædict' prorogat' ad uſque Weſtm' prædict' ad & in v*m diem Febr'* prox' futur' etiam debito modo prorogetis, ibi tunc tenend' & proſequend' una cum Continuatione & Prorogatione dierum & locorum, de die in diem, prout in ea parte convenit in Omnibus, prout per aliud Breve noſtrum dicto Reverendiſſimo Patri tunc ſuperſtiti direct' continetur, de dat' apud Weſtm' xix die Auguſti Anno xxi Regni noſtri pro hujuſmodi Convocatione ſive ſacra Synodo Provinciali tenenda proſequenda & exercenda. ‖ Mandates præterea ex parte noſtra Univerſis & ſingulis Epiſcopis, nec non Abbatibus & Prloribus tam Exemptis quam non Exemptis, Archidiaconis, Decanis, & omnibns perſonis Eccleſraſticis quibuſcunque dictæ Cant' Provinciæ quorum intereſt aut intereſſe poterit in hac parte, quod ipſi & eorum quilibet Vobis in præmiſſis Omnibus & ſingulis faciendis & expediendis intendentes ſint conſulentes & auxiliantes pariter & obedientes, prout decet. T. meipſo apud Weſtm' xxviii die Octob' Anno Regni noſtri 24. Nos omnia & ſingula in dicto Brevi Regio contenta & ſpe-

A. D. 1532.

* *Cum.*

‖ *In Chriſto.*

‖ *tunc ibidem.*

‖ *Mandantes.*

A. D. 1532. & ſpecificata juxta Effectum ejuſdem prout decet exequi volentes, & ut omnis ambiguitatis Scrupulus & occaſio de & ſuper procuratoriis Epiſcoporum Prælatorumque & Cleri Cant' Provinciæ a preſenti Convocatione alias *Autoritate dicti* Reverendiſſimi Patris inchoata celebrata & continuata Abſentium ad tunc exhibitis, & aliis in iſta Eadem Convocatione Actis & geſtis, & in poſterum Agendis, tollatur & auferatur, Paternitati igitur veſtræ Reverendæ Committimus & Mandamus quat' omnes & ſingulos dictæ Eccleſiæ Chriſti Cant' Suffraganeos infra Provinciam Cant' Conſtitutos, ac abſentium Epiſcoporum & Dioc' Vacantium Vicarios in Spiritualibus Generales peremptorie citari faciatis, & per eos Decanos & Priores Eccleſiarum Cath' ac ſingula Capitula Earundem, Archidiaconos, Abbates, Prioreſque Conventus ſub ſe habentes, & alios Eccleſiarum Prælatos Exemptos & non Exemptos, Clerumque cujuſlibet Dioces' Provinciæ antedictæ citari peremptorie & præmuniri volumus & Mandamus, quod iidem Epiſcopi Suffraganei prædicti, Vicarii Generales, Decani, Abbates, Priores, Archidiaconi, ac Cæteri Eccleſiarum Prælati Exempti & non Exempti, nec non Procuratores Cleri Provinciæ antedictæ, quorum nomina in Schedula præſentibus annexa conſcribuntur, perſonaliter, Cæteri vero Epiſcopi Suffraganei prædicti, Vicarii in ſpiritualibus generales, Decani Eccleſiarum Cathedralium, Abbates & Priores exempti & non exempti, Archidiaconi & alii Eccleſiarum Prælati, per eorum ſufficientes procuratores habentes in ea parte Autoritatem, Poteſtatem, & Mandatum ſufficiens coram Reverendiſſimo in Chriſto Patre Cant' Archiepiſcopo totius Angliæ Primate & Apoſtolicæ ſedis Legato, qui pro tempore fuerit, Ejuſve Commiſſario ſeu Commiſſariis, aut locum Tenent' & coram alio Quocunque, nomine & jure Eccleſiæ Chriſti Cant' aut alio jure quocunque, ad tunc præſentis Convocationis Præſident' ſive Locum tenent' quocumque, in Convocatione & ſacro Provinciali Concilio Prælatorum & Cleri Cant' Provinciæ alias per Præfatum Reverendiſſimum in Chriſto Patrem Dominum Willielmum nuper Archiepiſcopum Cant' in Eccleſia Cath' Divi Pauli London, vto die menſis Novemb' Anno Domini 1529 inchoat' & de die in dies continuat' & nuper ex cauſis urgent' ad domum Capitularem infra Monaſt' S. Petri Weſtmon' ſcituat' prorogat' & ibidem de diebus in dies continuat' & prorogat' & adhuc pendent' compareant, Et eorum quilibet compareat in domo Capitulari infra Eccleſiam veſtram Cathedralem D. Pauli London, die Lunæ, viz. xvii die menſis Martii prox' futur' poſt dat' Præſentium, cum continuatione & prorogatione dierum ex tunc ſequentium & Locorum ſi oporteat, ad Omnia & ſingula in præſenti Convocatione inchoata & pendentia, acta & geſta, Exercend' & proſequend' nec-non ſuper aliis Arduis & Urgentibus Cauſis & Negotiis Securitatem & defenſionem Eccleſiæ Anglicanæ, Sereniſſimique Domini noſtri Regis, hujuſque ſui regni Angliæ pacem & tranquillitatem, bonum publicum & Defenſionem Concernent' ipſis tunc ibidem ſerioſius exponend' Tractand' & Communicand' ſuaque Conſilia & Auxilia ſuper eis impenſur' Et ad conſentiend' hiis quæ ibidem ex deliberatione Communi ad honorem Dei & Eccleſiæ Anglicanæ in præmiſſis contigerit Ordinari; facturique ulterius & recepturi quod juſtum fuerit, & hujuſmodi negotii qualitas exigit & requirit. Tenore etiam præſentium vos Citamus quod eiſdem die & loco coram Reverendiſſimo in Chriſto Patre Cant' Archiepiſcopo qui pro tempore fuerit, ejuſve Commiſſario ſive Commiſſariis aut Locum-Tenente, & coram alio quocunque nomine & jure dictæ Eccleſiæ Chriſti Cant' aut alio jure quocunque ad tunc præſentis Convocationis præſidente perſonaliter compareatis ſuper dictis negotiis tractaturi, præſenſque noſtrum Mandatum quatenus veſtras Civitatem & Dioces' concernit exequi per omnia faciatis. Vobis etiam injungimus ut ſupra & mandamus quod omnibus & ſingulis Reverendis Confratribus veſtris coepiſcopis dictæ provinciæ vel Vicariis in Spiritualibus hujuſmodi injungatis ſeu faciatis injungi, quod ſinguli Eorum ſigillatim de facto ſuo quatenus pertinet ad Eoſdem Reverendiſſimum Patrem Cant' Archiepiſcopum qui pro tempore fuerit, Ejuſve Commiſſarium ſive Commiſſarios aut Locum-tenent, aut alium Quemcunque jure & nomine Eccleſiæ Chriſti Cant' aut alium jure quocunque adtunc præſentis Convocationis Præſidentem, dictis die & loco per literas ſuas patentes Monitorum ſive Citatorum nomina continentes diſtincte certificent & aperte; Voſque pari forma, quatenus ad vos attinet, eiſdem die & loco more ſolito debite Certificetis, per veſtras literas Patentes hunc tenorem habentes ſigillo veſtro ſigillat. Dat' in domo noſtro Capitulari, &c. Decimo die mens' Februar' A. D. Mccccccxxxii.

NUM.

NUM. CXLI.

Certificatorium Regi, quod Convocatio Ebor' corroborat ſuo conſenſu, Quod *Epiſcopus Romanus in Sacris Scripturis non habet aliquam Majorem Juriſdictionem in Regno Angliæ quam quivis alius Externus Epiſcopus.*

ILluſtriſſimo & Excellentiſſimo Principi & Domino, Dom' Henrico Octavo, Dei Gratia Angliæ & Franciæ Regi, Fidei Defenſori, & Domino Hyberniæ, Edwardus permiſſione Divina Ebor' Archiepiſcopus Angliæ Primas & Metropolitanus, Salutem. Veſtræ Regiæ Celſitudini tenore præſentium innoteſcimus & ſignificamus quod cum juxta Veſtræ Regiæ Majeſtatis Mandatum coram Prælatis & Clero Eboracenſis Provinciæ in ſacra Synodo Provinciali ſive Convocatione Prælatorum & Cleri ejuſdem Provinciæ Ebor' in Domo Capitulari Eccleſiæ Metropoliticæ Ebor' quinto die menſis Maii Anno Domini 1534, jam Inſtanti celebrat' & de diebus in dies continuat' Congregatis, propoſita fuit ſequens Concluſio, *Quod Epiſcopus Romanus in Sacris Scripturis non habet aliquam majorem Juriſdictionem in Regno Angliæ quam quivis alius externus Epiſcopus*; ac inſuper ex parte Præſidentium in eadem Synodo per Nos deputatorum, memorati Prælati & Clerus rogati & requiſiti ut illam Concluſionem ſuo Conſenſu Confirmarent & Corroborarent, ſi illam veritati Conſonam, & Sacris Scripturis non repugnantem exiſtimarent aut judicarent; tandem dicti Prælati & Clerus Ebor' Provinciæ antedictæ poſt diligentem Tractatum in ea parte habitum, ac maturam deliberationem, unanimiter & concorditer, Nemine Eorum diſcrepante, prædictam Concluſionem fuiſſe & eſſe Veram affirmarunt, & Eidem concorditer conſenſerunt. Quæ Omnia & Singula veſtræ Regiæ Celſitudini tenore præſentium intimamus & ſignificamus. In Quorum Omnium & ſingulorum teſtimonium ſigillum noſtrum Præſentibus apponi fecimus. Dat' in caſtro noſtro de Cawode, ſecundo die menſis Junii Anno Dom' 1534. Et noſtræ Conſecrationis Anno tertio.

A. D. 1534. Regiſtr. *Lee.* Arch' Ebor' fol. 88.

NUM. CXLII.

Breve Reg' pro Prorogatione Convocat' Ebor'

HEnricus Octavus, &c. Reverendiſſimo in Chriſto Patri Edwardo, &c. Salutem. Cum præſens Convocatio Cleri veſtræ Ebor' Provinciæ poſt diverſas prorogationes apud Eccleſiam Metropoliticam S. Petri Ebor' jam modo tenetur & inſtans exiſtit; certis tamen urgentibus Cauſis & Conſiderationibus nos moventibus de Adviſamento Conſilii noſtri ipſam præſentem Convocationem die Mercurii, viz. tertio die Februarii prox' futur' ad & uſque certum diem per Vos rationabiliter aſſignandum, limitandum, & appunctuandum, debito modo prorogetis & prorogari faciatis, apud Eccleſiam Metropoliticam S. Petri Ebor' prædict' ibidem tunc tenendam, una cum prorogatione & continuatione Locorum & Dierum prout convenit. Mandantes præterea ex parte noſtra univerſis & ſingulis Epiſcopis nec non Abbatibus & Prioribus, tam Exemptis quam non Exemptis, Archidiaconis, Decanis & Omnibus Aliis Perſonis Eccleſiaſticis quibuſcunque dictæ veſtræ Ebor' Provinciæ Quorum intereſt, aut intereſſe poterit in hac parte, quod ipſi & Eorum quilibet Vobis in Præmiſſis Omnibus & Singulis faciendis, agendis, & exequendis intendentes ſint, conſulentes pariter, & obedientes, prout decet. & Nos de die prorogationis ſic per Vos aſſignand' & appunctuand' nobis in Cancellariam noſtram in Quinden' Paſch' prox' futur' una cum tenore hujus Brevis noſtri in Scriptis ſub ſigillo veſtro in debita forma Certificetis. Teſte meipſo apud Weſtm' xxvi Januarii Anno Regni noſtri viceſimo ſexto.

Ibid. fol. 93.

NUM. CXLIII.

Petitio ſuperioris domus in Convocatione contra Libros ſuſpectæ Doctrinæ, &c.

A. D. 1534. Bibl. Cotton. Cleopatra, E. 5. fol. 331.

DEcimo nono die Decembris A. D. 1534. Epiſcopi, Abbates, & Priores, Superioris Domus Convocationis ſive ſacræ Synodi Cantuar' Provinciæ in Domo Capitulari Eccleſiæ Cathedralis Divi Pauli London', in præſentia Reverendiſſimi in Chriſto Patris & Domini Domini *Thomæ* permiſſione Divina *Cantuar'* Archiepiſcopi, totius Angliæ Primatis & Metropolitani, legitime congregati, unanimi Eorum Conſenſu pariter & Aſſenſu conſentiebant, quod dictus Reverendiſſimus Pater apud illuſtriſſimum in Chriſto Principem & Dominum noſtrum, Dominum *Henricum* Dei gratia *Angliæ* & *Franciæ* Regem Fidei Defenſorem & Dominum *Hyberniæ* Eccleſiæq; Anglicanæ ſub Deo caput Supremum, inſtantiam faceret, quatenus ſua Regia Majeſtas dignaretur pro Augmento fidei ſubditorum ſuorum decernere & mandare; quod omnes & ſinguli ſubditi ſui penes quos, aut in quorum poſſeſſione, aliqui libri ſuſpectæ Doctrinæ exiſtunt, præſertim in lingua Vulgari, citra aut ultra Mare impreſſi, moneantur & cogantur Eoſdem ſuſpectæ Doctrinæ libros, infra tres menſes a tempore monitionis in ea parte factæ, coram Perſonis per Regiam Majeſtatem nominandis præſentare & realiter exhibere, ſub certa pæna per Regiam Majeſtatem moderanda & limitanda. Et quod ulterius ſua Regia Majeſtas dignaretur decernere quod Sacra Scriptura in vulgarem Linguam Anglicanam, per quoſdam Probos & Doctos Viros per dictum illuſtriſſimum Regem Nominandos, transferatur, & Populo pro eorum eruditione deliberetur & tradatur. Ac inſuper quatenus ſua Regia Majeſtas dignaretur prohibere & mandare, etiam indicta & impoſita Pœna, ne quiſquam Laicorum aut Sæcularium ſubditorum ſuorum de fide Catholica, aut articulis fidei, Sacrave Scriptura, aut Ejuſdem intellectu, publice diſputare aut aliquo modo rixoſe contendere præſumat in futurum.

NUM. CXLIV.

Commiſſio Domino Epiſcopo pro Juriſdictione ſua Epiſcopali Exercenda.

A. D. 1535. Regiſtr. Edw. Fox. Hereford. fol. 1, 2.

HEnricus Octavus Dei Gratia Angliæ & Franciæ Rex Fidei Defenſor' Dominus Hyberniæ ac in terris ſupremum Eccleſiæ Anglicanæ ſub Chriſto caput, Reverendo in Chriſto Patri Edwardo Hereford' Epiſcopo, ſalutem. Quandoquidem omnis juris dicendi Autoritas atque etiam Juriſdictio omnimoda, tam illa quæ Eccleſiaſtica dicitur quam Sæcularis, a Regia poteſtate velut a Supremo capite & Omnium infra Regnum noſtrum Magiſtratuum fonte & ſcaturigine, primitus emanaverit, ſane illos qui juriſdictione hujuſmodi ante hac non niſi precario fungebantur, Beneficium hujuſmodi ſic eis ex Liberalitate Regia indultum, gratis Animis agnoſcere, idque Regiæ munificentiæ ſolummodo acceptum referre, eique (quoties ejus Majeſtati videbitur) libenter reddere, convenit. Cum itaque nos jure noſtro univerſum Clerum totius Regni noſtri *Angliæ* viſitare intendentes, & viſitationem inchoantes prout revera inchoavimus, per dilectum nobis *Thomam Cromwell* Secretarium noſtrum Primarium, & Rotulorum ſive Scriniorum noſtrorum Magiſtrum ſive Cuſtodem, noſtrum ad quaſcunque cauſas Eccleſiaſticas noſtra Autoritate uti *ſupremi Capitis dictæ Eccleſiæ Anglicanæ* quomodolibet tractand' ſive ventiland' Vicegerentem Vicarium Generalem & Officialem principalem per alias literas patentes ſigillo noſtro majori communitas conſtituerimus & præfecerimus; Reverendiſſimoque Patri & prædilecto Conſiliario noſtro *Thomæ Cant' Archiepiſcopo* ac per eum Tibi, & aliis hujus Regni noſtri Epiſcopis quibuſcunque, ne pendente Viſitatione noſtra hujuſmodi aliquas Eccleſias, aut Monaſteria, ſive loca alia Eccleſiaſtica quæcunque viſitare, aut ea quæ ſunt juriſdictionis exercere attentares ſive attentarent, per alias literas inhibuerimus; Quia tamen ipſe *Thomas Cromwell* noſtris, & hujus Regni noſtri *Angliæ*, tot & tam arduis negotiis adeo præpeditus exiſtit quod ad omnem juriſdictionem nobis ut ſupremo Capiti hujuſmodi Competentem ubique

locorum

locorum infra hoc Regnum noſtrum, & præſertim in his quæ moram commode non patiuntur, aut ſine Subditorum noſtrorum injuria differri non poſſunt, in ſua perſona expediend' non ſufficiet; Nos hujus in hac parte ſupplicationibus humilibus inclinati, & noſtrorum ſubditorum commodis conſulere Cupientes, Tibi Vices noſtras ſub modo & forma inferius deſcriptis Committend' fore teque licentiand' eſſe decrevimus. Ad Ordinandum igitur quoſcunque infra dioceſim tuam *Hereford'* ubicunque Oriund' quos moribus & literatura (prævio diligenti & rigoroſo examine) idoneos fore compereris, ac ad omnes etiam Sacros & Presbyteratus Ordines promovend' præſentatoſque ad Beneficia Eccleſiaſtica quæcunque infra Dioces' tuam *Hereford'* conſtitut' ſi ad Curam Beneficiis hujuſmodi imminentem ſuſtinend' habiles reperti fuerint & idonei, & non aliter, admittend' ac in & de iiſdem inſtituend' & inveſtiend' ac etiam (ſi res ita exigat) deſtituend' Beneficiaque Eccleſiaſtica quæcunque ad tuam Collationem ſive diſpoſitionem ſpectantia & pertinentia Perſonis idoneis conferend'. Atque approband' Teſtamenta & Ultimas Voluntates quorumcunque tuæ Dioces' Bona, Jura ſive Credita non ultra ſummam Centum Librarum in bonis ſuis vitæ & mortis ſuarum tempore habentium: Nec non Adminiſtrationes Quorumcunque ſubditorum noſtrorum tuæ Dioces' ab Inteſtato decedentium; quorum Bona, Inventeria ſive Credita, non ultra ſummam prædict' vitæ & mortis ſuarum tempore ſeſe extendent, quatenus hujuſmodi teſtamentorum Approbatio atque Adminiſtrationis conceſſio per præceſſores tuos, aut Eorum Alicujus reſpective Commiſſarios, retroactis temporibus fiebat, ac fieri & committi potuit, & non aliter, Committend'. Calculumque Ratiocinium & alia in ea parte requiſita expediend' Cauſaſque, Lites, & Negotia coram te aut tuis Deputatis pendent' indeciſa, nec non Alias ſive Alia, quaſcunque ſive quæcunque, ad forum Eccleſiaſticum pertinentia ad te aut tuos deputatos per Viam querelæ aut appellationis devolvendi ſive deducend' quæ citra legum noſtrarum & Statutorum Regni noſtri offenſam coram te aut tuis Deputatis agitari, aut ad ſuam ſive alicujus Commiſſariorum per te Vigore hujus Commiſſionis noſtræ Deputandorum Cognitionem devolvi aut deduci valeant & poſſint examinand' decidend'. Cæteraque omnia & ſingula in Præmiſſis tantum, ſeu circa ea neceſſaria, ſeu quomodolibet Opportuna, præter & ultra ea quæ Tibi ex Sacris Literis divinitus commiſſa Eſſe dinoſcuntur, vice, nomine, & autoritate noſtris exequend'. Tibi, de cujus ſana doctrina, Conſcientiæ puritate, Vitæque & Morum integritate, & in rebus gerendis fide & induſtria plurimum confidimus, Vices noſtras, cum poteſtate alium vel alios, Commiſſarium, vel Commiſſarios, ad præmiſſa vel Eorum aliqua ſurrogand' & ſubſtituend' Eoſdemque ad placitum revocand' tenore præſentium committimus & liberam facultatem concedimus; Teque Licentiamus per præſentes ad noſtrum Beneplacitum duntaxat duraturas cum cujuſlibet congruæ & Eccleſiaſticæ Coercionis poteſtate, quacunque inhibitione ante Dat' præſentium emanat' in aliquo non obſtante: Tuam Conſcientiam coram Deo ſtrictiſſime onerantes, & ut ſummo omnium Judici aliquando rationem reddere, & coram Nobis tuo ſub periculo Corporali reſpondere intendis, Te admonentes, ut interim tuum Officium juxta Evangelii normam pie & ſancte exercere ſtudeas, Et ne quem ullo tempore unquam vel ad ſacros Ordines promoveas, vel ad Curam Animarum gerend' quoviſmodo admittas, niſi Eos duntaxat quos ad tanti & tam Venerabilis Officii functionem, Vitæ & Morum integritas, certiſſimis teſtimoniis approbata, Literarumque ſcientia, & aliæ Qualitates Requiſitæ ad hoc Habiles & Idoneos clare & luculenter oſtenderint & declaraverint. Nam ut maxime compertum cognitumque habemus, morum Omnium, & Maxime Chriſtianæ Religionis Corruptelam a malis paſtoribus in populum emanaſſe, ſic & veram Chriſti Religionem, Vitæque & morum Emendationem a bonis paſtoribus iterum delectis & aſſumptis in integrum reſtitutam iri, haud dubie ſperamus. In cujus rei teſtimonium præſentes literas noſtras inde fieri, & ſigilli noſtri quo ad Cauſas Eccleſiaſticas Utimur appenſione juſſimus Communiri. Dat' xiv die menſis Octobris, Anno Dom' 1535. Et Regni noſtri 27. A. D. 1535.

NUM.

NUM. CXLV.

Commiſſio Domino Epiſcopo pro Viſitatione ſua Ordinand'

A.D. 1536. Ibid. fol. 7, 8.

HEnricus, &c. Cum nos alias jure noſtre Clerum totius Regni noſtri viſitare intendentes Reverendiſſimo in Chriſto Patri ac prædilecto Conciliario noſtro *Thomæ* Cant' Archiepiſcopo ac per Eum aliis hujus Regni noſtri Epiſcopis quibuſcunque ne pendente Viſitatione noſtra hujuſmodi aliquas Eccleſias aut Monaſteria ſive loca alia Eccleſiaſtica quæcunque, Clerumve aut Populum hujus Regni noſtri Viſitare Attentarent, inter alia inhibuerimus; ac poſtmodum ad humilem tuam ſupplicationem nonnulla Juriſdictionis Eccleſiaſticæ adminiſtrationem concernentia per alias literas noſtras, non obſtante inhibitione hujuſmodi, relaxaverimus, prout in Eiſdem aliis literis noſtris plenius continetur: Quia tamen in Eiſdem apertis Verbis tuæ Paternitati non indulgetur, nec relaxatur tibi, ut poſſis Viſitationem tuam Ordinariam in Eccleſia tua Cathedrali, Civitate, & Dioces' *Hereford'* exercere, ac proinde deſideras tibi per Nos in hac parte etiam relaxari; Nos ſperantes eandem Viſitationem Vitia extirpandi Virtuteſque plantandi cauſa & intentione a Te exercitam iri, tuis in hac parte humilibus ſupplicationibus inclinati, Ad viſitand' Eccleſiam tuam Cathedralem Civitatemque & Dioces' Hereford' necnon omnia & ſingula Monaſteria Abbatias & Prioratus, Collegia, & alia loca pia tam religioſa quam Hoſpitalia quæcunque Clerumque & Populum dictæ Dioces' Hereford' quatenus Eccleſiæ, Monaſteria, Abbatiæ, Prioratus, Collegia, Hoſpitalia, Clerus, & alia loca pia prædicta, a juriſdictione Epiſcopali ibidem exempta non ſunt, & quatenus per Te & Prædeceſſores tuos *Hereford'* Epiſcopos Viſitatio hujuſmodi temporibus retroactis juſte exerceri poſſit, ac per Te ſive Eoſdem, de legibus & juribus Regni noſtri exerceri poſſit, & poteſt, & non aliter: Nec non ad inquirendum per Te aliumve vel alios ad id per Te deputandum ſive deputandos, tam ex Officio mero mixto quam promoto ſuper Quorumcunque exceſſibus, Criminibus, ſeu defectibus quibuſcunque ad forum Eccleſiaſticum ſpectantibus infra dictam *Herefordens'* Dioces' ac Delinquentes ſive Criminoſos juxta comperta per Te in hac parte per ligitima juris remedia pro modo Culpæ, prout natura aut qualitas delicti popoſcerit coercend' & puniend' Cæteraque Omnia & ſingula quæ circa negotium Viſitationis & Inquiſitionis hujuſmodi neceſſaria fuerint, ſeu quomodolibet Opportuna, vice, nomine & autoritate noſtris exequend' præter & ultra Ea quæ tibi alias in Prioribus literis noſtris commiſſa Eſſe dinoſcuntur, Tibi de cujus ſana doctrina, conſcientiæ puritate, Vitæque & Morum integritate, ac in rebus gerendis fide & induſtria plurimum confidimus Vices noſtras, cum poteſtate alium vel alios, Commiſſarium vel Commiſſarios, ad præmiſſa vel Eorum aliqua Surrogand' & Subſtituend' tenore præſentium Committimus ac liberam facultatem concedimus, teque Licentiamus per præſentes, ad noſtrum Beneplacitum duraturas. In Cujus, &c. Dat' xxi die mens' Julii Anno Dom' 1536. Et Regni noſtri 28.

See the like Commiſſion to Biſhop Bonner. *Biſhop* Burnet's Hiſt. Ref. *Vol.* 1. *Append. p.* 184.

NUM. CXLVI.

Monitio ad Comparend' in Convocatione.

A.D. 1536. Regiſtr. *Fox.* Hereford. fol. 5. a.

JOhannes permiſſione Divina London' Epiſcopus Venerabili Viro Magiſtro Hugoni Corey Ll. D. Reverendi in Chriſto Patris Domini *Edwardi Herefordens'* Epiſcopi in remotis Agentis Vicario in Spiritualibus Generali, Salutem, Gratiam, & Benedictionem. Literas Reverendiſſimi in Chriſto Patris & Domini Domini *Thomæ* Permiſſione Divina *Cant'* Archiepiſcopi totius Angliæ Primatis & Metropolitani Breve etiam ſive Mandatum Excellentiſſimi in Chriſto Principis & Domini noſtri Domini *Henrici* Octavi Dei Gratia Angliæ & Franciæ Regis Fidei Defenſoris & Domini Hyberniæ ac in Terra Eccleſiæ Anglicanæ ſub Chriſto Capitis Supremi ad infra ſcripta continent' datas decimo die inſtantis menſis Maii, noveritis Nos cum ea qua decuit Reverentia recepiſſe.

Quarum

Quarum quidem Literarum Reverendiſſimarum auctoritate pariter & vigore Vos tenore præſentium citamus & peremptorie prämonemus vobiſque mandamus, quod Vos Decanum & Capitulum ac Archidiaconos Eccleſiæ Cathedralis *Hereford'* nec non Abbates & Priores Conventus ſub ſe habentes ac alios Eccleſiarum Prælatos Exemptos & non Exemptos eorumque Capitula, Clerum etiam Civitatis & Dioceſeos *Hereford'* peremptorie citari faciatis, viz. ut Vos Decanus, Archidiaconi, & Cæteri Eccleſiarum Prælati Exempti & non Exempti Perſonaliter, & Capitulum dictæ Eccleſiæ Cathedralis per Unum, Cleruſque dictæ Dioc' per duos ſufficientes procuratores, habentes in ea parte Poteſtatem & Autoritatem ac Mandatum ſufficient' Continuationi & Prorogationi dierum ex tunc ſequentium, ſi oporteat, fiend. Conſentiendi, compareatis & compareant, coram Præfato Reverendiſſimo Patre Cant' Archiepiſcopo aut Ejus in hac parte Locum tenente ſive Commiſſario, in Eccleſia Cathedrali S. Pauli London' die Veneris ix° die Menſis Junii prox' futur' cum continuatione & prorogatione dierum ex tunc ſequentium & locorum, Ad tractandum ſuper arduis & urgentibus Negotiis ſecuritatem & defenſionem Eccleſiæ Anglicanæ, ac Pacem, Tranquillitatem, Bonum Publicum, & Defenſionem hujus Regni concernentibus Vobis & Ipſis tunc ibidem ſerioſius exponendis; Veſtraque & ſua Conſilia & Auxilia ſuper Eis impenſuri, & ad Conſentiend' hiis quæ ibidem ex deliberatione Communi ad Honorem Dei & Eccleſiæ in præmiſſis contigerit concorditer Ordinari; Facturique ulterius & recepturi quod juſtum fuerit & hujuſmodi, Negotii Qualitas exigit & requirit. Vobis inſuper injungimus quod Præfatum Reverendiſſimum Patrem ſeu Ejus Locum tenentem ſive Commiſſarium Prædict' die & Loco per Literas Veſtras Patentes harum ſeriem una cum Scedula Eiſdem literis Veſtris annexa, nomina per Vos Citatorum habente plene Continentes cum Omni eo quod in Præmiſſis feceritis citra dictum ix^m^ diem Menſis Junii debite certificare curetis. Dat' in Palatio noſtro ſub ſigillo noſtro xi° die Menſis Maii, Anno Dom' 1536. Et noſtræ Conſecrat' Anno ſexto. A. D. 1536.

NUM. CXLVII.

Breve Regium ad intereſſend' Parliamento.

HEnricus VIII. Dei Gratia Angliæ & Franciæ Rex, Fidei Defenſor, Dominus Hyberniæ, & in Terra Supremum Caput Anglicanæ Eccleſiæ, Cuſtodi Spiritualitatis Epiſcopatus *Hereford'* ipſo Epiſcopo in remotis agente, Salutem. Quia de Aviſamento & aſſenſu Concilii noſtri quibuſdam arduis & urgentibus Negotiis, Nos, Statum & Defenſionem Regni noſtri Angliæ ac Eccleſiæ Anglicanæ concernentibus quoddam Parliamentum noſtrum apud Weſtm' viii die Junii prox' futur' teneri ordinavimus, & ibidem Vobiſcum ac cum Cæteris Prælatis, magnatibus, & proceribus dicti Regni noſtri colloquium habere & tractatum: Vobis in fide & dilectione quibus Nobis tenemini firmiter injungendo mandamus quod Conſideratis dictorum Negotiorum arduitate & periculis imminentibus, ceſſante Excuſatione quacunque, dictis die & loco perſonaliter interſitis; Nobiſcum, ac cum Prælatis, Magnatibus, & Proceribus Prædictis ſuper dictis negotiis tractaturi veſtrumque Conſilium impenſuri, Et hoc ſicut Nos & Honorem noſtrum, ac Salvationem & Defenſionem Regni & Eccleſiæ prædictorum, expeditionemque dictorum negotiorum Diligitis nullatenus Omittatis. Præmonentes Decanum & Capitulum Eccleſiæ Veſtræ Herefordens' & Archidiaconos totumque Clerum veſtræ Dioc' quod iidem Decanus & Archidiaconi in propriis perſonis, ac dictum Capitulum per Unum, idemque Clerus per duos Procuratores idoneos, plenam & ſufficientem poteſtatem ab ipſis Capitulo & Clero diviſim habentes, prædictis die & loco perſonaliter interſint, ad Conſentiend' his quæ tunc ibidem de Communi Conſilio dicti Regni noſtri, divinâ favente Clementia contigerit Ordinari. Teſte Meipſo apud Weſtm' xxvii die Aprilis, Anno Regni noſtri xxviii. Ibid. fol. 4. b.

NUM. CXLVIII.

Monitio ad Comparend. in Convocatione.

A. D. 1539. Regiſtrum *Bonner.* Hereford. fol. 4.

THomas permiſſione Divina Cant' Archiepiſc', &c. Breve illuſtriſſimi & invictiſſimi in Chriſto Principis, &c. recepimus in Hæc verba. Henricus Octavus, &c.— Quocirca Fraternitati veſtræ committimus & mandamus quatenus Omnes & ſingulos dictæ Eccleſiæ noſtræ Cant' Suffraganeos infra dictam noſtram Provinciam Cant' conſtitutos, ac Abſentium Epiſcoporum (ſi qui ſint) Vicarios in Spiritualibus Generales citetis peremptorie, necnon Decanos & Priores Eccleſiarum Cath' & ſingula Capitula Eorundem, Archidiaconos, Abbates, Prioreſque Conventus ſub ſe habentes, & alios Eccleſiarum Prælatos Exemptos & non Exemptos, Clerumque Cujuſlibet Dioc' Provinciæ noſtræ antedictæ citari peremptorie & præmuniri Volumus & Mandamus, quod iidem Epiſcopi Suffraganei, Vicarii Generales, Decani, Abbates, Priores, Archidiaconi, & Cæteri Eccleſiarum Prælati, Exempti & non Exempti, Perſonaliter, & quodlibet Capitulum Eccleſiarum Cath' per Unum, Cleruſque cujuſlibet Dioc' Provinciæ antedictæ per duos ſufficientes Procuratores compareant coram nobis, aut noſtro in hac parte Locum tenente vel Commiſſariis ſi Nos tunc impediri contigerit in Eccleſia Cath' S. Pauli London die Veneris, viz. Secundo Die Menſis Maii prox' futur' cum Continuatione & Prorogatione dierum ex tunc Sequentium & Locorum ſi & quatenus expediat, Ad tractandum, &c. Dat' xxvi Menſis Martii, Anno Dom. 1539.

NUM. CXLIX.

Certificatorium Domino Regi ſuper Executione Brevis Parliamentarii.

A. D. 1539. Regiſtr. Sampſon. Cicetrens. fol. 10.

EXcellentiſſimo in Chriſto Principi ac Domino Domino *Henrico* Dei gratia Angliæ & Franciæ Regi, Fidei Defenſori, & Domino Hyberniæ ac in terris ſub Chriſto Eccleſiæ Anglicanæ Supremo Capiti, Veſter humilis & devotus Subjectus & Obediens *Ricardus* permiſſione Divina *Ciceſtrenſis* Epiſcopus omnimodam Subjectionem tanto Excellentiſſimo Principi debitam cum omni Honoris incremento. Breve veſtræ Regiæ Celſitudinis datum apud Weſtmonaſterium primo die Martii ultimo elapſi Mandatum veſtrum Regium de intereſſendo in Parliamento tenendo apud Weſtmonaſterium Prædictum xxviii die Menſis Aprilis prox' cum Ea qua potuimus Reverentia nuper recepimus— Cujus quidem Brevis Vigore pariter & Autoritate juxta tenorem Ejuſdem Decanum & Capitulum Eccleſiæ noſtræ Cathedralis Ciceſtr' Archidiaconoſque noſtræ Dioceſis, viz. Johannem Worthiall Clericum Archidiaconum Archidiaconatus Ciceſtrenſis, Edvardum More Archidiaconum Archidiaconatus Lewenſis, totumque Clerum noſtræ Dioces' ſummoneri fecimus quod compareant & quilibet Eorum compareat in Parliamento— dictis die & Loco; viz. idem Decanus & Archidiaconi in Propriis Perſonis, dictumque Capitulum per Unum, Cleruſque Dioces' per duos Procuratores idoneos, plenam & ſufficientem poteſtatem ab ipſis Capitulo & Clero diviſim habentes, ad conſentiendum hiis quæ tunc ibidem de Communi Conſilio Regni veſtri divina favente gratia ordinari contigerint. Dat' 26 die Menſis Aprilis ſupradict. Anno Domini 1539.

NUM. CL.

Procuratorium Capituli Ebor' pro Eodem Parliamento.

A. D. 1539. Regiſtrum Dec. & Cap. Ebor. ab Anno 1504. fol. 224. a.

PAteat Univerſis per Præſentes quod nos Capitulum Eccleſiæ Metropolitanæ Ebor' Ordinamus facimus & conſtituimus per præſentes venerabiles Viros Magiſtrum *Galfridum Downes* S. T. P. Cancellarium Eccleſiæ Metropolitanæ Ebor' *Willielmum Holgyl* & *Johannem Braynesbie* S. T. P. Canonicos Eccleſiæ Metropolitanæ Ebor' Præbendarioſque Præbendarum de *Langhton*, &c. & *Thomam Marſar* in Decretis Baccalaureum, Canonicum Eccleſiæ Collegiatæ B. *Ma-*

B. *Mariæ* de *Suthwell* Conjunctim, & Quemlibet Eorum per ſe diviſim, & in ſolidum, ita quod non ſit melior Conditio Occupantis, ſed quod Unus Eorum inceperit id Quilibet Eorum proſequi valeat & finire, Procuratores noſtros, ad Comparendum & Intereſſendum pro Nobis & Nomine noſtro in Parliamento Sereniſſimi in Chriſto Principis ac Potentiſſimi invictiſſimiſque Domini noſtri Domini *Henrici* viii Regis Angliæ & Franciæ ac Domini Hyberniæ, Fidei Defenſoris, & in terra Supremi Capitis Anglicanæ Eccleſiæ apud Weſtmonaſterium pro quibuſdam arduis negotiis ſe Statum & Defenſionem Regni ſui Angliæ, & Eccleſiæ Anglicanæ concernentibus xxviii die Menſis Aprilis prox' fut' tenendo, cum continuatione & prorogatione dierum ſubſequentium, ad Tractand' & Conſentiend' hiis quæ tunc ibidem ex communi Conſilio ipſius Regni Angliæ divina favente Clementia contigerit Ordinari: Ratum habentes & habituri quicquid dicti Procuratores noſtri vel aliqui Eorum fecerint ſeu fecerit in Præmiſſis, ſeu aliquo Præmiſſorum. In Cujus Rei teſtimonium ſigillum noſtrum Commune præſentibus eſt appenſum. Dat' in domo Capitulari Eccleſiæ Ebor' 2do die Menſis Aprilis Anno Dom' 1539. A. D. 1539.

Procuratorium Ejuſdem Capituli pro Convocatione.

PAteat Univerſis per præſentes quod Nos Capitulum Eccleſiæ Metropolitanæ Ebor' dilectos nobis in Chriſto honorabiles & circumſpectos Viros Magiſtrum *Edvardum Kellet*, Ll. D. præcentorem Eccleſiæ Metropolitanæ Ebor' *Cuthbertum Marſhall* S. T. P. *Edmundum Worſlay* Canonicos Eccleſ. Ebor' ac Præbendarios Præbendarum de *Huſtwhent* & *Bugthorp*, *Johannem Collman* Sub-Theſaurarium Eccles' Metrop' Ebor' *Thomam Farrehere* in Legibus Baccalaureum Cauſarum ſive Negotiorum noſtrorum Auditorem, & *Chriſtopherum Aſhton* Cuſtodem fabricæ Eccles' Metrop' Ebor' noſtros veros & Legitimos Procuratores, Excuſatores, & Nuntios ſpeciales, Ordinamus facimus & Conſtituimus per præſentes, ad Comparend' pro Nobis & Nomine noſtro coram Reverendiſſimo in Chriſto Patre & Domino Domino *Edwardo* permiſſione divina *Ebor'* Archiepiſcopo, Angliæ Primate & Metropolitano ejuſve Locum-tenente ſive Commiſſario in Convocatione Cleri Dioces' & Provinciæ Ebor' in Eccleſiæ *S. Petri Ebor'* ſecundo die Maii prox' futur' poſt datam præſentium, cum Continuatione & Prorogatione dierum ex tunc ſequentium, ſi oporteat, & Locorum celebrand' ad Tractand' coram Eodem Reverendiſſimo in Chriſto Patre, Ejuſve Locum-tenente ſeu Commiſſario ac Cæteris Prælatis & Cleri Procuratoribus tunc præſentibus de & ſuper his quæ dictum Dominum noſtrum Regem, Pacem, Tranquillitatem, Bonum publicum, & Defenſionem Eccleſiæ Anglicanæ, Regni Angliæ, & ſubditorum Ejuſdem concernunt, & aliis quæ tunc ibidem ex parte dicti Domini noſtri Regis clarius exponentur, una cum Præfato Reverendiſſimo in Chriſto Patre, Ejuſve Locum-tenente tractaturi, ſuumque Sanum conſilium & auxilium impenſuri, hiis etiam quæ tunc ibidem ordinari contigerint conſenſuri, ulteriuſque facturi & recepturi quod natura & qualitas hujuſmodi Convocationis de ſe exigunt: Ratum, gratum, & firmum habentes & habituri quicquid dicti procuratores noſtri, aut aliquis Eorum nomine noſtro fecerint ſeu fecerit in præmiſſis. In Cujus Rei teſtimonium, &c. Dat' ix die Menſis April' Anno Dom' 1539. Ibid. fol. 229.

NUM. CLI.

Schedulæ Prorogationis Convocat' Ebor'.

24 *Novemb.* 1545. IN Dei nomine, Amen. Nos *Johannes Rookebie* Legum Doctor Reverendiſſimi in Chriſto Patris & Domini Domini *Roberti* permiſſione Divina Ebor' Archiepiſcopi Angliæ Primatis & Metropolitani, Autoritate Excellentiſſimi in Chriſto Principis & Domini noſtri Domini *Henrici* viii Dei gratia Angliæ, Franciæ, & Hyberniæ Regis, Fidei Defenſoris, & in terra Eccleſiæ Anglicanæ Supremi Capitis legitime fulcitus Vicarius in Spiritualibus Generalis & Officialis Principalis, in hac Sacra Convocatione ſive Concilio Provinciali Commiſſarius ſufficienter & legitime deputatus, Rite & Legitime Procedens A. D. 1545. Convoc. Book of *York*.

A. D. 1539. cedens hanc Sacro-ſanctam Convocationem ſive Synodum generalem Prælatorum & Cleri Provinciæ Ebor' in hos diem & locum alias prorogatam uſque ad & in xxvi^m^ diem menſis Januarii prox' immediate ſequent' inter horas Octavam & Undecimam ante meridiem Ejuſdem diei hoc Loco de Conſenſu Collegarum noſtrorum continuamus & prorogamus: Monentes Omnes & Singulos jam præſentes, quatenus Eiſdem Loco, die, & horis, interſint ad ulterius faciendum & recipiendum quod negotia & natura dictæ Convocationis ſuadebunt in hac parte in hiis ſcriptis.

14 *Decemb.* 1545.— In Dei Nomine Amen. Nos *Robertus* permiſſione divina *Ebor'* Archiepiſcopus Angliæ Primas & Metropolitanus Autoritate Domini noſtri Domini *Henrici* viii, &c. Legitime fulcitus, hanc Sacro-ſanctam Convocationem ſive Synodum generalem Prælatorum & Cleri Provinciæ Ebor' in hos diem & Locum alias Prorogatam uſque ad & in xxii^dum^ diem menſis Decembris prox' futur' inter horas octavam & undecimam ante meridiem Ejuſdem diei hoc loco continuamus & prorogamus: Monentes omnes & ſingulos jam præſentes quatenus eiſdem die & loco & horis interſint ad ulterius faciend' & recipiend' quod negotia & natura dictæ Convocationis ſuadebunt in hac parte in hiis ſcriptis.

NUM. CLII.

Monitio ad Synodum Legatinam.

A. D. 1555. Regiſtrum Bonner Lond. fol. 394. EDmundus permiſſione divina London Epiſcopus Reverendo in Chriſto Confratri noſtro Thomæ eadem permiſſione Elien' Epiſcopo ſalutem & Fraternam in Domino Charitatem; Noverit Fraternitas veſtra Reverenda Nos Literas Commiſſionales & Mandatarias Illuſtriſſimi & Reverendiſſimi in Chriſto Patris ac Domini Domini Reginaldi miſeratione divina Sanctæ Mariæ in Coſmedin ſanctæ Romanæ Eccleſiæ Diaconi Cardinalis Poli nuncupati, ſanctiſſimi Domini noſtri Papæ & ſedis Apoſtolicæ ad Sereniſſimos Phillippum & Mariam Angliæ Reges & Univerſum Angliæ Regnum de latere Legati, Sigill' Iſtius Illuſtriſſimi & Reverendiſſimi Patris in quadam capſa Stanea & cera rubea cum filis Sericis rubei Coloris comprehenſo Sigillatas nuper cum Ea qua decuit Reverentia, Obedientia & honore recepiſſe humilr' exequendas, ſub Eo qui ſequitur Verborum tenore. Reginaldus miſeratione divina Sanctæ Mariæ in Coſmedin Sanctæ Romanæ Eccleſiæ Diaconus Cardinalis Polus Nuncupatus Sanctiſſimi Domini noſtri Papæ & ſedis Apoſtolicæ ad Sereniſſimos Phillippum & Mariam Angliæ Reges & Univerſum Angliæ Regnum de latere Legatus Venerabili & Nobis in Chriſto Dilecto Edmundo Epiſcopo London ſalutem in Domino ſempiternam Circumſpectioni tuæ de Qua in hiis & aliis plurimum confidimus ut Epiſcopos & Reliquos Provinciæ Cantuarien' Perſonas Eccleſiaſticas quæ Sinodis Provincialibus de Jure vel legitima & hic hactenus approbata conſuetudine intereſſe ſolent, quatenus ipſi intra competentem arbitrio tuo Statuendum terminum præſenti qua Spiritus Sancti gratia inſpirante Authoritate Apoſtolica Nobis quomodolibet conceſſa & commiſſa qua fungimur cum eadem Circumſpectione, tua & aliis tam Ejuſdem Cantuarien' quam Eboracen' Provinciar' Epiſcopis, & reliquis Eccleſiaſticis quæ jam hic adſunt perſonis inchoavimus Sinodo per ſe, vel ſi legitimo aliquo ſunt Impedimento detenti per Procuratorem idoneum mandatum legitimum habentem adeſſe & uſque ad ejus finem Intereſſe debeant per ſe vel alium etiam ſub certis contra inobedientes arbitrio tuo comminandis pœnis nomine noſtro moneas & ad eandem Synodum Voces eadem Authoritate tenore præſentium committimus & mandamus, contrariis non obſtantibus quibuſcunque. Datum in Palatio apud Sanctum Jacobum prope Weſtmonaſter' Anno a Nativitate Domini Milleſimo Quingenteſimo quinquageſimo Quinto ſexto Idus Novembris Pontificatus Sanctiſſimi in Chriſto Patris & Domini noſtri Domini Pauli divina Providentia Papæ Quarti Anno Primo. Sic Signatas, Reginaldus Cardinalis Polus Legatus. M. Antonius Faitæ Secretarius Lampſonius. Quarum quidem Literarum Reverendiſſimar' Vigore pariter & Authorite Nos Edmundus Epiſcopus antedictus vos Reverendum Confratrem noſtrum prædictum & per Vos Decanum & Capitulum & Archidiaconos Eccleſiæ veſtræ Cathedralis Cæteroſque

roſque Prælatos quoſcunque & Clerum Dioces' veſtræ prædictæ tam Exemptos quam non Exemptos quoſcunque tenore præſentium Authoritate prædicta peremptorie monemus; Vobiſque & Illis ſub pæna ſuſpencionis ab Officio mandamus quatenus Vos Reverende Confrater antedicte Decanuſque Archidiaconi & Prælati perſonaliter, dictum vero Capitulum & Clerus per Vos authoritate & tenore præſentium monendi per Procuratorem idoneum ſufficienter inſtructum & clauſulam Ratihabitionis in Procuratorio ſuo habentem ſi perſonaliter comparere non poſſint aut voluerint coram dicto Illuſtriſſimo & Reverendiſſimo in Chriſto Patre & Domino Cardinali & Legato prædicto Synodum prædictam Deo favente proſequuturo in Capella ſive Oratorio vulgo vocat the Kings Chappell infra Palatium Regium apud Weſtmonaſter' ſecundo die Menſis Decembris prox' poſt Datam præſentium venturi, (ſi citius ſaltem venire non poteritis aut poterint) inter horas octavam & nonam antemeridiem ejuſdem diei, cum continuatione & prorogatione Dierum & horarum ex tunc ſequen' & Locorum ſi & quatenus dicto Illuſtriſſimo & Reverendiſſimo Domino Cardinali & Legato antedicto ita expedire videatur, in Synodo Legatina prædict' cum aliis Prælatis & Perſonis tam Cantuarien' quam Eborarcen' Provinciar' Compareatis & Compareant Interſitiſque & interſint ſuper hiis quæ in dicta Synodo tractabuntur tractaturi, deliberaturi, conſenſuri & concluſuri, Cæteraque facturi geſturi & expedituri quæ dictæ Synodi natura & Qualitas Litterarumque prædictar' tenor in & de ſe exigunt & requirunt, Vobis inſuper injungimus & mandamus ſub pæna ſuſpenſionis prædictæ tam de receptione & executione præſentium ac de omni Eo quod in hac parte feceritis unacum ſchedula nomina omnium in hac parte monendor' ſufficienter & plene continente dictum Illuſtriſſimum & Reverendiſſimum in Chriſto Patrem Cardinalem & Legatum antedictum dictis die hora & Loco debite Certificet Fraternitas veſtra. Dat' in Palatio noſtro London ſub ſigillo noſtro Decimo die Menſis Novembris Anno Domini Milleſimo Quingenteſimo Quinquageſimo quinto Et noſtræ Tranſlationis Anno Decimo ſeptimo. A. D. 1555.

Ita eſt Edmundus Epiſcopus London.

NUM. CLIII.

Prorogatio Concilii Legatini.

REginaldus miſeratione divina tituli Sanctæ Mariæ in Coſmedin Sanctæ Romanæ Eccleſiæ Presbiter, &c. Venerabili fratri noſtro Epiſcopo London ſeu Ejus in Spiritualibus Vicario vel Officiali Generali ſalutem in Domino Sempiternam. Cum Nos ultra Annum proxime elapſum tum ut bonorum Eccleſiaſticorum quæ injuria Superiorum temporum ablata Sereniſſimor' Regis & Reginæ Præfatorum pietate Paulo ante Eccleſiæ reſtituta fuerant Ratio quædam & diſpoſitio ad Dei Omnipotentis Gloriam & hujus Cleri & populi Utilitatem conſtitueretur, tum vero ut Eccleſia hæc Anglicana quæ ob præteriti Schiſmatis Calamitatem valde deformata erat in doctrina & moribus ad Sacrorum Canonum normam reformaretur, accitis & aſſiſtentibus Nobis utriuſque Cantuarien' viz. Et Eboracen' Provinciæ Epiſcopis & Clero Synodum Inſtituiſſemus & inchoaviſſemus & in illa per nonullos dies ad hoc Statutos ac de die in diem prorogatos rite & legitime procedendo nonnulla quæ ad Eorundem bonorum Eccleſiaſticorum diſpoſitionem pertinebant & multa alia quæ ad reformationem ſpectabant Statuta fuiſſent, ac deinde Sacram Synodum hujuſmodi, tum quia Quadrageſimale tempus quo Paſtoribus a gregibus ſibi commiſſis diutius abeſſe non licebat jam inſtabat, tum quia ad Ulteriora quæ tractanda remanebant abſque Majorum informatione quæ ſine ſingularum Dioceſium Viſitatione commode fieri non poterat, pergredi non ſatis bene Valebamus, Uſque ad decimum diem Menſis Novembris prox. exinde ſequentis prorogaviſſemus, Viſitationemque per Ordinarios locorum etiam Authoritate noſtra faciend' eſſe decreviſſemus poſt modum quia ut ad certam noſtram devenerat notitiam Viſitatio in nonnullis Dioceſibus propter earum amplitudinem & alias juſtas Cauſas ad id tempus compleri non potuerat pro Certiori bonor' Eccleſiaſticor' prædictor' quantitatis & qualitatis ratione ſine qua ad perfectam Illorum diſpoſitionem devenire non poterat habenda majus temporis Spatium requirebatur, & ab nonnullas alias rationabiles Cauſas animum noſtrum moventes Sacram Synodum prædictam uſque in Deci- A. D. 1557. Regiſtrum *Bonner*, Lond. fol. 424.

A. D. 1557. mum diem Menſis Novembris præfatum alias in ultima Seſſione generali ejuſdem Synodi prorogatum uſque ad decimum diem Menſis Maii proxime ſequentis in Ædibus noſtris Lambethi Wintonien' Dioc' tunc celebrand' Authoritate Apoſtolica continuavimus & prorogavimus prout in aliis noſtris ſuperinde confectis Literis plenius continetur, cum autem ob maximam Victualium omnium hoc in Regno de præſenti vigentem penuriam Epiſcopis & aliis perſonis Eccleſiaſticis quæ eidem Synodo de Jure vel conſuetudine intereſſe tenentur non niſi cum magno Eorum incommodo ad eandem Synodum continuandam in decimum diem Menſis Maii proxime ſequentis ut permittitur prorogatam, eadem Authoritate Apoſtolica Nobis hac in noſtra Legatione conceſſa qua fungimur, in hac parte tenore præſentium in diem decimum Menſis Novembris prox' ſequentis continuamus & prorogamus, Circumſpectioni igitur tuæ de qua in hiis & aliis plurimum confidimus quatenus per Te vel alium, vel alios Venerabiles Confratres noſtros Epiſcopos & cæteras Provinciæ noſtræ Cantuarien' prædictæ perſonas Eccleſiaſticas quæ ſacræ ſynodo præfatæ intereſſe quoviſmodo debuerint de prorogatione & continuatione Ejuſdem in dictum decimum die proxime futuri Menſis Novembris Certifices Eoſdemque quatenus Ipſi eodem decimo die Menſis Novembris in dictis Ædibus noſtris Lambethi Sacræ Synodo quam cum eadem Circumſpectione tua & aliis tam Cantuarien' quam Eboracen' Provinciar' prdictar' Epiſcopis & reliquis Perſonis Eccleſiaſticis tunc intereſſen' alias Inchoavimus & ut præfertur prorogavimus, perſonaliter, vel ſi legitimo aliquo Impedimento ſunt detenti, per earum Procuratores idoneos Mandatum legitimum habentes adſint, & uſque ad ejus finem interſint etiam ſub certis contra inobedientes tuo vel alior' tuorum hujuſmodis literarum Executor' Arbitrio comminandis pœnis nomine noſtro moneas & ad eandem Synodum ſic prorogatam Voces & Cites Authoritate & tenore prædictis committimus & mandamus. Dat' in Manerio noſtro de Croyden Winton' Dioc' Anno a Nativitate Domini 1551. Tertio Cl' Aprilis Pontificatus Sanctiſſimi in Chriſto Patris & Domini noſtri Domini Pauli Divina Providentia Papæ Quarti Anno ſecundo.

(1557.)

NUM. CLIV.

A.D. 1575. ARTICLES, whereupon it was Agreed by the moſt Reverend Father in God the Archbiſhop of *Canterbury*, and Other the Biſhops and the whole Cleargie of the Province of *Canterbury*, in the Convocation or Synode holden at *Weſtminſter* by Prorogation, in the Yeere of our Lorde God, after the Computation of the Church of *Englande*, One thouſande, five hundred, ſeventie five, touching th' Admiſſion of apt and fytte Perſons to the Miniſterie, and th' eſtabliſhing of Good Orders in the Churche.

Publiſhed by the Queenes Majeſties Auctoritie.

ARTICLES.

I. THat none ſhalbe made Deacon or Miniſter hereafter, but only ſuche as ſhal fyrſte bryng to the Biſhop of that Dioceſſe, from Men knowne to the ſame Byſhop to be of ſounde Religion, a teſtimoniall both of his honeſt Lyfe, and of his profeſſyng the Doctrine expreſſed in the Articles of Religion, which concerne the Confeſſion of the true Chriſtian Fayth, and the Doctrine of the Sacramentes, compriſed in a Book imprinted, intituled, *Articles, whereupon it was agreed by the Archbiſhops and Biſhops of both Provinces, and the whole Cleargie in the Convocation holden at London, in the Yere of our Lord* 1562, *for the avoydyng of the diverſities of Opinions, and for the eſtabliſhyng of and conſent touching true Religion, put foorth by the Queenes Auctoritie.* And whiche alſo ſhal then be able to anſwere and render to the ſame Byſhop an accompt of his fayth in Latine, agreeable and conſonant to the ſaid Articles, and ſhal fyrſt ſubſcribe to the ſaid Articles. And that everie ſuch Deacon ſhalbe of the Age of xxiii Yeeres, and ſhal continue in that office the ſpace of a whole yeere at the leaſt, before he be admitted to the order of prieſthood, and everie ſuche miniſter ſhalbe of the

the ful age of xxiiii yeeres. And that neyther of thoſe Orders ſhalbe given, but only upon a Sunday or Holyday, and in the face of the Churche, and in ſuche maner and fourme, and with al ſuche other circumſtances, as are appoynted by the booke intituled, *The fourme and manner of makyng and conſecratyng Biſhops, Prieſtes, and Deacons.* A. D. 1575.

2. *Item*, That no Biſhop ſhall geve eyther of the ſayde Orders to any that be not of his owne Dioceſſe, (other then Graduates, reſiaunte in eyther of the Univerſities) unleſſe they be dimitted under the hand and ſeale of that Byſhop of whoſe Dioceſſe they are, and not upon letters dimiſſary of any Chauncelour, or other Officer to any Byſhop.

3. *Item*, That unlearned Miniſters heretofore made by any Byſhops, ſhal not hereafter be admitted to any cure or ſpiritual function, accordyng to the Queenes Majeſties Injunction in that behalfe, for which purpoſe the Byſhop ſhall cauſe ſtraight and diligent Examination to be uſed in the admiſſion of al Curates to the charge of any Cure.

4. *Item*, That diligent Inquiſition be made in every Dioceſſe for al ſuch as have forged or counterfaite letters of orders, that they may be depoſed by the Commiſſioners Eccleſiaſtical.

5. *Item*, That the Byſhops by their letters do certifie one to another the names of ſuch counterfayte Miniſters, to the end they be not ſuffered to ſerve in any other Dioceſſe.

6. *Item*, That from henceforth none ſhalbe admitted to any Orders Eccleſiaſtical, unleſs he do preſently ſhew to the Byſhop a true preſentation of hymſelf, to a benefice then voyde within the dioceſſe or juriſdiction of the ſayde Byſhop, or unleſſe he likewiſe ſhewe to the ſayde Byſhop a true certificate, where preſently he may be placed to ſerve ſome Cure within the ſame dioceſſe or juriſdiction, or unleſſe he be placed in ſome Cathedral or Collegiate Church, or Colledge, or unleſſe the Byſhop ſhall foorthwith place him in ſome vacant Benefice or Cure, or unleſſe he be knowen to have ſufficient Patrimonie or Lyuelode of his own.

7. *Item*, That none ſhalbe admitted to any dignitie or benefice with cure of ſoules, unles he be qualified accordyng to the tenor of the firſt article: and yf any ſuche dignitie or benefice be of the yeerely value of thirtie poundes or above, in the Queenes bookes, unleſſe he ſhalbe a Doctor in ſome facultie, or a Batcheler of divinitie at the leaſt, or a Preacher, lawfully allowed by ſome Byſhop within this Realme, or be One of the Univerſities of Cambridge or Oxforde, and ſhal geve open tryal of his preachyng before the Byſhop or Ordinary, or ſome other learned men appoynted by him, before his admiſſion to ſuch dignity or benefice: and nevertheleſſe, where the ſtipends or livinges be very ſmall, there to chooſe and admit of the beſt that can be found in ſuch Caſe of Neceſſity.

8. *Item*, That al Licenſes for preachyng, graunted out by any Archbiſhops or Biſhops within the Province of Canterburie, bearing date before the eight of February 1575 be voyde and of none effect: and nevertheleſſe, al ſuche as ſhalbe thought meete for that office, to be admitted agayne without difficultie or charge, paying nothing for the ſame.

9. *Item*, That every Byſhop take order, that able preachers within his dioceſſe, do earneſtlie and with diligence teach theyr auditours ſound doctrine of fayth and true religion, and continually exhort them to repentance and amendement of lyfe, that they may bryng forth the fruites of fayth and charitie, and be liberall in almes and other Good deedes commaunded by Gods word. And that none be admitted to be a Preacher, unleſſe he be firſt a Deacon at the leaſt.

10. *Item*, That every Biſhop in his Dioceſſe, ſhal with all expedition take order that the Catechiſm allowed be diligently taught to the youth in everye Pariſhe Churche, and that the Homilies (where no Sermons be had) be duely read in order, as they be preſcribed, every Sunday and Holyday.

11. *Item*, That every Biſhop ſhal lykewyſe take order within his Dioceſſe, that every Parſon, Vicar, Curate, and Stipendarie Prieſt, beyng under the degree of a Maiſter of Arte, and beyng no Preacher, ſhall provide and have of his Owne, within two monethes after warning geven to him or them, the New Teſtament, both in Latine and Engliſhe, or Welſhe, and ſhal conferre daily one

Chapter

A. D. 1575. Chapter of the ſame, the Latine and Engliſhe or Welſhe together. And that Archdeacons, Commiſſaries and Officials in theyr Synodes and Viſitations, ſhall by theyr diſcretion appoynt to every of the ſayde Parſons, Vicars, Curates, and Stipendarie Prieſtes, ſome certayne Taxe of the Newe Teſtament to be conde without booke, or otherwiſe to be travailed in, as ſhalbe thought moſt convenient to the ſaid Archdeacons, Commiſſaries or Officials: and ſhall exact a rehearſal of the ſame, and examine them howe they have profited in the Studie thereof, at their next Synodes and Viſitations, or ſuche other time or tymes, as to them ſhalbe thought meete.

12. *Item*, That from henceforth there be no Commutation of any Penance, by any having ordinary juriſdiction Eccleſiaſticall, or any their Officers or Deputies, into any mulcte pecuniary, unleſſe the ſame be done upon great and urgent Cauſes by the Conſent of the Biſhop of the Dioceſſe, declared in writing, and under his hand and ſeale.

13. *Item*, That al Archdeacons, and Others which have ordinary juriſdiction Eccleſiaſticall, and theyr officers and deputies, ſhall call before all ſuche perſon and perſons, as ſhalbe detected or preſented before them, or any of them, of any Eccleſiaſtical crime or fault, and ſhall uſe all meanes by Law preſcribed, to convince and puniſhe ſuche as be founde to be offenders, effectually upon paine of Suſpention from his or their office.

God ſave the Queen.

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Cum privilegio Regiæ Majeſtatis.

The Article ſtruck out by the Queen.

That the Byſhops ſhould take order, that it be publiſh'd and declared in every Pariſh Church within their Dioceſſes, before the firſt day of *May* then next following, That Marriages might be ſolemnized at all times in the year; ſo that the Bannes on their ſeverall Sundays or Holydays, in the Service-time, were openly asked in the Church, and no Impediment objected; and ſo that alſo the ſaid Marriage be publickly ſolemnized in the face of the Church at the aforeſaid time of Morning Prayer.

Dr. *Heylin*'s Hiſt. of the Presbyter. Book vii. Sect. 14.

NUM. CLV.

E. Tom. IV. *Concil' Kerp' Card' de Aquire. Rom.* 1693. *p.* 224. *de Concil' Tolet' Prov' Ann'* 1582.

Epiſt' Card' Boncampagni ad P. Card' Quizogam de Legato Regio in Concilio Toletano nullatenus nominando.

Illuſtriſſ. ac Reverendiſſ. Dom' Obſervandiſſime.

A. D. 1584. PRæter Ea quæ aliis literis Illuſtriſſimæ D. V. ſcrip' de Provinciali Synodo Toletana, Placuit ſanctiſſimo D. N. ut ſeorſim his literis de re graciori ad Eandem Synodum pertinente Illuſtriſſimam amplitudinem Veſtram admonerem; quo rectius quicquid facto opus ſit intelligat, ac ſingulari prudentia dexteritateque ſua id quam ſuaciſſime fieri poterit exequatur. Nunquam invenitur ſæculares Principes Eorumve Nuncios interfuiſſe Conciliis, niſi Univerſalibus, ubi agitur de fide, reformatione, & de Pace; quod non deceat neque fas ſit Illos ſpectatores fieri rerum quæ ſacerdotibus dei nonnunquam Eveniunt, ut legitur in Can' XVII. Oct' Synod' Conſtantin' Seſſ. 10. ſub Adriano II. celebratæ. Interfuerunt nonnullis conciliis Provincialibus antiqui Reges, ſed non alia de Cauſa quam ut reciperent fidem, & Patres ab Immanitate Infidelium ſeu Hæreticorum tuerentur. Extra hos Caſus, Principes Sæculares, non invitatos, Conciliis

ciliis intervenire ſanctorum patrum Decretis Hiſtoriis & Conſuetudini quæ in Cæteris Omnibus Chriſtiani nominis regnis & Provinciis ad hanc diem Obſervatur, valde repugnat. Quamobrem Pius IV. & Pius V. Papæ maximi ſpecialibus mandatis providerant, ne aliqui nomine Regio in Concilio Provinciali ſuperiori *Toletano* intereſſe deberent, ſed Ejus Concilii abſolutio Pontificum mandata prævenit, adeo ut effectum debitum ſortiri tunc non potuerint. Nunc autem ne res tranſeat in Exemplum aliis Provinciis & Regnis, jubet Sanctiſſimus D. N. in publicatione facienda poſtremo hujus Concilii *Toletani* expungi, etiam in ipſomet Originali, mentionem Legati Regii qui præſentiam ſuam in Eo legitur exhibuiſſe *p.* 6. in 1 *Act.* ibi. " *Et ipſius nomine præſente admodum illuſtri Gome-*" *zio de Avila, Marchione de Velada*, &c. atque Eadem ratione Omitti illa verba, *p.* 55. in Gratiarum Actionibus " *Perilluſtri Marchioni Legato Regio.* Hæc habui quæ ſanctitatis ſuæ juſſu & nomine D. V. Illuſtriſſimæ ſignificarem, Cui quod reliquum eſt bonam Opto valetudinem, meque Omni animi ſtudio Commendo. A. D. 1584.

Romæ die 10 *Septembr.* 1584.

D. V. Illuſtriſſ. ac Reverendiſſ. humillimus Servus
Philippus Boncompagnus Card. S. Xyſti.

Epiſtola D. Card' Quirogæ in qua reſpondet D. Cardinali S. Xyſti, Circa Ea quæ objecta fuerunt: Et contendit exemplis Variis ex ſacra antiquitate petitis, moris fuiſſe ut legati & miniſtri Regii in Actis Synodorum Nominarentur: Proindeque id licuiſſe ac licere modo Patribus Concilii Toletani.

Illuſtriſſ. & Reverendiſſ. Domine.

LIteris amplitudinis V. Illuſtriſſimæ quas ad me 10 Sept. Sanctiſſimi D. N. nomine dedit duo continentur. Unum eſt, Sæculares Principes Eorumve Nuncios nunquam interfuiſſe Conciliis niſi *Univerſalibus*. In *Provincialibus* enim non alia de Cauſa Reges adfuiſſe, quam ut reciperent fidem, & Patres ab Immanitate infidelium ſeu hæreticorum tuerentur; vel quod invitati veniſſent. Alterum vero eſt, legati Regii nomen de noſtri Concilii *Toletani* initio fineque expungi Oportere. His literis ut qua decet veneratione reſpondeam, exponam prius Cauſas Cur legatus Regius in Concilio Provinciali ſit a Nobis admiſſus: Deinde cur videatur Nomen ejus ſine magnis incommodis deleri non poſſe. Illud tamen Præfabor, nihil me temere & præcipitanter in Eo tunc Geſſiſſe; ſed doctis viris in Conſilium adhibitis, & re tota cum Reverendiſſimis Epiſcopis Comprovincialibus meis mature Communicata.

Miſſus eſt igitur ad noſtrum Concilium perilluſtris *Marchio Velada* a Rege Catholico Domino noſtro cum honorificentiſſimis & modeſtiſſimis literis, ut ejus Majeſtatis nomine noſtris tractatibus intereſſet: Eumque admiſimus his de Cauſis.

I. Quia in Ea poſſeſſione Reges *Hiſpaniæ* fuiſſe videramus, ut Præſentes *Conciliis Provincialibus* ſui Regni eſſent, non modo Ipſi, ſed Eorum Nomine Illuſtres Comites Officii Palatini. Cujus conſuetudinis frequentia Exempla ſunt in Omnibus prope Conciliis *Toletanis Gotthorum* Regum tempore habitis. Nam in iii° *Toletano* præſens eſt *Reccaredus* Rex, cum Optimatibus. In iv. *Siſenandus* Rex. In v. *Chinthila* Rex cum ſenioribus Palatii ſui. In viii° *Recceſvinthus* Rex cum Comitibus. In xii° & xiii° *Ervigius* Rex cum Eiſdem Comitibus. In xv. xvi. & xvii. quæ nondum ſunt impreſſa, *Egica* Rex cum Illuſtribus Palatinis ibidem ſubſcribentibus. Quibus Omnibus Conciliis vix ulla Quæſtio fidei agitata, ſi iii^m^ xiv^m^ & xv^m^ excipias; Reformationis tantum Capita tractata; Nullum ibidem ab Hæreticis aut Infidelibus periculum, cum in iii° Concilio *Toletano* Arianiſmus ab *Hiſpania* penitus Exulaſſet.

II. Poſt recuperatam quoque de Sarracenis Hiſpaniam, idem factum in poſterioribus *Conciliis Provincialibus*, quorum mentio aut in noſtris Hiſtoriis extat, aut integra actorum Manuſcripta Exemplaria apud Nos magno numero cum fide ſervantur. Nam in *Compoſtellano* Anno 876. adfuit *Aldefonſus* iii^us^ Rex cognomento Magnus. Et in *Ovetenſi* Anno 877. idem Rex cum Comitibus, quod ſcriptum reliquit Samperus Epiſc' *Aſturicenſis*, pervetuſtus auctor. In *Legionenſi* Anno 1012 *Aldephonſus* V. cum Optimatibus Regni. In *Pampilonenſi*

A. D. 1584. Anno 1023. *Sanctius* IV. Rex *Navarræ* cum Optimatibus. In *Cojancenſi* diæceſis *Ovetenſis*, Anno 1050 *Tredenandus* Magnus. In *Jaccenſi* Anno 1063. *Arragoniæ* Rex *Ranimirus* cum Optimatibus. In altero *Legionenſi* Anno 1090. ſub *Reverio* Cardinali Legato *Urbani* II. *Aldephonſus* Rex VI. In *Palentino* ſub *Raymundo* Archiepiſcopo *Toletano* Anno 1129. *Aldephonſus* VIII. *Caliſti* II. fratris filius. In *Carrionenſi* Eodem Anno ſub *Huberto* Cardinali Legato Honorii II. idem *Aldephonſus* VIII. Quod de his tribus poſterioribus Conciliis memoriæ prodidit in Hiſtoria Compoſtellana *Munio Aldephonſiades* Epiſcopus Mindonienſis ejus Ætatis ſcriptor. His vero Omnibus Conciliis mores tantum Reformati Leguntur, hæreſis nulla mentio.

Poſt id tempus rara apud Nos Provincialia ſunt habita.

III. Similia Exempla recenti memoria habemus in his *Conciliis Provincialibus* quæ mox poſt finitam Sanctam Synodam *Tridentinam* Anno 1566 in Omnibus Hiſpaniæ Regnis ſunt Celebrata. Nempe in *Toletano* ſuperiore, *Compoſtellano*, *Tarraconenſi*, *Valentino*, *Granatenſi*, *Cæſar Auguſtano*, *Brocarenſi*, *Ulyſſiponenſi*, & *Eborenſi*: quibus legati regii ſemper interfuerunt.

IV. Eam ipſam Conſuetudinem fuiſſe apud alias Nationes legeramus; ut in *Italia*, *Gallia*, *Germania*, & *Anglia*; in quibus Imperatores Occidentales & reges cum ſuis Optimatibus convenerunt ad *Concilia Provincialia*, in quibus Reformatio, non Cauſa fidei agebatur. De jure non diſputamus: ſed paſſim tamen Conciliorum Volumina & Hiſtoria id factum eſſe teſtantur. Ut exempli Cauſa in *Sueſſionenſi* Anno 744. *Pipinus* adfuit cum ſuis Optimatibus. In Concilio apud *Theodonis villam* Anno 812 ſub *Carolo M.* & *Ludovico* Impp. in fine dicitur " *Imperatores & Galliæ Principes ſubſcripſerunt, ſinguli ſingulas facientes Cruces.* In *Metenſi*, Comites & plures Nobiles. In *Aquiſgranenſi* celeberrimo Anno 816. *Ludovicus* Imp. In *Meldenſi* Anno 845. ſub *Carolo* juniore Canones repetuntur multorum Conciliorum quæ præſentibus regibus & approbantibus de reformatione eſſent habita. In Synodo quoque apud *S. Medardum* Anno 853. idem *Carolus* præſens fuit. Interfuit autem his ambabus Synodis magnus ille *Hincmarus* Archiepiſcopus *Rhemenſis*, Conciliorum gravis deſcriptor. In *Triburienſi* Anno 896. *Arnulphus* Rex cum Regni ſui Principibus. In *Ingelheimenſi* ſub *Marino* legato Apoſtolico Anno 958. *Otho Germanorum* & *Ludovicus Francorum* reges affuerunt. In *Viceliaco Burgundiæ*, Anno 1145. *Ludovicus* Rex cum Regni principibus. In *Pariſioni* Anno 1187. *Philippus* Rex In *Herbi-polenſi* Anno 1238. *Rodulphus* Imperator cum ducibus & Comitibus. Longum eſſet reliqua Numerare. Et tamen conſtat hos principes imprimis Catholicos, & libertatis Eccleſiaſticæ vindices eſſe appellatos: quæſtionem autem fidei nullam pœne his conciliis habitam. Tantum vero abeſt ut hi principes Invitatos ſe veniſſe dicant, ut ipſi potius ſe Epiſcopos invitaſſe paſſim prædicent.

V. Referri quoque ab ipſo *Gratiano* animadvertebamus Reges aliquos qui Conciliis hujuſmodi interfuiſſent. Ut *Conradum* regem Concilio *Alpheſiano* 31. *q.* 1. *cap. Illud vero.* *Pipinum* Regem Concilio *Wermerienſi* 29. *q.* 2. *cap. Si quis ingenuus.* *Henricum* Regem *Concilio* apud *Erphesfort* in *Germania* 15. *q.* 4. *cap. Placita.* ut in nova *Gratiani* Correctione habetur.

VI. Quorundam Conciliorum expreſſis Canonibus præcipi Videmus, ut Ea præſentibus Regibus haberentur, vel judices Regii ad ipſa *Concilia Provincialia* convocarentur. Ut in Concilio apud Palatium *Vernis* Anno 755. præcipitur *cap.* 4. *Ut ſingulis Annis menſe Martio Synodus fiat in Regis præſentia.* Et iii° Concilio *Toletano*, *cap.* 18. *Ad Concilia* (inquit) *ſemel in Anno Epiſcopi congregentur: Judices quoque locorum & actores fiſcalium Patrimoniorum ſimul cum ſacerdotali Concilio in Unum Conveniant.* Et IV *Toletano*, *cap.* 3. *Executor* (inquit) *a principe poſtuletur, qui cogat venire judices ſæculares ad Synodum.* Et in viii° *Toletano Receſvinthus* Rex ſic alloquitur Comites Palatinos: *Vos etiam illuſtres Viros quos ex Officio Palatino huic ſanctæ Synodo intereſſe primatus Obtinuit, ac Nobilitas expectabiles honoravit, &c.*

VII. Nunquam Pontificem aliquem Romanum, vel noſtra, vel Superiorum temporum memoria fuiſſe legeramus vel audieramus, qui aut Reges noſtros intereſſe, aut Epiſcopos illos admittere prohibuiſſet.

VIII. Le-

VIII. Legatos Regis noſtri modeſtiſſime hac ſua præſentia uſos in Conciliis omnibus ſuperioribus accepimus: adfuiſſe videlicet tantum, non propoſuiſſe, non ſententias dixiſſe, nihil denique per Eos imminutam libertatem Eccleſiaſticam. Ipſius autem Regis noſtri Catholicam mentem & modeſtiam, Cum ex reliquis ejus actionibus, vitaque univerſa, tum ex his quas ad Concilium noſtrum dedit literis agnovimus, quarum Exemplum iiſdem verbis ad finem ſubjiciam. Et hæ quidem potiſſimum Cauſæ nos impulerunt ut regium legatum in Concilium admitteremus. A. D. 1584.

Extat quidem Canon ille xvii. Synodi viii* generalis Conſtantinopolitanæ quo Græcos *Impp.* Conciliis tantum generalibus interfuiſſe dicitur: Et in Eandem ſententiam Cap. *Ubinam legiſtis* diſt. 96. ex Epiſt. *Nichol.* I. ad *Michaelem* Imp. Neq; ignorabamus *Gloſſam* in cap. fin. *De iiſque fiunt a Prælato*, &c. & in Capitulo *Adrianus* I. diſt. 63. Et per multos Juris Canonici interpretes Gloſſæ auctoritatem ſecutos, Exiſtimare, laicos *Conciliis* tantum *Generalibus*, quibus de Fide Agitur intereſſe poſſe: *Provincialibus* autem, niſi invitentur, non poſſe. Sed cum tam multa Contraria Exempla Reperiantur (fateor) aliquam aliam illorum Canonum fuiſſe ſententiam ſumus ſuſpicati: nempe vel factum duntaxat ſuperiorum temporum Narraſſe, quod ita ad Eam diem acciderat ut Imperatores Orientales Synodis tantum Generalibus interfuiſſent, quibus ſemper hæreſes aliquæ ſunt profligatæ: vel Canonem illum *Conſtantinopolitanum*, & Epiſtolam *Nicolai* quæ Eodem tempore ſcripta eſt, frænare imprimis Voluiſſe *Michaelis* Imp. Audaciam, qui in Græcia *Synodos* aliquot *Provinciales* ad *Ignatium* Patriarcham deponendum, & Romani Pontificis auctoritatem minuendam paulo ante Congregaverat: vel certe quocunque modo is Canon intelligendus ſit, in Occidente (quod multis Canonibus Græcis accidit) non admiſſum, & in *Hiſpania* præſertim contraria Conſuetudine abrogatum: Cum tam multi Reges & Optimates noſtris Conciliis Provincialibus interfuiſſe legantur, uti paulo ante e magno numero ſelectis Exemplis eſt demonſtratum.

Hæc de priore Parte: Dicam nunc cur legati nomen ex Actis Concilii ſine magnis Incommodis (meo quidem judicio) deleri non poſſit. Nam aut ſecreto id ſuaviterque faciendum eſt, ut Amplitudinis V. Illuſtriſſimæ literæ ſignificant, aut Publice. Secreto qui fieri poterit? Cum frequentiſſimo populo lecta ſint in Templo ea Decreta, Regiſque & Ejus legati nomen, tum in Principio, tum in Gratiarum Actionibus auditum? Cum Eccleſiarum Capitula ad ſuas Appellationes multa Exempla ejus Concilii deſcribenda Curarint, Omniumque Oculis ſubjecerint? Cum Rex ipſe ejus Concilii Exemplum per ſuum Legatum obtinuerit, & diligenter a ſe lectum ad S. D. N. miſerit? Denique id Concilium Exequutioni mandari non poteſt, niſi de more typis excuſum per Provinciam divulgetur. Hiſpaniæ autem leges imprimi quidquam non patiuntur, niſi Conſilii Regii auctoritate probatum, & cum Originali Collatum fuerit.

Publice autem, & Contra Regis Voluntatem deleri legati nomen ſuaviter quidem nulla ratione poteſt. Nam Rex ipſe Catholicus ut alioqui Religionis pietatiſque eſt Obſervantiſſimus, ita juris aucto ritatiſque quam Sibi deberi exiſtimat acerrimus propugnator eſſe Conſuevit. Spoliari autem ſe inauditum moleſte feret hac, quam a majoribus poſſeſſionem accepit, & qua ipſe Etiam in aliis Conciliis eſt Uſus. Deinde periculum eſt ne Reges, ſi ſe conciliis excludi videant incipiant variis artibus *Conciliorum Provincialium* Convocationes impedire, cum magno detrimento Eccleſiaſticæ diſciplinæ, ad quam vel inſtaurandam vel retinendam, antiquis vel recentibus Patrum decretis Eorum frequens Celebratio tantopere Commendatur: Quæ nunc etiam valde ſunt neceſſaria ad ſedis Apoſtolicæ Auctoritatem apud Reges & Populos tuendam.

Præterea hoc noſtrum Concilium qualecunque eſt (quod magnis tamen laboribus Nobis conſtat) perpetua obruetur Oblivione; Et periculum eſt in poſterum ne *Concilii Provincialis* Celebrandi mentionem quiſquam noſtrorum Epiſcoporum facere audeat, cum timeat Ejus Celebrationem Regem noſtrum haud permiſſurum. Poſtremo, non puto defuturos Regi Conſiliarios, qui ubi ſemel res in diſputationem venire cæperit, non id permiſſu atque tolerantia Eccleſiæ, ſed jam ſuo jure Regibus licere perſuadere conentur. Non modo enim pugnabunt Exemplorum numero, & iis rationibus quas ſupra ad tolerandam Illoram præſentiam retulimus; ſed Cauſſabuntur fortaſſe jure ſibi poſſe timere Reges *Hiſpaniæ* a *Conciliis Provincialibus*, cum IV Concilio *Toletano*, *Swinthila* Rege vivente depoſito, *Siſenandus* ejus hoſtis in Regem fuerit Confirmatus. Et nuper Anno

1473.

A. D. 1584. 1473. *Concilium Provinciale* ab Archiepiſcopo & Epiſcopis Regi *Henrico* IV. adverſis in Oppido *Aranda* Celebratum, cauſa fuiſſe exiſtimetur, ut *Aranda* Oppidum Eo ipſo Anno, & Ejus Exemplum aliæ Urbes ſecutæ, a Rege deficerent.

Cavere quoque ſibi Reges poſſe ne quid Patronatibus Regiis incommodetur, quibus diligenter Cautum eſt a *Concilio Tridentino*. Agi etiam ſæpe in Conciliis Provincialibus de iis quæ ad Laicos pertinent, ut de Matrimoniis, & de aliis Cauſis Communibus: Quo eventu Laicos Conciliis intereſſe debere jura non prohibent, doctores non negant.

Multaque hujus generis Argumenta coacervabunt, quæ Regibus & Eorum Conſiliariis in promptu erunt. Quod ſi maxime Cauſa cadant, cum ut res habet, & Amplitudo V. Illuſtriſſima fatetur venire poſſunt invitati, curabunt ſemper ſe ab Epiſcopis invitari, quod haud difficulter obtinebunt.

Quamobrem cum Summorum Pontificum Prudentia in Regibus multa tolerentur, vel majoris Utilitatis parandæ Cauſa, vel majoris damni Vitandi, (cujus rei multa Exempla proferri poſſent e noſtra etiam *Hiſpania* petita, quæ ſedi Apoſtolicæ maxime Obedientem ſe præbet) hoc certe tempore mihi toleranda videtur hujuſmodi Regum præſentia, tam longa Conſuetudine firmata; Ne Quæſtio graviſſima, & alto ſilentio hactenus ſopita, ſi ſemel ſuſcitetur, majora incommoda pariat, & Negotium Reipublicæ faceſſat.

Hæc ſunt ſecreta Animi mei Conſilia, quorum Ego neque Regem, neque quenquam ex Regiis miniſtris participem feci. Sed Ea quæ mihi de re propoſita attente Cogitanti in mentem venerunt, his literis Exponenda putavi. V. Amplitudinis illuſtriſſimæ erit Ea Omnia, aut Eorum Partem quæ maxime ex Uſu eſſe Videbitur, ad SS. D. N. referre, ea Cautione quam rei magnitudo poſtulat, ne foras efferatur. Et quoniam a pleriſque jam intellectum eſt remiſſum ad Nos ab Urbe Concilium Provinciale, idque ab Epiſcopis & Capitulis ſtudioſe Efflagitatur; publicari autem vel Executioni mandari, niſi hac difficultate ſublata non poteſt, ut Me de ſuæ ſanctitatis Voluntate quamprimum Illuſtriſſima V. Amplitudo reddet Certiorem, precibus Omnibus Obſecro, Quam Deus Opt' Max' diu ſalvam fortunatiſſimamque ſervet. Toleti die 15 Novembris, MDLXXXIV.

Amplitudinis V. Illuſtriſſ. & Reverendiſſ. humillimus ſervus.

G. Cardinalis Toletanus.

NUM. CLVI.

Mandatum Archiepiſcopi Cant' ad Publicandum Articulos Stabilitos in Convocatione Anno Dom' 1584.

A. D. 1585. Ex libro Inſtrum' Epiſcopi Lincoln.

JOhannes divina providentia Cantuarienſis Archiepiſcopus totius Angliæ Primas & Metropolitanus, Venerabili Confratri noſtro Domino Johanni eadem permiſſione London' Epiſcopo, Salutem, & Fraternam in Domino Caritatem. Cum in Sacra Synodo Provinciali ſive Convocatione Prælatorum & Cleri noſtræ Cantuar' Provinciæ auctoritate Brevis Regii in ea parte emanati in Domo (Capitulari) Eccleſiæ Cathedralis Divi Pauli London xxiv die Menſis Novembris Anno Dom' 1584 ultimo præterit' inchoata ac celebrata, ac de die in diem & loco in locum continuat' & prorogat'. de conſilio & aſſenſu veſtris & aliorum venerabilium confratrum noſtrorum totiuſque Cleri noſtræ Cant' Provinciæ in eadem Sacra Synodo ſive Convocatione ultimo die Menſis Martii ultimo præterit' congregat' inter nonnulla alia per Nos mutuo & unanimi noſtro conſenſu ad Dei gloriam illuſtrandam, Divini cultus augmentum, Eccleſiæ Anglicanæ utilitatem, & Ordinis Clericalis decentiam tendentia ordinata & ſtabilita, ex certis magnis & urgentibus cauſis per Nos eiſdem Confratribus noſtris & Clero dictæ noſtræ Cant' Provinciæ expoſitis, & inter nos matura deliberatione conſideratis & ponderatis, quaſdam Ordinationes intitulat' *Articuli per Archiepiſcopum, Epiſcopos, & reliquum Clerum Cantuar' Provinciæ in Synodo inchoata London'* xxiv *die Menſis Novembris, A. D.* 1584. *Regnique Sereniſſimæ in Chriſto Principis Dominæ Elizabethæ Dei Gratia Angliæ Franciæ & Hyberniæ Reginæ, &c.* xxvii° *Stabiliti, & Regia Auctoritate Approbati & Confirmati*; Nos igitur

igitur Ordinationes ſupradictas in & per totam Provinciam noſtram Cant' debitæ executioni demandari volentes eaſdem per Typographum ad hoc auctoritate legitima munitum Typis excudi mandavimus; Unumque Exemplar ita Excuſum & impreſſum præſentibus annexum una cum vero Exemplari Manuſcripto cujuſdam Obligatoriæ Cautionis de qua in dictarum Ordinationum una ſit mentio, ne quiſquam ignorantiam prætexere poſſit, Fraternitati veſtræ tranſmittimus publicand'. Eidem Fraternitati veſtræ firmiter præcipiendo mandantes quatenus vera Exemplaria prædictarum Ordinationum ac cautionis obligatoriæ prædictæ ſub ſigillo & [ſeperalibus] literis veſtris univerſis & ſingulis venerabilibus Confratibus noſtris Epiſcopis Suffraganeis dictæ noſtræ Cant' Provinciæ, & Cuſtodibus Spiritualitatis ſedium Vacantium tranſmittend' ex parte noſtra Eis injungatis, Quibus nos etiam harum ſerie injungimus, Quatenus eorum ſinguli in ſingulis Civitatibus & Diœceſibus Eorundem, prout ad Eos & Eorum Quemlibet reſpective pertinet, Ordinationes & cautionem Obligatoriam prædictam debite publicent & denuntient, & ab omnibus quos concernunt Obſervari & debitæ Executioni demandari faciant & curent cum effectu. Ac inſuper Ordinationes memoratas per Fraternitatem veſtram in & per Civitatem & Diœceſim veſtras, prout ad Vos attinet, debite & effectualiter Publicari, Denuntiari, & Executioni debitæ demandari volumus & mandamus prout convenit. In cujus rei teſtimonium Sigillum noſtrum præſentibus apponi fecimus. Dat' in Manerio noſtro de Lambethe xvi° die Mens' Aprilis Anno Dom' 1585. Et noſtræ Tranſlationis ſecundo. A. D. 1585.

Conditio Obligatoria.

THE Condition of this Obligation is ſuch that if hereafter there ſhall not appear any Lawful Let or Impediment by reaſon of any Præ-contract, Conſanguinitie, Affinitie, or by any other Lawful Meanes whatſoever but that the within bounden *A. B.* and *C. D.* may lawfully ſolemnizate Matrimonie together, and in the ſame afterwards lawfully remain and continue like Man and Wife according to the Laws in that behalfe provided; And moreover, if there be not at this preſent time any Action, Suit, Plaint, Querele, or Demand moved or depending before any Judge Eccleſiaſticall or Temporall for and concerning any ſuch Lawful Let or Impediment between the ſaid Parties; And alſo if the ſaid Parties do not proceed to the Solemnization of this Marriage without the Conſent of their Parents or Governours; and laſtly if the ſaid Marriage be openly ſolemnized in the Church, that then this preſent Obligation to be voide and of none Effect, or elſe the ſame to ſtand and abide in full Power, Strength, and Vertue.

NUM. CLVII.

The King's Licenſe to the Convocation of York, *and their Proceedings thereupon,* Anno 1605.

JAMES by the Grace of God King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, *&c.* To all Men to whom theſe Preſents ſhall come, Greeting. Whereas in and by one Act of Parliament made at *Weſtminſter* in the five and twentieth Year of the Reign of King *Henry* the viii*th* reciting that Whereas the King's Humble and Obedient Subjects the Clergie of the Realm of *England* had not only knowledged according to the truth that the Convocations of the ſame Clergie were always, had been, and ought to be Aſſembled only by the Kings Writ, but alſo ſubmitting Themſelves to the Kings Majeſtie had promiſed in *Verbo ſacerdotii* that they would never from thenceforth preſume to Attempt Alledge Claime or Put in Ure or Enact Promulge or Execute any New Canons Conſtitutions Ordinance Provincial or Other or by whatſoever other Name they ſhould be Called in the Convocation unleſſe the Kings moſt Royall Aſſent and Licenſe might to them be had to Make Promulge and Execute the ſame and that the ſaid King did give his moſt Royal Aſſent and Authority in that behalf; It was therefore Enacted by the Authority of the ſaid Parliament according to the ſaid Submiſſion and Petition of the ſaid Clergie, amongſt other things, A. D. 1605. Out of the Convocation Book.

A. D. 1605. that They nor Any of Them from thenceforth ſhould Enact Promulge or Execute any ſuch Canons Conſtitutions or Ordinances Provinciall, by whatſoever Name or Names they might be called in their Convocations in time coming, which always ſhould be Aſſembled by Authority of the Kings Writ, unleſſe the ſaid Clergy might have the Kings moſt Royal Aſſent and Licenſe to Make Promulge and Execute ſuch Canons, Conſtitutions and Ordinances Provinciall or Synodall, upon paine of Every One of the ſaid Clergie doing Contrary to the ſaid Act, and being thereof convict, to ſuffer Impriſonment and make Fine at the Kings Will. And further by the ſaid Act is provided that no Canons, Conſtitutions, or Ordinances, ſhould be made or put in Execution within this Realm by Authority of the Convocations of the Clergie contrary or repugnant to the Kings Prerogative Royal, or the Cuſtoms, Laws, or Statutes of this Realme, any thing in the ſaid Act to the contrary thereof notwithſtanding. And laſtly it is alſo provided by the ſaid Act that ſuch Canons, Conſtitutions, Ordinances and Synodals Provinciall which then were already made and which then were not contrary or repugnant to the Laws, Statutes and Cuſtomes of this Realm, nor to the damage or hurt of the Kings Prerogative Royal ſhould then ſtill be uſed and executed as they were before the making of the ſaid Act untill ſuch time as they ſhould be Veiwed Searched or otherwiſe Ordered or Determined by the Perſons mentioned in the ſaid Act, or the more part of Them, according to the Tenour, Form, and Effect of the ſaid Act, as by the ſaid Act amongſt divers other things more fully, and at large, it doth and may appear. Know ye that We for divers urgent and weighty Cauſes and Conſiderations us thereunto eſpecially moving, of our eſpeciall Grace, certain Knowledge, and meer motion, by vertu of our Prerogative Royall and ſupreme Authority in Cauſes Eccleſiaſticall, have given and granted and by theſe Preſents do Give and Grant full, free, and lawful Libertie Licenſe Power and Authority unto the Reverend Father in God *John* Biſhop of *Briſtol* and Dean of our Metropolitan Church of St. *Peter* in our City of *York* Preſident of this preſent Convocation for the Province of *York* for this preſent Parliament now aſſembled and to the reſt of the Biſhops of the ſame Province, and to all Deans of Cathedrall Churches, Archdeacons, Chapters, and Colledges, and the whole Clergy of every ſeverall Dioceſſe within the ſaid Province, that they the ſaid Biſhop of *Briſtol* Preſident of the ſaid Convocation and the reſt of the ſaid Biſhops of the ſame Province or the greater number of them, whereof the ſayd Preſident of the ſaid Convocation to be One, and the reſt of the Clergy of this preſent Convocation within the ſaid Province of *Yorke* or the greater number of them, ſhall and may from time to time during this preſent Parliament Conferr, Treat, Debate, Conſider, Conſult, and Agree of and upon ſuch Canons, Orders, Ordinances and Conſtitutions, as the ſaid Biſhop of *Briſtol* Preſident of the ſaid Convocation and the reſt of the ſaid Biſhops of the ſame Province or the greater Number of them (whereof the ſaid Preſident of the ſaid Convocation to be One) and the reſt of the Clergy of this preſent Convocation within the ſaid Province of *Yorke*, or the greater Number of them ſhall think neceſſary, fit, and convenient, for the Honour and Service of Almighty God, the Good and Quiet of the Church, and the better Government thereof to be from time to time Obſerved, Performed, Fulfilled, and Kept, as well by the Archbiſhops of *Yorke*, the Biſhops and their Succeſſors, and the reſt of the whole Clergie of the ſaid Province of *Yorke* in their ſeveral Callings, Offices, Functions, Miniſtries, Degrees and Adminiſtrations, as alſo by All and Every Deane of the Arches and other Judge of the ſaid Archbiſhops Courts, Guardians of Spiritualties, Chancellors, Deanes and Chapters, Archdeacons, Commiſſaries, Officials, Regiſters, and All and Every Other Eccleſiaſtical Officers and their inferiour Miniſters whatſoever of the ſame Province of *Yorke* in their, and every of their, diſtinct Courts, and in the Order Manner and Form of their and every of their Proceedings, and by All other Perſons within this Realme as far as lawfully being Members of the Church it may concern them: And further, to Confer, Treat, Debate, Conſider, Conſult, and Agree of and upon ſuch other Points Matters Cauſes and Things as we from time to time ſhall deliver or cauſe to be deliver'd unto the ſaid Biſhop of *Briſtol* Preſident of the ſaid Convocation in writing under our Signe Manual or Privy Signet to be Debated, Conſulted, and Agreed upon, the ſaid Statute, or any other

other Statute, Act of Parliament, Proclamation, Proviſion or Reſtraint here- A. D. 1605.
tofore had made provided or ſet forth, or the Vacancy of the See of *Yorke*, or any other Cauſe Matter or Thing whatſoever to the contrary notwithſtanding. And we do alſo by theſe Preſents give and grant unto the ſaid Biſhop of *Briſtol* Preſident of the ſaid Convocation, and to the reſt of the Biſhops of the Province of *Yorke*, and unto all Deanes of Cathedral Churches, Archdeacons, Chapters, and Colledges, and the whole Clergy of our ſeveral Dioceſſe within the ſaid Province, full free and lawful Libertie Licenſe Power and Authoritie, that They the ſaid Biſhop of *Briſtol* Preſident of the ſaid Convocation, and the reſt of the ſaid Biſhops of the ſame Province, or the greater Number of Them, whereof the ſaid Preſident of the ſaid Convocation to be One, and the reſt of the Clergy of this preſent Convocation within the ſaid Province of *York*, or the greater Number of them, All and Every the ſaid Canons, Orders, Ordinances, Conſtitutions, Matters, Cauſes and Things ſo by them from time to time Conferred, Treated, Debated, Conſider'd, Conſulted, and Agreed upon, ſhall and may ſet down in writing in ſuch form as heretofore hath been accuſtomed, and the ſame ſo ſet down in writing to exhibit and deliver, or cauſe to be exhibited and delivered unto us, to the End that We upon mature Conſideration by Us to be taken thereupon, may Allow, Approve, Confirm, and Ratifie, or otherwiſe Diſallow, Annihilate, and Make voyd ſuch and ſo many of the ſaid Canons, Orders, Ordinances, and Conſtitutions, Matters, Cauſes, and Things ſo to be by force of theſe Preſents Conſider'd, Conſulted, and Agreed upon, as we ſhall think fit, requiſite, and convenient. Provided always that the ſaid Canons, Orders, Ordinances, Conſtitutions, Matters and Things, or any of Them ſo to be Conſider'd, Conſulted, or Agreed upon as aforeſaid, be not contrary or repugnant to the Doctrine, Orders, and Ceremonies of the Church of *England*, already eſtabliſh'd. Provided alſo, and our expreſſe Will Pleaſure and Commandment is, that the ſaid Canons, Orders, Ordinances, Conſtitutions, Matters, and Things, or any of Them, ſo to be by force of theſe Preſents Conſider'd, Conſulted, or Agreed upon, ſhall not be of any force, effect, or validity in the Law, but only ſuch and ſo many of them and after ſuch time as We by our Letters Patents under our Great Seal of *England* ſhall allow, approve, and confirm the ſame, any thing before in theſe Preſents contained to the contrary thereof in any wiſe notwithſtanding. In Witneſs whereof we have cauſed theſe our Letters to be made Patents. Witneſs our ſelf at *Weſtminſter* the xviiith Day of *February* in the third Year of our Reign of *England*, *France*, and *Ireland*, and of *Scotland* the nine and thirtieth.

Per ipſum Regem.

Coppyn.

The Decree hereupon.

WHereas we the Preſident and Clergy of the Convocation of the Province of *Yorke*, authorized by his Majeſties Commiſſion in this behalf have diligently veiwed, and deliberately examined the Conſtitutions and Canons Eccleſiaſtical, treated, concluded, and agreed upon, by the Reverend Father in God *Richard* by God's Providence late Biſhop of *London* Preſident of the Convocation for the Province of *Canterbury*, and the reſt of the Biſhops and Clergy of the ſame Province, by His Majeſties Licenſe, in their Synod begun at *London Anno Dom.* 1603. And ſince that publiſhed for the due Obſervation thereof by his Majeſties Authority, and by his Majeſties ſaid Authority commanded to be diligently obſerved by all his Subjects of this Realm of *England* within both Provinces of *Canterbury* and *York* in all Points wherein they do or may concern Every or Any of Them: We his Majeſties Loyal Subjects furthering as much as is in us the Honour and Service of Almighty God, the Peace of Gods Church, and better Government of the ſame; and finding the ſaid Conſtitutions and Canons very fit and requiſite (for the good of the Churches) to be obſerved within and throughout all the Province of *York*, (yielding reſpectively in all Points to the Archbiſhop of *York*, to every Biſhop of the Province of *York*, and to his and their Chancellors, Commiſſaries, and other Officers having Eccleſiaſtical Juriſdiction within the ſaid Province, ſuch and the ſame Authoritie, as by force of theſe Canons and Conſtitutions was and is ſeverally Attributed

to

A. D. 1605. to the Archbiſhop of *Canterbury*, to the Biſhops, and to Others exerciſing Eccleſiaſtical Juriſdiction in that Province) do therefore decree and ordain that All and Singular the ſaid Conſtitutions and Canons Eccleſiaſtical, and the Contents of Them, and every of Them, be for ever hereafter of full Power, Force, and Authoritie, within the Province of *York*, and be accounted and numbred among the Conſtitutions and Canons of the Province of *York*: And that They and Every One of Them be from henceforth duly and diligently obſerved, executed, and equally kept by all and ſingular Perſons not only of the Clergy but of the Laity within the Province of *York* aforeſaid, ſo far forth as it doth and may concern them, and every or any of them in their ſeveral Functions, Degrees, and States, upon the Perils and Penalties therein expreſſed, and other Cenſures Eccleſiaſtical to be inflicted upon all and every the Tranſgreſſors thereof according to the meaſure and quality of their Offence. In teſtimonie whereof, we for our ſelves, and for the whole Clergy within the Province of *York* lawfully Aſſembled and Deputed in this behalfe, have willingly and *ex animo* ſubſcribed in this Schedule of Parchment annex'd to the Canons and Conſtitutions: Humbly praying the King's moſt Excellent Majeſty graciouſly to accept our moſt humble Duty and Service therein, and to give his Highneſſes Royall Aſſent to the ſame.

NUM. CLVIII.

The Proceſs of the Convocation of York, *in the Settlement of the Liturgie*, &c. Anno 1661.

A. D. 1661. Out of the Convocation-Book.

ULtimo Novembr' 1661: Venerabilibus Viris *Ricardo March* S. T. P. Decano Eccleſiæ Cathedralis & Metropoliticæ Ebor' *Johanne Neile* Sacræ Theologiæ etiam Profeſſore, & *Prolocutore* hujus Convocationis, & *Antonio Elcock* S. T. P. Reverendiſſimi in Chriſto Patris & Domini, Domini *Accepti* Providentia divina Ebor' Archiepiſcopi Angliæ Primatis & Metropolitani Commiſſionar' pro hac Convocatione ſive Synodo Provinciali Prælatorum & Cleri Civitatis, Diœces' & Provinciæ Ebor' legitime fulcit' in præſentia mei *Georgii Aiſleby* Notarii Publici, Regiſtrarii.

—Et tunc præfatus Venerabilis Vir Dominus Decanus antedictus de & cum Conſenſu & Aſſenſu expreſſis dictorum Collegarum ſuorum ſecum Aſſident' rite & legitime procedens omnes & ſingulos Perſonas in hujuſmodi Convocatione comparere debentes publice præconizatas, diutiuſque expectatas, & nullo modo comparentes, ut in Schedula prædicta notatur, pronuntiavit Contumaces, & Eorum quemlibet contumacem, & in pœnam Contumaciarum ſuarum hujuſmodi decrevit ad ulteriora in hujuſmodi Convocatione ſive Synodo procedere ſecundum Naturam Ejuſdem, Eorum abſentiis ſive Contumaciis in aliquo non Obſtant'. Tunc publice perlectis Literis Regiis dicto Reverendiſſimo Patri Ebor' Archiepiſcopo directis, aliiſque Literis Prælatorum hujus Provinciæ Ebor' & una Litera ab Archiepiſcopo prædicto mihi direct' per Venerabilem Virum *Johannem Neile* Synodi prædict' Prolocutorem habitoque tractatu ſolenni & diligenti de & ſuper Eiſdem Literis, & Cauſis hujuſmodi Convocationis Ponderatis atque etiam conſideratis: Iidem Venerabiles Viri unanimibus Conſenſu & Aſſenſu ſuis Cæteriſque Perſonis tunc intereſſent' Commiſſionem ſive Procuratorium ſpeciale fieri decreverunt & concedi Venerabilibus Viris *Johanni Barwick* S. T. P. Decano Eccleſiæ Cath' D. Pauli London: *Johanni Earles* S. T. P. Eccleſiæ Collegiatæ S. Petri Weſtm' Decano: *Henrico Ferne*, S. T. P. Decano Eccleſiæ Cath' Eliens': *Henrico Bridgman* S. T. P. Decano Eccleſiæ Cath' Ceſtrens: *Roberto Hitch* S. T. P. Archidiacono Archidiaconatus Leiceſtr' & Præbendario Præbendæ de Holme Archiepiſcopi in Eccles' Cath' Ebor': *Mattheo Smalwood* S. T. P. Procurator' Cleri Archidiaconatus Ceſtr' & Richmond': *Andreæ Sandiland* Clerico, Rectori de Skerringham alias Scrayingham, & Procurator' Cleri Archidiaconatus de Eaſtryding; & *Humfredo Lloyd* Clerico Præbendario Præbendæ de Ampleford in dicta Eccleſia Ebor' conjunctim & diviſim ad Comparend' & Vice Loco ac nomine Eorum & Omnium & Singulorum Cler' hujus Synodi ſive Convocationis Ebor' intereſſend' in Synodo ſive Convocatione Cleri Provinciæ Cant' jam apud *London* tent' & celebrat' ex conſilio & deliberatione Communi

Communi in negotio Reviſionis Libri Publicarum Precum, nec non formæ Conſecrandi & Ordinandi Epiſcopos, Presbyteros, & Diaconos, Virtute Literarum ſeu Mandati Domini noſtri Regis in ea parte direct' prout per Eandem Commiſſionem ſive Procuratorium ſpeciale inferius deſcript' plenius liquet & apparet, &c. A. D. 1661.

Tenor prædictarum Literarum Regiarum ſequiter in hac Verba.

I.

CHARLES R.

MOſt Reverend Father in God we greet you well. Whereas by our Commiſſion under our Great Seale of England, *bearing date the tenth day of* June *laſt, We did (amongſt other things) give full, free, and lawful Liberty to you as Preſident of the Convocation, and to Other the Biſhops and Clergie for our Province of* York, *to Confer, Debate, Treat, Conſider, Conſult and Agree of and upon ſuch Other Points, Matters and Things as We from time to time ſhould deliver or cauſe to be delivered unto you in Writing under our Signe Manual or Privy Signet, to be debated, conſidered, conſulted, and concluded upon, any Statutes, Act of Parliament, Proclamation, Proviſion, Reſtraint, Clauſe, Matter, or Thing to the Contrary notwithſtanding: Our Pleaſure therefore is, and according to the Liberty and Power reſerved by our ſaid Commiſſion, We do hereby authorize and require, that you Review or cauſe a Review to be had and taken both of the* Book of Common Prayer, *and of the Book of the* Form and Manner of Making and Conſecrating Biſhops, Prieſts, and Deacons; *And after mature Conſideration, that you make ſuch Additions or Alterations in the ſaid Books reſpectively as to you ſhall ſeem meet and convenient: Which our Pleaſure is, that you exhibit and preſent unto us in Writing for our further Conſideration, Allowance or Confirmation; And for ſo doing this ſhall be your Warrant. Given at our Court at* Whitehall *the* 22th *day of* November 1661.

By his Majeſties Command.

To our Right Truſty and Well-beloved the moſt Reverend Father in God *Acceptus* Archbiſhop of *York.*

II.

The Archbiſhops and Biſhops Letter to the Convocation.

Sirs,

YOU ſee the Contents of his Majeſties Letters for the Review of the Book of Common Prayer, and Ordination of Biſhops, Prieſts, &c. *for the diſpatch whereof his Majeſty requires all poſſible Expedition. His Grace, and our ſelves ſit in Conſultation with the Biſhops of the Provinte of* Canterbury. *And becauſe the Time allotted for the diſpatch of theſe things is ſo ſhort, and an Act of Parliament for Confirmation of them ready to paſſe, the Ordinary Courſe of concluding them here firſt, then ſending of them down for your Concurrence, and returning them up again, is ſo dilatory, that it will not be conſiſtent with his Majeſties Expectation. It is therefore our Deſires and Requeſt to you, that forthwith you would paſs a Vote for a Proxie in behalfe of your whole Houſe (wherein our Prolocutors are deſired to concurr) to Dr.* Henry Fearne *Prolocutor, Dr.* John Earles *Dean of* Weſtm. *Dr.* John Barwick *Dean of* Pauls, *or to ſome other of the Lower Houſe of Convocation there* Conjunctim & Diviſim, *to give your Conſents to ſuch things as ſhall be concluded on here in relation to the Premiſes. This Proxie under your Dean and Chapter and your Chancellours Seale we earneſtly deſire may (if poſſible) be ſent up by the next Poſt after this comes to your hands. This is all we have at preſent: We therefore commit you to the Protection of Almighty God, reſting,*

Your moſt Affectionate Friends,

To the Right Worſhipful Dr. *John Neile* Prolocutor, and the reſt of his Brethren of the Convocation Aſſembled for the Province of *York.*

Accept. Ebor.
Jo. Dureſme.
Rich. Carliol.
Bri. Ceſtriens.

A. D. 1661.

III.

The Archbiſhop's Letter to the Regiſter.

Sir,

THE Encloſed to Doctor Neile *your Prolocutor goes to him from All the Biſhops of the Province, having in it a true Copie of another from his Majeſtie to my ſelfe. Deliver it I pray unto him preſently (excuſing my not writing unto him at preſent in particular) and haſten their Diſpatch back according to the Directions therein with as much ſpeed as poſſibly you can; for 'tis of Great and General Concernment. The Chancellour who hath been our Clerk herein will perhaps (if at leiſure) ſay more! I adding only this here in the Cloſe, that if we have not All from you by the End of next Week we are loſt. And in Caſe the Convocation ſit not, wiſh the Doctor preſently to open the Lerter as if it had been ſent to himſelfe only. Farewell.*

Yours,

Novemb. 23. *Accept. Ebor'.*

For Mr. *George Aiſlebie* at the Regiſter's Office in the *Minſter-Yard, Yorke.*

IV.

Procuratorium diverſis Clericis ad Negotiand' in Synodo Provinciæ Cant' tent' apud London' 1661.

PAteat Univerſis per præſentes, Quod nos *Johannes Neile* S. T. P. Referendarius ſive Prolocutor domus inferioris Sacræ Synodi ſive Convocationis infra Provinciam Ebor' tentæ & celebratæ, necnon cæteri Prælati & Clerici in eadem Congregati, unanimibus noſtris Aſſenſu pariter & Conſenſu venerabiles viros *Johannem Barwick* S. T. P. Decanum Eccleſiæ Cath' D. Pauli London. *Johannem Earles* S. T. P. Eccleſiæ Collegiatæ S. Petri Weſtm' Decanum. *Henricum Ferne* S. T. P. Decan' Eccles' Cath' Eliens'. *Henricum Bridgman* Decanum Eccles' Cath' Ceſtrens'. *Robertum Hitch* S. T. P. Archidiaconum Leiceſtrens'. *Matthæum Smalwood* S. T. P. Procuratorem Cleri Archidiaconat' Ceſtr' & Richmond'. *Andream Sandiland* Clericum, Rectorem de Skeringham alias Scrayingham, & Procuratorem Cleri Archidiaconat' de Eaſtryding Com' Ebor' & *Humfridum Floyd* Clericum, Procuratorem Capituli Eccles' Ebor' & Præbendar' Præbendæ de Ampleford in eadem Eccleſia fundat' Conjunctim, & Eorum quemlibet diviſim & in ſolidum, ad Negotia infra ſcripta & Ea concernentia Omnibus & ſingulis melioribus via modo & juris forma, quibus de jure melius aut Efficacius poterimus, noſtros Veros, Certos, Legitimos, & Indubitatos Procuratores, Actores, Factores, Negotiorum noſtrorum Geſtores, & Nuntios ſpeciales, Nominamus, Ordinamus, Facimus, Conſtituimus & Deputamus per præſentes: Damuſque & Concedimus eiſdem Procuratoribus noſtris, & Eorum cuilibet, poteſtatem generalem, & Mandatum ſpeciale, pro Nobis ac Vice, Loco, & nomine noſtris, Omnibus & Singulis quæ in Sacra Synodo ſive Convocatione Cleri Prouinciæ Cant' jam apud Weſtm' tent & celebrat' ex Conſilio & Deliberatione Communi in negotio Reviſionis *Libri Publicarum Precum, necnon Formæ Conſecrandi & Ordinandi Epiſcopos, Presbyteros, & Diaconos* Virtute Literarum ſeu Mandati Sereniſſimi Domini noſtri Regis in ea parte directi, ad Dei honorem, Eccleſiæ & Regni Utilitatem ſalubriter & concorditer Ordinari, Statui, vel decerni contigerint, Conſentiendi, & Conſenſum & Aſſenſum reſpective ſuos dandi & præbendi, aliiſque ex adverſo (ſi & quatenus, Videbitur expediens) diſſentiendi & Contradicendi; Et generaliter Omnia & ſingula alia faciendi, exercendi, & expediendi quæ in præmiſſis aut circa Ea, neceſſaria fuerint ſeu Quomodolibet Opportuna, etiamſi Mandatum de ſe exigant magis ſpeciale quam præſentibus eſt Expreſſum; Et quæ Noſmet ipſi facere poſſemus ſi præſentes perſonaliter intereſſemus (Juribus, Liberatibus, præ-eminentiis & Conſuetudinibus Provinciæ, & Eccleſiæ *Eboracenſis* dignitate, & honore, in omnibus ſemper ſalvis & reſervatis:) Promittimuſque Nos Ratum, Gratum &| Firmum perpetuo habituros totum & quicquid dicti Procuratores noſtri

noſtri fecerint, ſeu Eorum aliquis fecerit in præmiſſis, ſub Hypotheca & Obligatione Omnium & Singulorum Bonorum noſtrorum & in ea parte Cautionem exponimus per præſentes. In cujus rei teſtimonium ſigillum Capitulare Eccleſiæ Cath' & Metropoliticæ B. Petri Ebor' prædict' præſentibus apponi fecimus. Dat' in domo Capitulari dictæ Eccleſiæ Ebor' ultimo die Menſis Novembris Anno Regni Sereniſſimi Domini noſtri Caroli Secundi, &c. xiii° Annoque Domini M DC LX I. A. D. 1661.

NUM. CLIX.

Nomina in Convocationem Cleri Ebor' Provinciæ Vocandorum, Anno Dom. 1424.

Regiſtr. Dec. & Cap. ſede Vacante fol. 361.

Dom' Arch' Ebor'.
Dom' Epiſc' Dunelm'.
Dom' Epiſc' Carliol'.

Decanus Eccles' Ebor'.
Archidiaconus Richmond'.
Archidiaconus Ebor'.
Archid' Eaſt-riding.
Archid' Cleaveland.
Archid' Nottingham.

Capitulum Eccles' Ebor'
Capitulum Beverl'.
Capitulum Rypone.
Capitulum Southwell.
Capitulum Howden.

Præpoſit. Beverlac'.
Abbas Monaſt. B. Mariæ Ebor'.
Abb. de Selby.
Abb. de Sallay.
Abb. de Rupe.
Abb. de Kirkſtall.

Prior S. Oſwaldi.
Pr. de Boſton in Craven.
Pr. de Monkbretton.
Pr. de Drax.
Pr. de Pontefract.
Pr. de Helags Park.
Pr. S. Trinitat. Ebor'.
Pr. S. Andreæ juxta Ebor'.
Officialis Archid. Ebor'.
Procuratores Cleri Ejuſdem.

Eaſtrideing.

Abb. de Melſa.
Pr. de Bridlington.
Pr. de Kirkham.
Pr. de Watton.
Pr. de Wartre.
Pr. de Ferriby.
Pr. de Hanton Price.
Pr. de Ellerton.
Pr. Carth. juxta H.
Officialis Archidiac. Eaſt-riding.
Procuratores Cleri Ejuſdem.

Cleaveland.

Abbas de Whitby.
Abb. de Bella-landa.
Abb. de Rievall.
Prior de Gisburn.
Pr. dc Newburgh.
Pr. de Malton.
Pr. de Morton.
Officialis Archidiaconi Cleaveland.
Procuratores Cleri Ejuſdem.

Nottingham.

Abbas de Welbeck.
Abb. de Rufford.
Prior de Thurgarton.
Pr. de Wirkſopp.
Pr. de Newſtede.
Pr. de Shelforde.
Pr. de Lenton.
Officialis Archidiac. Nottingham.
Procuratores Cleri Ejuſdem.

Richmond.

Abbas de Torneys.
Abb. de Fontibus.
Abb. de Jorevall.
Abb. S. Agathæ.
Abb. de Coverham.
Abb. de Egleſton.
Abb. de Cockerſand.
Miniſter S. Roberti.
Pr. de Cartmell.
Officialis Archidiac. Richmond.
Procuratores Cleri Ejuſdem.
Officialis Præpoſiti Beverl.
Cuſtos Spiritualitatis de Howden & de Howden-ſhire.
Procuratores Cleri Ejuſdem.

Prior Eccleſiæ Dunelm.
Procuratores Cleri Ejuſdem.
Archidiaconus Northumberland.
Officialis Ejuſdem.
Procuratores Cleri Ejuſdem.

Prior

A. D. 1424. *Prior Eccleſiæ Karliol.*
Archidiaconus Karliolens'.
Officialis Ejuſdem.
Procuratores Cleri Ejuſdem.
Abbas de Holme Cultrum.
Abb. de Shap.
Prior de Lenercoſt.

Ibid. fol. 638, 640.

2. Præter hos Anno Dom. 1530. Vocati ſunt.

Abbas de Abbalanda.
Prior de Brenteborn.
Decanus de Derlington.
Decanus de Aukland.
Decanus Lanceſtriæ.
Decanus de Ceſtria.
Prior de
Præpoſitus de Grayſtakes.
Præpoſitus de Kirk Oſwald.

Convoc. Book.

3. In Convocatione Anni 1545.

Arch. Ebor'.
Epiſc. Dunelm'.
Epiſc. Carliol'.
Epiſcopus Ceſtrens'.
Cuſtos Juriſdictionis Mannæ.

Decanus Eccleſ. Cath. Ebor'.
Capitulum Ejuſdem Eccleſiæ.
Archidiaconus Ebor'.
Clerus Juriſdict. Capituli Ebor'.
Officialis Archidiaconi Ebor'.
Clerus Ejuſdem Archidiaconatus.

Achidiaconus Eaſtriding.
Officialis Archidiaconi Eaſtriding.
Clerus Ejuſdem Archidiaconatus.

Archidiaconus Cleaveland.
Officialis Ejuſdem.
Clerus Ejuſdem Archidiaconatus.

Archidiaconus Nottingham.
Officialis Archidiaconi Nottingham.
Clerus Ejuſdem Archidiaconatus.

Præpoſitus Eccleſiæ Beverlacens'.
Capitulum Eccleſiæ Collegiatæ Beverlac.
Officialis Juriſdictionis Ejuſdem.
Clerus Juriſdictionis Ejuſdem.

Capitulum Eccleſiæ Colleg. de Howden.
Cuſtos Juriſdictionis de Howden.
Clerus Juriſdictionis de Howden.

Capitulum Eccleſiæ Colleg. de Ripon.
Cuſtos Juriſdictionis de Allerton, &c.
Clerus Juriſdictionis Ejuſdem.

Capitulum Eccleſiæ Colleg. de Southwell.
Clerus Juriſdictionis Ejuſdem.

Denanus Eccleſ. Cath. Dunelm'.
Capitulum Ejuſdem Eccleſiæ.
Archidiaconaus Dunelm'.
Officialis Archidiaconi Dunelm'.
Clerus Archidiaconatus Dunelm'.

Archidiaconatus Northumbriæ.
Officialis Ejuſdem.
Decanus de Dainton.
Decanus de Cheſtre.
Decanus de Langcheſtre.

Decanus Eccleſ. Cath. Carliol'.
Capitulum Ejuſdem Eccleſiæ.
Præpoſitus Eccleſ. Colleg. de Grayſtocke.
Archidiaconus Carliolens'.
Officialis Ejuſdem.
Clerus Ejuſdem Archidiaconatus.
Præpoſitus de Kirk Oſwald.

Decanus Eccleſ. Cathedr. Ceſtrens.
Capitulum Ejuſdem Eccles'.
Archidiaconus Ceſtriæ.
Clerus Archidiaconatus Ceſtriæ.
Archidiaconus Richmondiæ.

Robertus Epiſc. Sodorenſis.
Archidiaconus Manniæ.
Clerus Ejuſdem Archidiaconatus.

4. Nomi

4. Nomina Prælatorum & Cleri totius Provinciæ Ebor. comparentes ſeu comparere debentes in Convocatione, &c. xx° die Menſis Maii, 1628. A. D. 1545.

Dom. Archs. Ebor.

Epiſcopus Dunelm'.
Epiſcopus Carliol'.
Epiſcopus Ceſtriens'.

Decanus Ebor'.
Decanus Dunelm'.
Decanus Carliol'.
Decanus Ceſtriæ.

Archid. Ebor'.
Archid. Eaſtriding.
Archid Cleaveland.
Archidiac. Nottingham.
Archidiac. Dunelm.
Archidiac. Northumbriæ.
Archidiac. Carliol'.
Archidiac. Ceſtriæ.
Archidiac. Richmond.

Capitulum Ebor'.
Capitulum Dunelm.
Capitulum Carliol'.
Capitulum Ceſtriens.
Capitulum Southwell.
Capitulum Rippon.

Clerns Archidiac. Ebor'.
Clerus Archid. Nottingham'.
Clerus Archid. Eaſtriding.
Clerus Archid. Cleaveland.
Clerus Archid. Dunelm'.
Clerus Archid. Northumbriæ.
Clerus Archid. Carliol'.
Clerus Archidiac. Ceſtriæ.
Clerus Archid. Richmond.
Clerus Juriſdict. Dec. & Cap. Ebor'.
Clerus Juriſdict. Capit. de Southwell.
Cuſtos Juriſdict. peculiaritatis de Howden.
Cuſtos Juriſd. pecul'. de Allertun, &c. ſpect. ad Epiſc. Dunelm'.
Cuſtos Juriſd. pecul. de Allerton, &c. ſpect. ad Dec. & Capit. Dunelm'.
Clerus Juriſdictionis pecul. de Howden.
Clerus Juriſdict. pecul de Allerton Epiſcopi Dunelm'.
Clerus Juriſdict. peculiar. de Allerton Decani & Capit. Dunelm'.

NUM. CLX.

Breve Reg. pro Parliamento.

Clauſ. 49. Henr. 3. m. 6. dors.

REX Decano & Capitulo Ebor' Salutem. Cum Prælatos & Magnates Regni noſtri jam vocari fecerimus quod ſint ad Nos apud Winton' primo die Junii prox' ventur' ad Tractandum Nobiſcum ſuper noſtris & Regni noſtri Negotiis, quæ ſine Eorum præſentia finaliter expleri nolumus, Vobis Mandamus in fide & dilectione quibus Nobis tenemini firmiter injungentes quatenus modis Omnibus duos de diſcretioribus Con-canonicis veſtris ad dictos diem & locum mittatis, qui plenam habeant poteſtatem vice veſtra ad Tractandum Nobiſcum, una cum Præfatis Prælatis & Magnatibus, ſuper Negotiis antedictis, & ad Ea facienda Nomine Veſtro quæ Vos ipſi facere poſſitis ſi præſentes ibidem Eſſetis: Et hoc ſicut Nos & Utilitatem Regni noſtri diligitis nullatenus Omittalis. Teſte Rege apud Glouc' xv Maii. A. D. 1265.

4. Nomina Prælatorum & Cleri totius Provinciæ Ebor. comparentes seu comparere debentes in Convocatione, &c. xx° die Mensis Maii, 1628. A. D. 1545.

Dom. Archs. Ebor.

Episcopus Dunelm'.
Episcopus Carliol'.
Episcopus Cestriens'.

Decanus Ebor'.
Decanus Dunelm'.
Decanus Carliol'.
Decanus Cestriæ.

Archid. Ebor'.
Archid. Eastriding.
Archid. Cleaveland.
Archidiac. Nottingham.
Archidiac. Dunelm.
Archidiac. Northumbriæ.
Archidiac. Carliol'.
Archidiac. Cestriæ.
Archidiac. Richmond.

Capitulum Ebor'.
Capitulum Dunelm.
Capitulum Carliol'.
Capitulum Cestriens.
Capitulum Southwell.
Capitulum Rippon.

Clerus Archidiac. Ebor'.
Clerus Archid. Nottingham'.
Clerus Archid. Eastriding.
Clerus Archid. Cleaveland.
Clerus Archid. Dunelm'.
Clerus Archid. Northumbriæ.
Clerus Archid. Carliol'.
Clerus Archidiac. Cestriæ.
Clerus Archid. Richmond.
Clerus Jurisdict. Dec. & Cap. Ebor'.
Clerus Jurisdict. Capit. de Southwell.
Custos Jurisdict. peculiaritatis de Howden.
Custos Jurisd. pecul'. de Allertun, &c. spect. ad Episc. Dunelm'.
Custos Jurisd. pecul. de Allerton, &c. spect. ad Dec. & Capit. Dunelm'.
Clerus Jurisdictionis pecul. de Howden.
Clerus Jurisdict. pecul de Allerton Episcopi Dunelm'.
Clerus Jurisdict. peculiar. de Allerton Decani & Capit. Dunelm'.

NUM. CLX.

Breve Reg. pro Parliamento.

Clauf. 49. Henr. 3. m. 6. dors.

REX Decano & Capitulo Ebor' Salutem. Cum Prælatos & Magnates Regni nostri jam vocari fecerimus quod sint ad Nos apud Winton' primo die Junii prox' ventur' ad Tractandum Nobiscum super nostris & Regni nostri Negotiis, quæ sine Eorum præsentia finaliter expleri nolumus, Vobis Mandamus in fide & dilectione quibus Nobis tenemini firmiter injungentes quatenus modis Omnibus duos de discretioribus Con-canonicis vestris ad dictos diem & locum mittatis, qui plenam habeant potestatem vice vestra ad Tractandum Nobiscum, una cum Præfatis Prælatis & Magnatibus, super Negotiis antedictis, & ad Ea facienda Nomine Vestro quæ Vos ipsi facere possitis si præsentes ibidem Essetis: Et hoc sicut Nos & Utilitatem Regni nostri diligitis nullatenus Omittalis. Teste Rege apud Glouc' xv Maii. A. D. 1265.

An INDEX of such *Instruments* as are contain'd in the foregoing APPENDIX.

Ann. Dom.

694. 1 *Synodus* Becanceld. *ex Cod. Cotton. MS.*

742. 2 *Synodus* Cloveshou: *Ex Eod. Cod. MS.*

1164. 3 *Consuetudines avitæ de Juribus Regni, contra Cleri Papalis usurpationes apud* Clarendunam *promulgatæ.*

1204. 4 *Breve pro* Parliamento London. vi *Jo.*

1269. 5 *Gravamina Cleri proposita in Conventu apud* Nov. Templ. Lond.

1270. 6 *Breve Regium de* XXa *in usum Terræ S. concedenda.*

1270. 7 *Breve Regium pro Eadem a Religiosis acquirenda.*

1271. 8 *Excusatio Arch. Ebor. pro* Parliamento: *Et de* XXa *in Provincia* Ebor. *concedenda.*

1272. 9 *Responsio Archiepiscopi Cant. & Suffraganeorum ejus super præstatione Xæ Domino* Edwardo *facienda.*

10 *Mandatum Nuntiorum Domini* Papæ *de Eadem.*

1273. 11 *Breve Regis, & Archiepiscopi Cant. Mandatum, de pace & instauratione Universitatis Oxon.*

12 *Mandatum Arch. pro* Concilio *Provinciæ Cantuar.*

1274. 13 *Breve Regis pro Parliamento Prorogando.*

1275. 14 *Procuratorium Arch. Ebor. pro Parliamento.*

1277. 15 *Mandatum Arch. Cant. pro Concilio Provinciali.*

1279. 16 *Mandatum Arch. Cant. pro Concilio Provinciali.*

17 *Quædam tuitio Libertatum Scholarium Oxon. per Archiepiscopum Cant. (in concilio prædicto)*

18 *Epistola Provincialis Arch. Cant. pro Subsidio Regi Concedendo.*

19 *Epistola Regis, singulis Episcopis Provinciæ missa, de Eadem.*

20 *Conventus Cleri Ebor. pro Subsidio.*

21 *Concessio Regi ibidem facta de Decima duorum Annorum.*

1281. 22 *Mandatum Arch. Cant. pro Concilio Provinciali.*

1281. 23 *Executio Mandati Arch. contra Prælatos ad Concilium suum venire recusantes.*

24 *Mandatum pro Concilio Prov. in Causa Almarici de Monteforti.*

1282. 25 *Responsio Arch. ad Epistolam Reg. de Commotionibus in* Wallia.

26 *Mandatum Arch. Cant. pro* Convocatione *apud* Northampton.

27 *Epistola Regis Clero apud Northampt. Conventuro.*

1283. 28 *Mandatum pro Convocatione a die Pasch. in* iii *Septimanas.*

29 *Mandatum pro Convoc. a die S. Mich. in* iii *Septimanas.*

30 *Aliud Mandatum pro Eadem.*

1287. 31 *Procuratorium pro Concilio Provinciali.*

1290. 32 *Summonitio Convocationis Elienſis: pro Subsidio.* *Procuratorium pro Eadem.*

33 *Mandatum pro Convocat. Cleri Provinciæ Ebor.*

1294. 34 *Breve Regis pro Conventu Cleri apud* Westm. *in Festo S. Matthæi Apostoli.*

35 *Conventus Cleri* Diœces. Cant. *ad* Audiend. Recipiend. *&* Faciend. *ea quæ in prædicto conventu Ordinata fuerunt.*

1296. 36 *Consultatio* Arch. Cant. *de præstando* Subsidio *per Clerum Domino Regi, vel non.*

37 *Excerpta e Chron. Anonym. MS. Oxon. de Conventibus* Cleri, *&* Regni, *ejusdem Anni, Eadem de Causa.*

1297. 38 *Mandatum Arch.* Ebor. *pro* Convocatione *suæ Provinciæ.*

39 *De Concessione* Subsidii *in* Convocat. *apud* Novum Templum Lond. *die* S. Edmundi *Regis.*

40 *Acta* Cleri Gallicani *Occasione* Bullæ Bonifacii viii *PP. de Subsidio Principibus Sæcularibus, absque ipsius Licentia non Præstando.*

1304. 41 *Procuratorium pro* Parliamento *formulæ Variæ: Sc.* Prioris Wygorn. Conventus *ejusdem Ecclesiæ: pro* Archidacono *ejusdem: pro* Clero Diœces. Linc.

42 *Man-*

		Ann. Dom.
42	*Mandatum pro* Concilio Provinciali Ebor.	1310.
43	*Mandatum pro* Convocatione Provinciæ Cantuar.	
44	*Mandatum pro* Concilio Provinciali Ebor.	1311.
45	*Litera Domini Archiepiſcopi* (Cant.) *toti Clero miſſa de veniendo ad* Parliamentum.	
46	*Litera Archiepiſcopi* (Cant.) *de veniendo* London. *ad* Concilium.	1312.
47	*Citatio pro* Concilio Provinciali Cant. Provinciæ.	
48	*Procuratorium pro* Concilio Provinciali, Cant. Prov.	1313.
49	*Breve Regium pro Convoc. pro Auxilio de Clero habendo.*	1314.
50	*Executio Ejuſdem per Archiepiſcopum Cant.*	
51	*Rationes Cleri* Cantuar. Provinciæ *contra formam* Citationis *ſuperius factam Maii* XX°.	
52	*Petitio facta* Archiepiſcopo (Cant.) *& Ejus* Suffraganeis *per* Clerum Cantuar. Provinciæ *Maii* xxii°.	
53	*Mandatum pro* Convocatione *in* Craſtino Tranſlationis S. Thomæ *Martyris.*	
54	*Proteſtatio Cleri* (Cant.) *contra formam* Citationis (*ad Parliamentum.*)	
55	*Conſenſus* Cleri *de* Subſidio (*Certis conditionibus*) *Domino Regi faciendo.*	
56	*Mandatum* (*Archiepiſcopi* Cantuar.) *pro* Parliamento.	1315.
57	*Breve* (*Regium*) *pro* Convocatione *Prov. Cant. pro Subſidio Regis pro Guerra facienda.*	1316.
58	*Mandatum pro* Convoc. Cleri *Provinciæ Cantuar.*	
59	*Breve Reg. pro Convocat. Cleri Prov. Ebor.*	
60	*Mandatum pro* Convocat. Cleri Ebor. Provinciæ.	1318.
61	*Breve Reg. de tractando ſuper Subſidio Regi concedendo* (*per* Clerum Provinc. Cant.)	
62	*De ſuperſedendo Levationi* xii° *de* Clero.	1319.
63	*Mandatum pro Concilio Provinciali* (*Cant. Provinciæ.*)	1321.
64	*Mandatum pro* Convocat. Cleri (Cant.) *pro Subſidio Regi in Parliamento conceſſo Confirmando: Cum Certificatorio* (*inuſitato*) *Epiſc.* Lincoln.	1322.
65	*Breve Reg. pro* Convocationibus *Provinciarum* Cant. *&* Ebor. *de Subſidio ab iiſdem Procurando.*	
66	*Deliberatio Communis* Religioſorum *&* Cleri *in Congregatione* Prælatorum *&* Cleri Lincoln. *in* Craſtino S. Hillarii.	
67	*Breve Regis pro Conventu* Procerum *&* Magnatum *apud Weſtm. in* Octab. S. Hillarii.	1323.
68	*Quod* Archiepiſcopus Eborum. Prælatos *&* Clerum *ſuæ* Provinciæ *apud* Eborum. *Convocari faciat, pro Statu Eccleſiæ & Regni.*	
69	*Citatio pro* Concilio *ad* Octab. S. Hillarii *faciendo* London.	
70	*Revocatio* Concilii *Supradicti.*	
71	*Breve Regis* Provinciale *pro* Parliamento; *cum Executionibus ejuſdem per* Archiepiſcopum Cant. *&* Epiſcopum Lond. *&* *Certificatorio* Epiſc. Winton. *Super ejuſdem executione.*	
72	*Similis executio per Priorem & Capitulum Cantuar. ſede Metropolitica vacante.*	
73	*Procuratorium Capituli* Lincoln. *pro Parliamento.*	1325.
74	*Breve Reg. Archiepiſcopo Cant. pro Prorogatione Synodi Prov.*	1326.
75	*Mandatum pro Concil. Prov. Cleri Cantuarienſis: Cum executione Ejuſdem per Epiſc.* Lincoln.	
76	*Breve Regis pro Convocat. Cleri Cantuar. Prov.*	1327.
77	*Litera* (*Arch. Cant.*) *ad Convocandum Clerum ad Concilium apud* Leyceſtriam.	
78	*Pro Rege de Auxilio habendo a Clero pro Reſiſtentiæ Guerræ Franciæ.*	1330.
79	*De Convocatione Cleri facienda ad tractand. ſuper Conſilio, & Auxilio Regi Concedendo.*	1333.
80	*Litera* (*Reg.*) *miſſa Jo. Cantuar. Archiepiſcopo de Convocand. Clerum ad Tractand. & Conſentiend. ſuper aliquo Auxilio competenti Regi impendendo.*	1334.
81	*De Clero* Ebor. *Provinciæ Convocando*	1336.
82	*De Convocatione Cleri Cantuar. Diœc. cum ejuſdem Brevis Executione per Arch. Cant.*	
83	*Breve Reg. pro Convoc.* Ebor. *pro Subſidio habendo.*	1337.
84	*Literæ Regis ad Comitat. Wigorn, &c. de Subſidio.*	
85	*Mandatum pro Convocatione Cantuar. Prov.*	
86	*Breve Reg. pro Convoc. Prov. Cantuar.*	1338.

87 *Breve*

Ann. Dom.		
1339.	87	*Breve Reg. pro Convoc. Prov. Ebor.*
1341.	88	*Mandatum pro Concilio Prov. Cant. Provincia.*
1342.	89	*Mandatum pro Concilio Prov. Cant. Provincia.*
1344.	90	*Breve Regis pro Magno Concilio habendo.*
1345.	91	*Breve Regis pro Magno Concilio.*
1346.	92	*Mandatum Arch. Cantuar. pro Concilio Prov.*
	93	*Breve Reg. Arch. Ebor. pro Parliamento.*
1351.	94	*Breve Reg. pro Convoc. Prov. Ebor.*
1357.	95	*Procuratorium Capituli Ebor. pro Parliamento.*
[1376.]	96	*Procuratorium Ejuſdem Capituli pro Convocat.*
1369.	97	*Mandatum Arch. Cantuar. pro Convocatione Cleri* Diœceſeos Cantuar.
	98	*Mandatum cum Brevi Regio, pro Convocatione Cleri Provinciæ Cantuar.*
1373.	99	*Breve Reg. pro Convocat. Cantuar. Provinciæ.*
1377.	100	*Litera Regis Abbati de Selby: Gallice.*
	101	*Certificatorium (ab Arch. Ebor.) Domino Regi directum pro Subſidio Conceſſo.*
1379.	102	*Breve Reg. Arch. Cant. pro Convocatione.*
1380.	103	*Procuratorium pro Parliamento & Convocatione.*
1382.	104	*Proceſſus Courtneii Arch. Cant. contra Hæreticos.*
	105	*De Procurando Clerum Eborum Provinciæ ad concedendam Decimam.*
1384.	106	*Proteſtatio Courtneii Arch. Cant. in Parliamento.*
1392.	107	*Breve Reg. Arch. Cant. pro Convocatione.*
1398.	108	*Procuratorium Prioris Dunelm. pro Convoc. Ebor.*
	109	*Breve Reg. pro Convocatione Provinciæ Ebor.*
	110	*Breve Reg. pro Concilio Oxon.*
	111	*Breve Reg. pro Convocatione Ebor.*
1402.	112	*Breve Reg. pro Convocatione Cleri Cantuar.*
1404.	113	*Breve pro Subſidio & Decima Levanda.*
	114	*Breve Reg. pro Convocatione Ebor.*
1408.	115	*Mandatum Arch. Cant. pro Concilio Previnciali.*
	116	*Mandatum Ejuſdem pro Concilio Provinciali.*
1414.	117	*Mandatum Arch. Cant. pro Concilio Provinciali.*
	118	*Breve Reg. Cancellario Univerſ. Cantabr. de Eſſendo eorum Arch. Cant. in Convocatione ſua.*
	119	*Copia Literæ miſſæ Regi Henrico* Vto *ab Univerſitate Oxon.*
1416.	120	*Mandatum Arch. Cant. pro Convocatione.*
1417.	121	*Mandatum Ejuſdem pro Concilio Provinciali.*
1419.	122	*Breve Reg. Arch. Ebor. pro Convocatione.*
1420.	123	*Approbatio pacis inter Regem Angliæ & Regem Franciæ nuper Concluſæ.*
1424.	124	*Par le Roy. E Regiſtro Abatiæ de Eveſham MS. in Bibl. Cotton. Titus c.* ix. *fol.* 18. *a.*
1421.	125	*Mandatum pro Convocatione.*
1426.	126	*Mandatum pro Convocatione.*
1438.	127	*Recommendatio Magiſtri Willielmi Lyndewode utriuſque Juris Doctoris, ad Eccleſiam Herfordenſem, in Eventu fiendæ Ceſſionis, &c.*
1508.	128	*Procuratorium pro Convocat.*
1514.	129	*Commiſſio ad Colligend. primæ Decimæ duarum Decimarum ſecundam Medietatem.*
	130	*Mandatum pro Concilio Prov. Ebor.*
1515.	131	*Mandatum pro Continuatione Convocationis.*
1518.	132	*Literæ Legati Miſſæ Cant. Archiepiſcopo ne celebret Generale Concilium.*
	133	*Literæ Legati a latere miſſæ Epiſcopo Hereford. ad intereſſendum Concilio apud Eccleſiam Weſtm. Celebrando.*
	134	*Prorogatio Concilii Epiſcoporum per Legatum.*
	135	*Commiſſio ad monendum Clerum quod Compareant, &c. ad Synodum Celebrandam, &c. Super quibuſdam Articulis.* *Certificatorium Citat. ad Comparendum in Synodo.*
1523.	136	*Mandatum pro Convocatione Ex Orig. Epiſc. Lincoln.* *Ex Autographo.*
	137	*Citatio Concilii Legatini; ex ipſo Mandato ad Epiſcopum Lincoln Tranſmiſſo.*
1530.	138	*Breve Reg. pro Convocatione Ebor.*
1531.	139	*Breve Reg. pro Convocatione, cum Procuratorio Decani & Capituli Ebor.*

140 *Man-*

		Ann. Dom.
140	*Mandatum Prioris & Capitul. Cant. pro Continuatione Convocationis, An.* 1532. *Ex ipso Originali Episc. Lincoln.*	1532.
141	*Certificatorium Regi, quod Convocatio Ebor' corroborat suo consensu, Quod* Episcopus Romanus in Sacris Scripturis non habet aliquam Majorem Jurisdictionem in Regno Angliæ quam quivis alius Externus Episcopus.	1534.
142	*Breve Reg. pro Prorogatione Convocat. Ebor'.*	
143	*Petitio superioris domus in Convocatione contra Libros suspectæ Doctrinæ, &c.*	
144	*Commissio Domino Episcopo Hereford' pro Jurisdictione sua Episcopali Exercenda.*	
145	*Commissio Domino Episcopo pro Visitatione sua Ordinand.'*	1535.
146	*Monitio ad Comparend. in Convocatione.*	
147	*Breve Regium ad interessend. Parliamento.*	1536.
148	*Monitio ad Comparend. in Convocatione.*	
149	*Certificatorium Domino Regi super Executione Brevis Parliamentarii.*	1539.
150	*Procuratorium Capituli Ebor' pro Eodem Parliamento.*	
151	*Procuratorium Ejusdem Capituli pro Convocatione.*	
152	*Schedulæ Prorogationis Convocat. Ebor'.*	
153	*Monitio ad Synodum Legatinam.*	
154	*Prorogatio Concilii Legatini.*	1545.
	Articles, *whereupon it was Agreed by the most Reverend Father in God the Archbishop of* Canterbury, *and Other the Bishops and the whole Cleargie of the Province of* Canterbury, *in the Convocation or Synode holden at* Westminster *by Prorogation, in the Yeere of our Lorde God, after the Computation of the Church of* Englande, *One thousand, five hundred, seventy five, touching th' Admission of apt and fytte Persons to the Ministerie, and th' establishing of Good Orders in the Churche.*	1555. 1557. 1575.
155	*Epist. Card. Boncampagni ad P. Card. Quirogam de Legato Regio in Concilio Toletano nullatenus nominando.*	
	Epistola D. Card. Quirogæ in qua respondet D. Cardinali S. Xysti, circa Ea quæ objecta fuerunt: Et contendit exemplis Variis ex sacra antiquitate petitis, moris fuisse ut legati & ministri Regii in Actis Synodorum Nominarentur: Proindeque id licuisse ac licere modo Patribus Concilii Toletani.	1584.
156	*Mandatum Archiepiscopi Cant. ad Publicandum Articulos Stabilitos in Convocatione Anno Dom'* 1584. *Conditio Obligatoria.*	
157	*The King's License to the Convocation of* York, *and their Proceedings thereupon,* Anno 1605. *The Decree.*	1585.
158	*The Process of the Convocation of* York, *in the Settlement of the Liturgie,* &c. Anno 1661.	1605.
	I. *The King's Letter to the Archbishop of* York.	
	II. *The Archbishop's and Bishops Letter to the Convocation.*	
	III. *The Archbishop's Letter to the Register.*	
	IV. *Procuratorium diversis Clericis ad Negotiand. in Synodo Provinciæ Cant' tent. apud Londin'* 1661.	1661.
159	*Nomina in Convocationem Cleri Ebor' Provinciæ Vocandorum,* An. Dom. 1424.	
	2. *Præter hos* Anno Dom. 1530. *Vocati sunt.*	1424.
	3. *In Convocatione* Anni 1545.	1530.
	4. *Nomina Prælatorem & Cleri totius Provinciæ Ebor' comparentes seu comparere debentes in Convocatione,* &c. xx^o^ *die Mensis* Maii, 1698.	1545.
160	*Breve Reg. pro Parliamento.*	1265.

FINIS.

ERRATA.

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APPENDIX. P. 1. l. 20. r. *Withredus*. p. 3. l. 47. *si*, r. *nisi*. p. 13. l. 42. r. *Patronis*. p. 18. r. *vel Duo*. p. 42. l. 26. *Lincoln & fecerimus*. del. *&*. p. 43. l. 30. r. *doluimus*. l. 36. *excitabat*. r. *istebat*. p. 58. l. 14, 15. *imponend'* potius, *impendend'*. p. 59. l. 20. del. *præmissis*. p. 74. l. 2. r. *dets*. l. 14. r. *ensi faire*. l. 41. r. *Onerum ac*. l. 48. r. *Et* Eis *dictis*. marg. r. Registr. *Nevil*. p 75. r. *in* Votis *vestris*. p. 76. marg. r. E. 2. fol. 149, &c. *Cleopatra*. p. 83. l. penult. del. *super*. p. 85. *seperatur*, r. *speratur*. p. 86. l. 51. r. *interfint*. p. 91. l. penult. r. *pene*. p. 202. l. 18. *&c.* r. *&*. *Catholicum*, r. *Cathedralium*. p. 203. l. 19. r. *Certificetis*. ib. num. 126. r. *pro Convocatione*. l. 49. r. *Capitula*. p. 211. l. 15. r. *Compareant*. l. 29. r. *Cantaristas*. l. 41. r. *Ecclesiam*. p. 232. r. *Concil. Hispan*. l. 41. r. *Graviori*. p. 233. l. 8. r. *postremi*. p. 234. l. 15. r. *Bracarensi*. l. 34. *risiensi*. l. 37. r. in *his Conciliis*. p. 243. l. 2. r. 1698.

The lesser, and more obvious Errours, in the Print, being too many to be particularly notice of, the Reader himself will please to Correct and Excuse.

A D

ADDITIONS to, and CORRECTIONS of, Some Paſſages in the foregoing BOOK.

PReface Page iv. Line 3. *I deſired*, Read, *ſeem'd faulty in it:* p.v. l. 35. *Duty*, r. *Right:* p. xiii. l.7. *from*, r. *for them:* p. xiv. l.27. r. *backward to retract:* p.xvi.l.11. r. *He intruſted.*

CONTENTS, P. 17. col. 2. l. 29. *three* laſt, r. *two* laſt.

BOOK, P. 3. l. 17. r. *the* Lower *Clergy:* p. 4. l. 39. r. *Who having by* Authority *of his* Writ *commanded the* Archbiſhops *to ſummon Them for* State purpoſes *(as the Tenour of his* Writ *ſhews) has it now in his Own Breaſt*, &c. P. 21. l. 40. r. *of One of theſe Convocations.*

Pag. 22. l. 13. r. *Nay but this Preſident will go yet farther: For ſo, in effect, it met in King* James *time too; ſo in the two laſt* Parliaments, *&c.*

Pag. 26. l. 45. Marg. inſert this Note. " Of what concerns the Aſſemblies of 1402. " 1404, 1509. See more correctly below, p. 341. 342, 389.

Pag. 27. l. 27. *ſuch a Council.* Add. " That which comes the neareſt of Any I know " to One is the *Council* of 1438, ſummon'd for a mix'd End, both by *Royal* and *Papal Au-* " *thority.* But as it may be doubted whether that was, after all, a *pure Eccleſiaſtical* " *Council*; ſo allowing the moſt that can be deſired to it, it is but a *ſingle Inſtance*, and " will be of no force againſt a ſtated and general Practiſe to the contrary. See p.368.422.

Pag. 83. l. 50. r. *from what has been:* p. 92. l. 50. *Patres*, r. *Fratres:* p. 97. l. 22. del. *ſo.*

Pag. 106. l. 52. After *I will not deny:* Add. " Tho' *Gervaſe* gives another Account of " them, where ſpeaking of theſe very Perſons he tells us, *quos* Presbyteros *appellabant*, *licet* " Monachi *fuiſſent.* Act. Pont. Cant. col. 1639.

Pag. 118. l. 32. To avoid Miſtakes, as if I had aſcribed to the Laity a greater Authority in Church Synods than I ever intended to do, either blot out thoſe Words, *let the Deacons, nay let the People too*; or, to expreſs what I before meant more clearly, put them in a Parentheſis thus *(nay let the* Deacons, *and the* People *too)* Ib. l. 36. r. *Debate* and *Define.*

Pag. 120. l. 23. *is a* Provincial *Aſſembly.* Pag. 122. l. 46. r. *for the moſt part made.*

Pag. 125. l. 14. Correct that Paragraph thus. " In 1495 the *Parliament* and *One* of " the *Convocations* kept a pretty equal pace with One Another. So They did the Year " following: But then the *Other Province* was all in diſorder. The *Parliament* ſate *Octo-* " *ber* the 14*th.* 1495; but the *Convocation* of *York* met not till the 16*th* of *May* following. " The *Parliament* again was held *January* the 16*th*, 1496. But the ſame *Convocation* was " not Aſſembled till the 26*th* of *April*, above three Months after.

Pag. 141. l.33. after *ſign*, Add: *neither* Gervaſe *in his Lives of our* Archbiſhops, *nor* &c. Ib. l. 34. r. *take* any *manner*, &c.

Pag. 146. l. 12. After *to Him*, read it thus: *To ſay nothing of* Ædilberchus Candenſis " Caſæ, *or, as it ſhould have been*, Æthelbertus Candidæ Caſæ; *Who is* Adulphus Myienſis? " *But eſpecially who is* Æthilwinus, *&c.*

Pag. 194. l. 40. Having in a very Antient Regiſter once belonging to the Church of *Salisbury*, met with a particular Account of this Affair, of which our Hiſtories are generally ſilent; It may not be amiſs for me to give a more full Relation, than I was before Able to do of it. Marg. del. Sect. 57: and for *Sect.* 58. put *Sect.* 57.

Ib. l. 49. After *Dioceſſes*; inſtead of what follows add: *What was farther done by them in purſuance of this* Affair, *I ſhall ſhew in its proper Place.*

Pag. 195. l. 25. Marg. Sect. 58. 1226.---- " To come now to the Account of the " *Grant* which the *Clergy*, in Obedience to the *Pope*'s Authority, made to the King. They " were firſt Aſſembled, (as I have before obſerved) in their ſeveral *Dioceſſes* about it. " But they came to no Concluſion there; but deſired that they might meet together by " their *Proctors* in One *Provincial Convocation* for this purpoſe. Accordingly the *Archbi-* " *ſhop* of *Canterbury* ſummon'd them to meet at *London*, a *fortnight* after *Michaelmas.* The " *Deans*, and *Archdeacons*, or ſome Other *Proctors*, appear'd for the *Clergy:* So did the *Re-* " *ligious* by *themſelves*, or their *Proctors.* They agreed upon a xvi*th* of ſuch of their Poſ- " ſeſſions as had not been charged to the xv*th* before.

" Ib. l. 26. Such was the *Convocation* of this *Province*, one of the firſt of this kind that " has yet Occurr'd to Me. As for the *Aſſembly* which was held about two Years after, " and which ---- *Parliament*, the Caſe of it was this.

Pag. 212. after l. 33. add. " To this famous *Parliament* only the *Deans* of ſome *Cathe-* " *dral Churches* ſeem to have been ſummon'd. But to another which was deſign'd to " have been held not long after, the *Chapters* were alſo called. So I find in a *Writ* dated " at *Glouceſter*, *May* the 15th. 1265. In which the King having recited his Intention to " hold his *Parliament* with his *Prelates* and *Great Men*, *June* the 1*ſt*, requires the *Church* " of *York* to ſend *Two* of their *Body* to appear there on their behalf, to *Treat* with the " *Prelates* and *Great Men* aforeſaid. This *Writ* having never yet been Publiſh'd, that I " know of, I have inſerted it into my *Appendix*, num. 160. for the better Clearing of

" that

" that farther Advance which was hereby made towards the bringing of the *Lower Clergy*
" to *Parliament*.

Pag. 254. l. 14. r. *November* the 20th. Pag. 264. l. 46. r. of *the Kings*.

Pag. 267. l. 33. r. *Dean and Chapter*.

Pag. 287. l. 26. Correct that, and the next Line, thus. " The *Clergy* were called as
" uſual both by the *Præmunitory Clauſe*, and by a *Provincial Summons*; yet but few of
" them ſeem to have come to it.

Pag. 352. l. 27. r. *confirms* it. l. 46. del. *After*. Pag. 362. l. 11. r. now *come*.

Pag. 364. l. 30. r. *with it*. *In this*. Pag. 367. l. 1. *be*, r. *have been*.

Pag. 376. l. 24. after *Provinces*, add: *ſo were ſome of the Canons under that Queen*.

Pag. 400. l. 21. *Thirty*, r. *Twenty*. Pag. 412. The two laſt *Columns* are miſ-placed.

Pag. 445. l. 44. r. *ſome* Power *or* Privilege *which he had not a Right*, &c.

Pag. 449. l. 26. *Matter*, r. *Caſe*. Pag. 460. l. 18. r. *Where upon*.

Pag. 469. Correct l. 12, *&c.* thus, " but they began to omit theſe Forms as Matters
" of little Moment. Such was the Caſe of the two *laſt Convocations* of that Prince: In-
" deed in the Reign of King *James* the 2*d*, the Archbiſhop, *&c.* Ib. l. 18. del. *if of Electing*.

Pag. 489. l. 29. Marg. Note. Since this was printed I find in one of the *Dean* and *Chapter's* Books of the *Church* of *Exeter* this Minute: That on *January* the 29*th*. *Capitulum conſtituit Magiſtros* Jo. Chambron *Præcentor'*, &c. *Procuratores pro Convocatione Cleri*. And this may ſeem to intimate that the *Convocation* was to meet with the *Parliament* at this time. But then, in thoſe *Books*, *Convocatio* is often uſed for the *Parliamentary Convention* of the Clergy: And in the very next Entry of this kind we have an evident Proof of it. *Anno* 1539. *Martii* 29. *Tunc et ibidem Conſtituuntur Procuratores pro Capitulo in* Convocatione *prox. celebrand.* 28 *die April. prox. futur*. Which was the Day that the *Parliament*, not the *Convocation*, was to meet.

Pag. 497. l. 45. r. Queens *Chappel*. ſo 498. l. 1, 61. Pag. 499. l. 10.

Pag. 498. l. 56. *Archbiſhops*, r. *Cardinals*. l. 60. r. *Preſident of our Convocation*.

Pag. 507. l. 52. add. " after *her Own Life*. *To moſt of thoſe* Conſtitutions *the* Archbiſhop
" *and* Biſhops *of that* Province *had probably both* Agreed *and* Subſcribed *with* Ours; *And*
" *upon both theſe Accounts They were the leſs*, &c.

Pag. 519. l. 3. after *Auguſt* 1679; inſtead of the next three Lines add, " *Which is all*
" *the Account I can with any certainty Give of it*. For tho' what is there ſaid, came to Me from a Hand, which I thought I might have depended upon, yet I am ſince inform'd by One who was a Member of that *Convocation*, that there was a Sermon *Preach'd*, and a Prolocutor *Choſen*; and have been Otherwiſe fully ſatisfied of the Truth of it. In the Other Convocation, which met the ſame Year, *October* the 18*th*, there was neither any *Sermon* preach'd, nor *Prolocutor* choſen, for a Twelve-month after it Aſſembled; nor can I learn that there was Any choſen afterwards.

Pag. 535. l. 36. for *the One*, r. *Theſe*. Pag. 536. l. 27. r. *Or which they did intend*.

Pag. 566. l. 25. del. *are*. Pag. 618. l. 45. *Provincial*, add, *or Synodal*.

I have now taken ſuch a Review *of my* Book *as I am, at preſent, Able to do. I have* Corrected *every thing that either my* Friends *ſuggeſted to Me, or I otherwiſe thought to need an Amendment. I am not unſenſible that Many of the Changes are of little Importance, and might well enough have been Omitted: But they will at leaſt ſhew the Deſire I have to be exact; and may encourage thoſe who ſhall diſcover any more conſiderable* Errours *to communicate their Obſervations to Me. I ſhall not only very thankfully acknowledge their Favours, but take care to make that Publick Uſe which I ought to do of Them.*

THE END.

ADDENDA, &c.

PAg. 4. l. 39. *is now put into the hands of the Prince.* To avoid any Miſtakes of my Meaning in this Particular, correct what follows thus: *Who having by Authority of his Writ commanded the Archbiſhops to ſummon Them for State Purpoſes (as the Tenour of his Writ ſhews) has it now in his own Breaſt*, &c.

Pag. 26, 27. Of what concerns the Aſſemblies of 1402. 1404. 1509. ſee more fully and exactly below, in the courſe of my Hiſtory. pag. 341. 342. 389.

Pag. 27. l. 27. *Such a Council:* Add, "That which comes the neareſt of any "I know to One, is the *Council* of 1438, ſummon'd for a mix'd End, both by "*Royal*, and *Papal Authority*. But as it may be doubted whether that was after "all a pure *Eccleſiaſtical Council*, ſo allowing the moſt that can be deſired to it, "it is but a ſingle Inſtance, and will be of no force againſt a ſtated and Gene-"neral Practiſe to the Contrary. See pag. 368. 422.

Ad pag. 125. l. 14. Correct the Paragraph thus: "In 1495 the *Parliament* "and One of the *Convocations* kept a pretty equal pace with One another. So "They did the Year following: But then the Other Province was all in diſorder. "The *Parliament* ſate *October* the 14th, 1495; but the *Convocation* of *York* met "not till the 16th of *May* following. The *Parliament* again was held *January* "the 16th, 1496. But the ſame *Convocation* was not aſſembled till the 26th of "*April*, above three Months after.

Ad pag. 212. between l. 33. and 34. add, "To this famous Parliament only "the *Deans* of *Cathedral Churches* ſeem to have been ſummon'd. But to Ano-"ther which was deſigned to have been held not long after, the *Chapters* were "alſo Called. So I find in a Writ, dated at *Glouceſter*, *May* the 15th. 1265. In "which the King having recited his Intention to hold his Parliament with his "Prelates and Great Men, *June* the 1*ſt*, requires the *Church* of *York* to ſend "two of their Body to appear there on their behalf, to treat with the *Prelates* "and Great Men aforeſaid. This *Writ* having never yet been publiſh'd, that I "know of, I have inſerted it into my *Appendix*, num. 160, for the better under-"ſtanding that farther Advance which was here made towards the bringing "of the *Lower Clergy* to Parliament.

Ad pag. 287. l. 26. Correct that and the next Line thus: "The *Clergy* were "Called as uſual both by the *Præmunitory Clauſe*, and by a *Provincial Summons*; "yet but few of the Lower Order ſeem to have come to it.

Ad pag. 489. l. 29. Since this was printed, I find in one of the Dean and Chapters Books of the Church of *Exeter* this Minute; That on *January* the 29th *Capitulum Conſtituit Magiſtros* Jo. Chambron *præcentorem*, &c. *Procuratores pro Convocatione Cleri:* And this may ſeem to intimate that the Convocation was to meet with the *Parliament* at this time. But then in thoſe Books *Convocatio* is often uſed for the *Parliamentary Convention* of the Clergy: And in the very next Entry of this kind we have an Evident Proof of it; *Anno* 1539. *Martii* 29. "*Tunc & ibidem conſtituuntur Procuratores pro Capitulo in Convocatione prox. cele-"brand.* 28 *die April. prox. futur.* Which was the Day that the Parliament, and not the *Convocation*, was to Meet.

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The Hiſtory of the Convocation of the Prelates and Clergy of the Province of Canterbury; Summon'd to meet at the Cathedral Church of St. Paul, London, on February 6th, 1700. Faithfully drawn from the Journal of the Upper, and from the Narrative and Minutes of the Lower Houſe. Quarto. 1701.

Forma ſive Deſcriptio Convocationis Celebrandæ prout ab Antiquo obſervari conſuevit. The Formulary of Holding an Engliſh Convocation, drawn up by Archbiſhop Parker in 1562, with proper Annotations. Quarto.

A Summary of the Arguments for the Archbiſhop's Right to continue the Whole Convocation, December 3. 1701. Quarto.

Reflections upon a late Paper, Intituled, An Expedient Propos'd: Shewing the Unreaſonableneſs thereof; and particularly the Miſrepreſentations concerning the Archbiſhop's Schedule, with the Tranſmiſſion and Intimation; In a Letter to the Author, with a Poſtſcript aſſerting the Integrity of the Atteſtation concerning the Archiepiſcopal Mandate, prefix'd to the Right of the Archbiſhop, &c. againſt the Slanders of a late Letter, January 27. 1701.

The Preſent State of Convocation, in a Letter, giving the full Relation of Proceedings in ſeveral of the late Seſſions, beginning from Wedneſday January 28, and continued to Thurſday, February 19. Correcting the Miſtakes and Slanders of the pretended Faithful Accounts, Numb. 1, 2. Quarto.

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